

**BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH**

IN RE THE APPLICATION OF:

BRANDON GUZZO



License Pending

ORDER ON HEARING

Docket No. 2010-106-LC

Enf. Case No. 2650

THIS MATTER concerning whether the Applicant's application for an individual resident producer license should be denied came on to be heard before the Commissioner of the Utah Insurance Department ("Department") on Tuesday, the 10th day of August, 2010, at 10:00 o'clock a.m., mountain time, with Mark E. Kleinfeld, Administrative Law Judge, serving as the designated Presiding Officer.

Appearances:

M. Gale Lemmon, Assistant Attorney General, attorney for the Utah Insurance Department, 160 East 300 South, Fifth Floor, P.O. Box 140874, Salt Lake City, Utah 84114-0874.

The Applicant, Brandon Guzzo, failed to appear, either in person or through counsel.

Default:

Based on a motion made in hearing by the attorney for the Department, M. Gale Lemmon, Assistant Attorney General, and the failure of the Applicant to appear, the default of

the Applicant was entered, and the Department proffered its evidence in this matter.

Exhibits:

The Department tendered the following items already a part of the administrative file:

1. Copy of Applicant's February 12, 2010 application.
2. A letter dated February 23, 2010 from the Applicant to Department personnel regarding "Yes" answers to questions in his application.
3. Letter denying Applicant's application from Department dated February 24, 2010.
4. Applicant's request for a hearing dated March 1, 2010, and received in the Department offices on March 4, 2010.

The Department also offered eleven (11) exhibits concerning several unpaid civil judgments, two unpaid tax liens, two traffic court cases, and a case to enforce a subpoena against the Applicant by Workforce Services, which were accepted and entered into the record. (SEE file).

The Presiding Officer, being fully advised in the premises and taking administrative notice of the files and records of the Department, now enters his *Findings of Fact, Conclusions of Law*, and *Order*, on behalf of the Department.

FINDINGS OF FACT

1. The Utah Insurance Department ("Department") is a governmental entity of the State of Utah. The Department, as per Utah Code Annotated § 31A-2-101, is empowered to administer the Insurance Code, Title 31A, Utah Code Annotated, 1953, as amended.

2. The Applicant, Brandon Guzzo:

a. is a resident of the State of Utah and maintains a present residence of [REDACTED]
[REDACTED] and

b. has not previously been nor is presently licensed by the Department as a resident producer to conduct or be engaged in the insurance business in the State of Utah.

3. The Applicant filed his application with the Department for an individual resident producer license on February 12, 2010.

4. The department denied the Applicant's application for a Utah resident producer license in writing on January 27, 2010, for:

"Failure to pay a final judgment rendered against you in this state, pursuant to Utah Code Annotated § 31a-23a-107."

5. Said denial notified Respondent of his right to a hearing if a request is made in writing within fifteen (15) days.

6. The Applicant filed a request for a hearing with the department on March 4, 2010.

7. On July 6, 2010, a Notice of Conversion to Formal Proceeding and Notice of Hearing was issued and mailed to the Applicant the following day to the residence address provided in his Application, setting the hearing for Wednesday, July 21, 2010 at 9:00 a.m. in the offices of the Department.

8. The Applicant failed to appear at the hearing, but called the Department at the time scheduled for the hearing, notifying the department that his car broke down while on the way to the hearing.

9. After consultation with the Applicant, a Notice of Continuance of Hearing was mailed to the Applicant on July 21, 2010, setting Tuesday, July 27, 2010 at the hour of 10:00 a.m. for the hearing in this matter.

10. The Applicant also failed to appear at the hearing set for July 27, 2010, alleging continuing transportation problems.

11. A second Notice of Continuance of Hearing was sent to the Applicant continuing the hearing to Tuesday, August 10, 2010 at the hour of 10:00 a.m. Said Notice of Continuance noted in capital letters: "NO FURTHER CONTINUANCES WILL BE PERMITTED."

12. The Applicant failed to pay a number of civil judgments issued against him in this state within 60 days of the entry of those judgments.

13. The Applicant also failed to pay two tax liens issued against him in this state.

14. The Applicant was convicted of Expired License, Using Plates Registered to Another, and Contempt of Court, all class C misdemeanors. The Applicant failed to disclose these convictions on his application.

Based on the forgoing Findings of Fact, the Presiding Officer now enters the following:

CONCLUSIONS OF LAW

1. Failing to pay final judgments rendered against him in this state within 60 days of the judgments becoming final is grounds for denial of the Applicant's application under Utah Code Annotated § 31A-23a-111(5)(b)(iv).

2. Failing to pay tax liens issued against him in this state is further grounds for denial of the Applicant's application under Utah Code Annotated § 31A-23a-111(5)(b)(xxii).

3. Applicant provided information on his application that was incorrect, misleading or materially untrue which is grounds for denial of his application under Utah Code Annotated § 31A-23a-111(5)(b)(ix).

4. The Department's denial of the Applicant's application for a resident producer license should be upheld.

Based on the preceding Findings of Fact and Conclusions of Law, the Presiding Officer enters the following:


ORDER

IT IS HEREBY ORDERED:

The denial of the Applicant Brandon Guzzo's application for a resident producer's license is upheld and his application is denied.

DATED this 27th day of September, 2010.

NEAL T. GOOCH
INSURANCE COMMISSIONER



MARK E. KLEINFELD

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