
BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT,

Complainant,

vs.

**AUGUST WESSLING,
Insurance License Applicant,**

Respondent.

**ORDER OF DEFAULT AND
ORDER OF DISMISSAL**

Docket No. 2020-4254

The presiding officer held a prehearing scheduling conference in this matter on November 13, 2020. Complainant Utah Insurance Department (“the Department”) was represented by Assistant Attorney General Edward Vasquez. Respondent August Wessling (“Wessling”) did not appear in person or through a representative. Based on this nonappearance, the Department moved for an order of default and dismissal of this proceeding. The presiding officer granted the motion.

The presiding officer now enters the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Wessling timely requested a hearing to contest the Department’s denial of his application for a resident producer individual insurance license.
2. The presiding officer’s clerk contacted Wessling three times about possible dates for a prehearing scheduling conference, but Wessling never provided the clerk with dates. Declaration of Jeanine Couser, ¶ 2.

3. Because Wessling did not provide dates, a prehearing scheduling conference was set without his input for November 13, 2020.

4. A written notice of the prehearing scheduling conference was sent to Wessling on November 5, 2020 at the email address that he provided to the Department. Couser declaration, at ¶ 2.

5. Wessling did not appear at the conference in person or through a representative. Couser declaration, at ¶ 2.

CONCLUSIONS OF LAW

1. A presiding officer may enter an order of default against a party to a formal adjudicative proceeding who fails to attend or participate in a properly scheduled hearing after receiving proper notice. Utah Code § 63G-4-209(1)(b).

2. 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. Utah Code § 63G-4-209(4)(b).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and for good cause, the presiding officer enters an order of default against Wessling, vacates his request for hearing and dismisses this proceeding.

DATED this 17th day of November 2020.

TANJI J. NORTHRUP
INTERIM UTAH INSURANCE COMMISSIONER

/s/ Reed Stringham
Reed Stringham
Presiding Officer
Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, UT 84114
801-538-3860
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 OF JEANINE COUSER

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 (“the Department”) where I assist the Administrative Law Judge.
2. I have personal knowledge of the following facts and am competent to testify to them.
 - a. On September 3, 2020, I emailed a Notice of Informal Adjudicative Proceeding and Order to August Wessling.
 - b. On September 5, 2020, Wessling sent an email to uidadmincases@utah.gov, in which he stated, “I’d like to request a hearing. My name is August Wessling. I was denied my license.”
 - c. On October 14, 2020, I sent an email to Wessling with available dates and times for a prehearing telephone conference.
 - d. On October 14, 2020, Wessling replied to the email, “Can I get back to you about the 21st at 10am? Sounds great but I’ll need to get my shift covered....”
 - e. On October 26, 2020, I sent Wessling an email that stated, “We didn't hear back from you with a confirmed date for a prehearing telephone conference. Do you still want to proceed with this matter or do you want to withdraw your request for a hearing? Please let us know by 5:00 p.m., October 28, 2020.”
 - f. On October 26, 2020, Wessling replied to the email, “I’d like to proceed. Please let me know the next available date and I will use paid time off.”
 - g. On October 27, 2020, I sent Wessling an email with available dates and times for a prehearing telephone conference.

- h. Wessling did not answer this email.
- i. On November 5, 2020, I sent a written notice of a November 13, 2020 prehearing scheduling conference to Wessling at the email address that he provided to the Department.
- j. Wessling did not appear at the conference in person or through a representative.

DATED this 17th day of November 2020.

/s/ Jeanine Couser
Jeanine Couser
Administrative Assistant/Law Clerk
Utah Insurance Department