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BEFORE THE UTAH INSURANCE COMMISSIONER

<p>UTAH INSURANCE DEPARTMENT, Complainant, vs. AUGUST WESSLING, Respondent.</p>	<p>NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING AND ORDER</p> <p>Docket No. 2020-4254</p>
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NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING

The Utah Insurance Department (the “Department”) commences this informal adjudicative proceeding against Respondent August Wessling (“Respondent”) pursuant to Utah Code §§ 31A-2-201 and 63G-4-201 through -203 and Utah Admin. Code R590-160.

This informal adjudicative proceeding is based on the facts and law set forth in the attached Declaration and is designated as an informal adjudicative proceeding pursuant to Utah Code § 63G-4-202(1) and Utah Admin. Code R590-160-4 and -8.

ORDER

Based on the facts and the law set forth in the attached Declaration, and good cause appearing, the Utah Insurance Commissioner orders as follows:

1. Respondent's application for a Utah resident producer individual insurance license is denied.

2. Pursuant to Utah Code § 63G-4-203(1)(i) and Utah Admin. Code R590-160-8(1), this informal adjudicative proceeding shall be deemed closed, and this Order shall become final and take full effect, 15 days after this Notice of Informal Adjudicative Proceeding and Order is emailed to Respondent unless a written request for a hearing on this matter is received from Respondent prior to that date.

3. A request for a hearing shall be sent by email to uidadmincases@utah.gov or by U.S. mail to Office of the Administrative Law Judge, Utah Insurance Department, 3110 State Office Building, Salt Lake City, UT 84114. The request for hearing shall be signed by the person making the request and shall state the basis for the relief requested.

4. If you fail to request a hearing you will be bound by this Order. Failure to request a hearing will be deemed a failure to exhaust administrative remedies and will preclude any further administrative or judicial review or appeal of this matter.

DATED this 3rd day of September, 2020.

TODD E. KISER
Utah Insurance Commissioner

/s/ Tanji Northrup
Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114
801-538-3860
Email: uidadmincases@utah.gov

NOTICE REGARDING ENFORCEMENT OF THIS ORDER

Failure to obey this Order may subject you to further penalties that include a forfeiture of up to \$2,500 per violation, with each day of the violation constituting a separate violation. Other penalties for failing to obey this Order may include license suspension, probation, refusal to renew, or revocation. Failure to obey this Order may also result in an action taken against you in a court of competent jurisdiction where forfeitures of up to \$10,000 for each day the failure to comply continues until judgment is rendered. If you are licensed in other jurisdictions, you may be required to report this proceeding to those jurisdictions.

DECLARATION

Under criminal penalty of Utah law, I, Randy Overstreet, declare the following:

1. I am currently employed as a manager in the Financial Regulation & Licensing Division of the Utah Insurance Department where my responsibilities include investigating and enforcing Utah insurance laws.

2. I submit this Declaration as the basis for issuing the Notice of Informal Adjudicative Proceeding and Order against August Wessling (“Respondent”) to which this Declaration is attached.

3. Based on my personal knowledge and/or based on the facts appearing in the Utah Insurance Department’s (the “Department”) records and files, the following facts are true:

a. On August 2, 2020, the Department received an online license application from Respondent for a resident producer individual insurance license.

i. Respondent answered “No” to the question “Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor?”

b. On October 5, 2017, Respondent pleaded guilty to violating Tennessee Code Ann. § 39-14-146, Shoplifting, a Class A misdemeanor, in the General Sessions Court of Jefferson County, State of Tennessee. Respondent was sentenced to twenty (20) hours of community service and placed on probation until those community services were completed.

4. The above declared facts demonstrate that the following Utah insurance laws were not complied with:

a. Utah Code § 31A-23a-111(5)(b)(xiv)(B), being convicted of a misdemeanor involving fraud, misrepresentation, theft, or dishonesty;

b. Utah Code § 31A-23a-111(5)(b)(ix), providing incorrect, misleading, or materially untrue information in the license application by answering “No” to the question regarding being charged with or convicted of a misdemeanor;

c. Utah Code § 31A-23a-105(2)(b)(ii), failing to report at the time of filing a license application a criminal prosecution taken against Respondent;

d. Utah Code § 31A-23a-107(2)(a)(ii), failing to meet the trustworthy character requirement;

e. Utah Code § 31A-23a-111(5)(b)(i), being unqualified for a license under Utah Code § 31A-23a-104, -105, or -107; and

f. Utah Admin. Code § R590-281-4(1)(c), applying for a license prior to the end of the required period from the date Respondent was convicted or released from court ordered probation resulting from a misdemeanor involving fraud, misrepresentation, theft, or dishonesty.

5. Based on the facts and law set forth above, Respondent’s application for a Utah resident producer individual insurance license should be denied.

Signed on this 2nd day of September, 2020, at Salt Lake City, Utah.

/s/ Randy Overstreet
Randy Overstreet
Manager, Financial Regulation & Licensing
Division
Utah Insurance Department