

WSR 23-03-080
OFFICE OF THE
INSURANCE COMMISSIONER
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Technical Assistance Advisory 2023-02

TO: Insurance Producers, Title Insurance Agents, Adjusters, or Other Persons Licensed Chapter 48

FROM: Insurance Commissioner, Mike Kreidler

DATE: January 13, 2023

SUBJECT: Revised Agency Inquiry Process

Purpose: The purpose of this technical assistance advisory is to inform individuals and entities licensed under chapter 48.17 RCW that the office of the insurance commissioner (commissioner) has updated our process for agency inquiries to licensees to help licensees fully comply with their obligations to provide a prompt response. The standard subject line on our emails has been revised to always begin with "OIC official inquiry, response required, ..." We will also send a certified letter to the licensee before referring licensees to OIC's legal affairs division for potential administrative actions. *These revisions are the result of industry feedback.*

Background: RCW 48.17.475 requires "[e]very insurance producer, title insurance agent, adjuster, or other person licensed under [chapter 48.17 RCW] to promptly reply in writing to **an inquiry** of the commissioner relative to the business of insurance. A timely response is one that is received by the commissioner within fifteen business days from receipt of the inquiry. Failure to make a timely response constitutes a violation of this section."

WAC 284-17-005 (1)(b) expressly provides that for all communications that are not disciplinary matters, the commissioner will use "the last email address provided by the person or business entity to the commissioner," as the "address of record" in sending notices and inquiries to those who are licensed under chapter 48.17 RCW. In addition, WAC 284-17-065(2) requires that licensees provide updated email and mailing addresses to the commissioner.

OIC Process: When OIC sends an inquiry to a licensee, it will use the steps below to give licensees ample opportunity to comply with their obligations to promptly respond before taking enforcement action.

Step 1 - An initial email is sent to the licensees' registered email account which has been provided to OIC by the licensee. The subject line will read "OIC official inquiry, response required," followed by the subject matter. The email will include the information requested, the due date of 15 business days after delivery by OIC, and a notation that failing to respond to the inquiry could result in an administrative action including, but not limited to, fines, probation, suspension, or revocation.

Step 2 - If the licensee does not respond to the initial email by the provided due date, a second email will be sent with the same subject line and message, clearly noting that this is a second attempt and a revised due date of an additional 15 business days.

Step 3 - If the licensee does not respond to the first two emails, a third and final request will be sent via **certified mail** to the mailing address the licensee has provided to OIC. **This is a revised and new step.** This notice will include an annotation that this is "third and final request for information" requesting the same information as the first two emails and notifying the licensee that

failure to respond within 15 business days of the date the letter was sent may result in immediate referral for administrative action.

Step 4 - If no response is received, a referral will be made to the OIC legal affairs division which could lead to a potential administrative action including, but not limited to, fines, probation, suspension, or revocation.

Please note, it is at all times the licensee's responsibility to ensure that updated contact information is on file with OIC, and that all necessary steps have been taken to ensure that electronic and hard copy inquiries can be promptly received and reviewed. In addition, it is OIC's expectation that all licensees will promptly respond to the first inquiry received from OIC, unless there is some reasonable basis for the failure to promptly respond. The additional notice provided in this process should not be treated as an automatic extension of the deadline to promptly respond to OIC. Further, failure to timely respond to an initial email inquiry, without a reasonable explanation, may still be considered the basis for administrative action.

Please direct any questions about this advisory to Jeff Baughman, who may be contacted at Jeff.Baughman@oic.wa.gov and 360-725-7156.