
BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT,

Complainant,

vs.

KYLE DEAN JOHNSON,

Respondent

**ORDER GRANTING STIPULATED
MOTION TO WITHDRAW REQUEST
FOR HEARING**

Docket No. 2023-4514

Donald H. Hansen
Administrative Law Judge/Presiding Officer

On September 18, 2023, a telephonic hearing was conducted in the above-entitled matter regarding the parties' Stipulated Motion to Withdraw Request for Hearing and Enter Notice of Agency Action and Order filed on or about July 23, 2023. Appearing for the Utah Insurance Department ("Department") was Shelley A. Coudreaut, Esq., Assistant Utah Attorney General. Respondent Kyle Dean Johnson ("Respondent") appeared *pro se*.

The Presiding Officer finds as follows:

1. The Department issued its Notice of Agency Action and Order on May 23, 2023, provisionally revoking Respondent's resident producer insurance previously issued by the Department.
2. On June 5, 2023, Respondent filed a timely request for a hearing to appeal the Department's agency action.
3. Respondent has not been represented by counsel at any time during the pendency of this formal adjudicative proceeding.
4. On August 8, 2023, the parties filed a Stipulated Motion to Withdraw

[Respondent's] Request for Hearing. A hearing on the parties' Stipulated Motion was originally scheduled for August 22, 2023. The Respondent failed to appear at that hearing because he had incorrectly calendared the hearing. The Department, through counsel, appeared at the hearing, and an Order granting the parties' stipulated motion was issued on August 23, 2023, before the Presiding Officer learned that Respondent intended to appear for the hearing, but failed to do so inadvertently. Therefore, the August 23, 2023, Order is superseded by this Order.

5. Because Respondent inadvertently failed to appear at the August 22, 2023, hearing, the Presiding Officer rescheduled the hearing to September 18, 2023. Both parties appeared via telephone at the September 18, 2023, hearing.

6. During the September 18, 2023, hearing, it was established or about July 21, 2023, Respondent agreed with the Department's counsel to a stipulated motion seeking an order withdrawing his request for a hearing. He was furnished a draft of the proposed stipulated motion by the Department's counsel prior to agreeing to the motion being filed. He also authorized the Department's counsel to attach his electronic signature to the stipulated motion.

7. Respondent's consent to the filing of the stipulated motion, and entry of the order contemplated by said motion, was given knowingly, voluntarily, and after Respondent was given the opportunity to review the proposed motion and order, free of any threatened legal action or other coercion, and free of any promise of favorable legal treatment in exchange for Respondent's consent.

Accordingly, the Presiding Officer enters the following Order:

1. The parties' Stipulated Motion to Withdraw Request for hearing and Enter Notice of Agency Action and Order is GRANTED.

2. The Department's Notice of Agency Action and Order dated May 23, 2023, is AFFIRMED, and shall not be subject to reconsideration, modification, hearing, agency review or appeal.

3. All future dates and deadlines previously entered in this matter, including the date for the evidentiary hearing, are vacated.

DATED this 18th day of September 2023.

JONATHAN T. PIKE
UTAH INSURANCE COMMISSIONER

/s/ Donald H. Hansen
Donald H. Hansen
Administrative Law Judge/Presiding Officer
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date a true and correct copy of the foregoing
**ORDER GRANTING STIPULATED MOTION TO WITHDRAW REQUEST FOR
HEARING to:**

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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DATED this 23rd of September 2023.

/s/ Jeanine Couser
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