
BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT,

Complainant,

vs.

MARVIN DEWAYNE COLEMAN ,

Respondent.

DISMISSAL ORDER

Docket No. 2019-4154

Lisa Watts Baskin
Administrative Law Judge

This matter came before the undersigned for a telephonic prehearing conference on October 1, 2019, at 10:00 a.m. The matter was recorded. Respondent Marvin Dewayne Coleman, *pro se*, failed to appear. Complainant's attorney, Ms. Helen Frohlich, Assistant Attorney General, appeared by calling in. Mr. Randy Overstreet, Director of Producer Licensing Division, was also present telephonically.

FINDINGS OF FACT

1. This matter was commenced on August 20, 2019, when Respondent filed a request to appeal Complainant's denial of his independent adjuster insurance license application, dated August 14, 2019.
2. The matter was scheduled for a telephonic prehearing conference, pursuant to the Order of Conversion to Formal Proceeding and Notice of Prehearing Telephone Conference, August 23, 2019.
3. Notice was proper.
4. Respondent failed to call in.

5. After approximately ten minutes of Complainant's waiting on the telephone, the undersigned instructed Clerk Jeanine Couser to contact Respondent by telephone to alert him of the ongoing prehearing conference.
6. Ms. Couser reported no contact could be made through the home telephone number provided by Respondent, but she left a recorded telephone message.
7. Ms. Couser reported no contact could be made through the telephone number at Teleperformance, the business entity assisting Respondent with his application.
8. Complainant verbally requested the matter be dismissed for Respondent's failure to call in.

CONCLUSIONS OF LAW

1. Utah Code § 63G-4-209 authorizes the presiding officer to enter an order of default against a party on several grounds.
2. Utah Code Subsection 63G-4-209(1)(b) provides that an order of default may be entered if "a party to a formal adjudicative proceeding fails to attend or participate in a properly scheduled hearing after receiving proper notice."
3. Respondent has failed to attend or participate in the properly scheduled hearing after receiving proper notice. Findings of Fact ¶¶ 2, 3, 4, 5, 6, 7, 8.
4. Utah Code Subsection 63G-4-209(4)(b) provides: "In an adjudicative proceeding that has no parties other than the agency and the party in default, the presiding officer shall, after issuing the order of default, dismiss the proceeding."

ORDER

Based upon Complainant's verbal motion, and for good cause, it is therefore

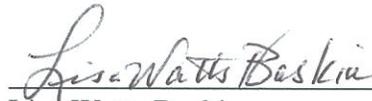
ORDERED:

Respondent's Request for Hearing is in **DEFAULT**.

Respondent's Request for Hearing is **DISMISSED** with prejudice.

DATED this 1st day of October, 2019.

TODD E. KISER
UTAH INSURANCE COMMISSIONER



Lisa Watts Baskin
Administrative Law Judge
Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, UT 84114

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.gov. Failure to file a petition for agency review is a failure to exhaust administrative remedies and will result in the order becoming final.