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**BEFORE THE UTAH INSURANCE COMMISSIONER**

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**UTAH INSURANCE DEPARTMENT,**

Complainant,

vs.

**ALEXIS SOTO CASTRO,**

Respondent.

**DEFAULT AND DISMISSAL ORDER**

Docket No. 2020-4193

Lisa Watts Baskin  
Administrative Law Judge

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This matter came before the undersigned on February 25, 2020, upon a written request from Respondent Alexis Soto Castro (hereafter “Castro”) to challenge the denial of his license application. Castro appeared *pro se*.

**PROCEDURAL BACKGROUND**

Castro filed a timely, written hearing request with the Utah Insurance Department (hereafter “the Department”) to review the license denial of his application for a resident producer individual insurance license. Castro’s application was denied on numerous grounds: Utah Code Subsections 31A-23a-105(2)(b)(ii); 31A-23a-107(2)(a)(ii); 31A-23a-111(5)(b)(i) and (b)(ix); and Utah Admin. Code R590-281-4(2). The denial was dated February 12, 2020. Castro filed a timely hearing request on February 25, 2020.

**JURISDICTION**

The undersigned has jurisdiction pursuant to Utah Code § 63G-4-201 through 203 and Utah Admin. Code R590-160.

## **FINDINGS OF FACT**

1. On December 30, 2019, Castro filed an online license application for a resident producer individual insurance license.
2. On January 14, 2020, Castro admitted to the Department in writing that he failed to disclose criminal offenses and charges on his license application.
3. On February 12, 2020, the Department denied the license application in the Notice of Informal Adjudicative Proceeding and Order.
4. On February 25, 2020, Castro filed the timely, written request for hearing to challenge the license denial.
5. On February 26, 2020, Administrative Assistant/Law Clerk Jeanine Couser (hereafter “Couser”) sent an email inquiry to Castro to schedule the prehearing telephonic conference with possible dates. The scheduling request was sent via the email address as provided by Castro. Castro did not reply. (Decl. of Jeanine Couser, at ¶ 3.c.)
6. On March 2, 2020, Couser left a voicemail message on Castro’s telephone to inquire if Castro still wanted to proceed to hearing. Again, Castro did not respond. (Couser Decl., at ¶ 3.d.)
7. On March 17, 2020, the attorneys for the Department contacted Couser to determine if a prehearing conference date had been set. (Couser Decl., at ¶ 3.e.)
8. On April 14, 2020, the attorneys for the Department again contacted Couser to determine if a prehearing date had been set. (Couser Decl. at ¶ 3.f.)
9. On April 16, 2020, upon the undersigned’s request, Couser made another

telephone call to Castro who answered and they discussed that he would receive another email with a list of revised possible dates to schedule the prehearing conference. (Couser Decl., at ¶ 3.g.)

10. On April 21, 2020, Couser sent another email to Castro with the revised dates and requested the he respond no later than April 28, 2020. (Couser Decl. at ¶ 3.h.)

11. On April 28, 2020, and since that date, Castro has not contacted Couser to schedule a prehearing telephonic conference. (Couser Decl., at ¶ 3.i.).

### **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)(a) provides: "The presiding officer may enter an order of default against a party if: (a) a party in an informal adjudicative proceeding fails to participate in the adjudicative proceeding."
3. Castro has failed to participate. Findings of Fact, ¶¶ 5, 6, 10, 11.
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 the foregoing Findings of Fact and Conclusions of Law, and for good cause, the undersigned hereby enters the following Order:

Respondent's Request for Hearing is in DEFAULT and the matter is DISMISSED with prejudice.

DATED this 30<sup>th</sup> day of April 2020.

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  
801-538-3860  
[uidadmincases@utah.gov](mailto:uidadmincases@utah.gov)

### **RIGHTS OF DEFAULTED PARTY**

A defaulted party may seek to have the agency set aside the default order or any subsequent order by motion to the presiding officer as provided in Utah Code § 63-4-209.


## DECLARATION

Under criminal penalty of Utah law, I, Jeanine Couser, declare the following:

1. I am currently employed as an administrative assistant/law clerk with the Utah Insurance Department (Department) where my responsibilities include assisting the Administrative Law Judge.
2. I submit this Declaration as evidence in the matter of Utah Insurance Department vs. Alexis Soto Castro, Docket No. 2020-4193.
3. Based on my personal knowledge, and/or based on the facts appearing in the Department's records and files, the following facts are true:
  - a. On February 12, 2020, I certified that a Notice of Informal Adjudicative Proceeding and Order had been emailed to Respondent.
  - b. On February 25, 2020, Respondent sent an email to [uidadmincases@utah.gov](mailto:uidadmincases@utah.gov), which stated, "I'd like to request a hearing..."
  - c. On February 26, 2020, I sent an email to Respondent with available dates and times for a prehearing telephone conference.
  - d. On March 2, 2020, I called Respondent's home telephone number (xxx-xxx-9581). I left a message asking him if he still wanted a hearing and, if so, to call me or respond to the email that was sent. No response was received.
  - e. On March 17, 2020, Edward Vasquez, Assistant Attorney General, sent an email asking about the status of the prehearing telephone conference.
  - f. On April 14, 2020, Vasquez sent a second email asking about the status of the prehearing telephone conference.

- g. On April 16, 2020, Judge Baskin asked that I make another attempt to contact. I again called Respondent's home telephone number (xxx-xxx-9581). When he answered, I went over the email that was sent and the phone message that was left. I explained that we needed to know if he still wanted a hearing and he said he did. I told him we would send an email with a list of possible dates and times for a prehearing telephone conference. I also told him that he would need to respond to the email within seven days. I verified his email address as [xxx@gmail.com](mailto:xxx@gmail.com).
- h. On April 21, 2020, I sent another email to Respondent with new available dates and times for a prehearing telephone conference. I asked that he respond as soon as possible, but no later than April 28, 2020.
- i. As of the date below, Respondent has not contacted me to schedule a prehearing telephone conference.

DATED this 30<sup>th</sup> day of April, 2020.

  
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Jeanine Couser  
Administrative Assistant/Law Clerk  
Utah Insurance Department