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**STATE OF UTAH**  
**DEPARTMENT OF INSURANCE**

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**UTAH INSURANCE DEPARTMENT,**  
Complainant,  
vs.  
**STATEWIDE BAIL BONDING, LLC,**  
**and TYRON WEBBER,**  
Respondents.

**ORDER**

Docket No. 2016-116 BB

Administrative Law Judge

Lisa Watts Baskin

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This matter came before the undersigned on September 17, 2018, when Utah Insurance Department, (hereafter “Complainant”) filed its Request to Submit for Decision on its Motion to Dismiss the Third Amended Complaint against Statewide Bail Bonding, LLC and Tyron Webber (hereafter “Respondents”).

**PROCEDURAL FACTS**

Complainant filed its Motion to Dismiss the Third Amended Complaint on August 29, 2018. Respondents did not file a request for hearing which was due on September 12, 2018. Neither party requested a hearing. Complainant filed its Request to Submit for Decision on September 17, 2018. On April 25, 2018, this Court issued a requested Stay in this matter “for 180 days or until such time as parties resolve the matter.” Complainant, who sought the stay, now requests the dismissal herein. As such, the stay is lifted for good cause in order for the

undersigned to rule on the motion to dismiss which, if granted, would be consistent with the language in the Stay Order.

## DISCUSSION

Dismissal of actions is governed by Utah R. Civ. P. 41(a)(2) and Utah Admin. Code R590-160-5(6)(g)(ii). Pursuant to U.R.C.P. 41(a)(2), an action may only be dismissed at the plaintiff's request *by court order only* on terms the court considers proper. The Complainant moves to dismiss on the grounds the instant matter is moot. A matter is considered moot when "the issues presented are no longer 'live' or the parties lack a legally cognizable interest in the outcome." Powell v. McCormack, 395 U.S. 486, 496, 89 S.Ct. 1944, 23 L. Ed. 2d 491 (1969).

Complainant filed four actions against the Respondents, three of which resulted in license revocations. On March 16, 2018, and March 23, 2018, respectively, final orders were issued, revoking Statewide's resident limited line producer organization licenses. See UID v. Statewide Bail Bonding LLC, Docket No. 2018-016 BB (failure to maintain minimal financial requirements) and UID v. Statewide Bail Bonding, Docket No. 2018-021 BB (failure to satisfy bail bond forfeiture judgment). On July 26, 2018, a final order was issued to revoke Webber's individual bail bond license. See UID v. Tyron Webber, Docket No. 2018-008 BB (failure to report and to pay child support obligations).

Similarly, the instant action seeks revocation of Statewide's resident limited line producer organization license and Tyron Webber's individual bail bond license, which already occurred in the three actions listed above. The only real difference is that Complainant no longer seeks a forfeiture of \$170,000 in this action.

In the Motion to Stay proceedings, Complainant and Respondents filed cross briefs. In those pleadings, both parties anticipated dismissal with prejudice of this matter either after the other three matters referenced above were finalized or at the time the stay was granted or denied. In Respondents' Opposition to the Stay, they stated: "[I]t [the Department] has a simple way of avoiding this 'less easy' proceeding – it can dismiss it with prejudice." *See* Respondents' Opposition to Motion to Stay, p. 3, ¶ 9. In Complainant's Reply Brief, Complainant offered: "If Webber does lose his license in the Child Support Action, the Department will be willing to dismiss the instant action, thereby eliminating . . . the risk of a high dollar forfeiture." *See* Complainant's Reply Brief, p. 2, ¶ 5. Because the parties have resolved the three actions already, and even anticipated an ultimate dismissal of this matter, the issues are no longer live. The parties lack a legally cognizable interest in the outcome, when considering Complainant's withdrawal of the present forfeiture claim as stated in the Complainant's Motion to Dismiss, p. 3, ¶ 1. Therefore, the instant matter may be dismissed on the grounds this matter is moot.

### **FINDINGS OF FACT**

1. On February 28, 2018, the Commissioner revoked Statewide's bail bond producer license. Utah Insurance Department v. Statewide Bail Bonding LLC, Docket No. 2018-016 BB. (Complainant's Ex. A). The Revocation Order became final on March 16, 2018, because Respondent did not request a hearing.
2. On March 7, 2018, the Commissioner revoked Statewide's bail bond producer license. Utah Insurance Department v. Statewide Bail Bonding LLC, Docket No.

2018-021 BB. (Complainant's Ex. B). The Revocation Order became final on March 23, 2018, because Respondent did not request a hearing.

3. On April 25, 2018, the undersigned granted complainant's Motion to Stay the proceedings, "for 180 days or until such time as the parties resolve the matter." Utah Insurance Department v. Statewide Bail Bonding, LLC and Tyron Webber, Docket No. 2016-116 BB.
4. On July 26, 2018, the Commissioner issued an amended final order to revoke Webber's individual bail bond license for his failure to disclose on his license application and failure to pay child support obligation arrearages. UID v. Tyron Webber, Docket No. 2018-008 BB (Complainant's Ex. C). The Revocation Order became final on August 27, 2018, because Respondent did not request agency review within 30 days.

#### CONCLUSIONS OF LAW

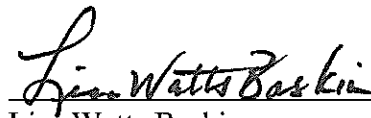
5. The Utah Insurance Commissioner has jurisdiction over the parties and this formal proceeding pursuant to Utah Code §§ 31A-2-201, 31A-35-102, 31A-5-102, 31A-23a-111, 31A-35-504, 63G-4-201, and Utah Admin. Code R590-160-5.
6. The Presiding Officer has discretion to lift the Stay of Proceedings.
7. The Presiding Officer has legal authority to dismiss with prejudice pursuant to Utah R. Civ. P. 41(a)(2) and Utah Admin. Code R590-160-5(6)(g)(ii).
8. The Complainant no longer seeks the forfeiture for \$170,000 in the current matter. Complainant's Motion to Dismiss, p.3, ¶1.

9. This matter is rendered moot; there is no need to continue litigation. Findings of Fact, ¶¶ 1, 2, 3, 4.

### ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and for good cause, it is ordered that this matter is **DISMISSED WITH PREJUDICE**. The case is closed.

DATED this 21<sup>st</sup> day of September, 2018.



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Lisa Watts Baskin  
Administrative Law Judge

## **AGENCY REVIEW**

To appeal this Order, a party must file a petition for agency review within 30 days from the date of the Order. Petitions for agency review shall be filed in accordance with Utah Code Ann. § 63G-4-301 and filed with the commissioner in writing or electronically at [uidadmincases@utah.gov](mailto:uidadmincases@utah.gov). Failure to file a petition for agency review is a failure to exhaust administrative remedies and will result in the order becoming final.

**CERTIFICATE OF SERVICE**

I do hereby certify that on this date I both electronically transmitted and sent by regular mail a true and correct copy of the attached ORDER to the following:

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DATED this 21<sup>st</sup> day of September, 2018.



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