
BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT,

Complainant,

vs.

RACHEL BAILEY MUSSER,

Respondent

**NOTICE OF DISMISSAL OF REQUEST
FOR HEARING WITHOUT PREJUDICE**

Docket No. 2023-4543

Donald H. Hansen
Administrative Law Judge/Presiding Officer

On October 18, 2023, a telephonic Pre-Hearing Conference was conducted in the above-entitled matter. Appearing for the Utah Insurance Department (“Department”) was Helen Frohlich, Esq., Assistant Utah Attorney General. Also appearing for the Department was Randy Overstreet, the Department’s Manager of Producer Licensing. Respondent Rachel Bailey Musser (“Respondent”) appeared without legal counsel.

During the prehearing conference, Respondent was advised that in order to apply for licensure, she must seek and obtain approval of the Utah Insurance Commissioner as required by 18 U.S.C. Sec. 1033(e)(2) and by the Utah Insurance Code (Utah Code Sec. 31A-23a-111(5)(b)(xxv)). She was provided instruction by the Department’s counsel regarding steps available to secure the Commissioner’s consent. Respondent stated that she intended to file a written request with the Utah Insurance Commissioner seeking consent to apply for licensure with the Department.

Notice was delivered to the parties on October 18, 2023, stating that the case was stayed

and a continued prehearing conference would be conducted on December 5, 2023, to determine whether Respondent had applied for, and received, the consent of the Insurance Commissioner to proceed under Sec. 1033. Further notice was sent on December 4, 2023, with instructions for joining the December 5 prehearing conference by telephone.

At the continued prehearing conference held on December 5, 2023, at 9:00 a.m. MST, the Department was again represented by counsel and Mr. Overstreet. However, Respondent failed to appear. The conference was paused for fifteen minutes after its scheduled time, but the Respondent still did not join. The Presiding Officer has received no request from Respondent for an additional continuance, and the Department's counsel stated she had no evidence that Respondent ever filed her Sec. 1033 request for the Commissioner's permission.

ORDER

Based upon the foregoing, Respondent's request for hearing, and appeal of the Department's September 20, 2023 Order denying her application for licensure, are DISMISSED WITHOUT PREJUDICE. Accordingly, the Department's September 20, 2023 Order is AFFIRMED.

DATED this 5th day of December 2023.

JONATHAN T. PIKE
UTAH INSURANCE COMMISSIONER

/s/ Donald H. Hansen
Donald H. Hansen
Administrative Law Judge/Presiding Officer
Utah Insurance Department
4315 South 2700 West, Suite 2300
Taylorsville, UT 84129
801-957-9321
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date a true and correct copy of the foregoing

NOTICE OF DISMISSAL OF REQUEST FOR HEARING to:

Rachel Bailey Musser

[REDACTED]
[REDACTED]
[REDACTED]

Helen Frohlich, Esq.

hfrohlich@agutah.gov

160 E. 300 S., 5th Floor

P.O. Box 140874

Salt Lake City, UT 84114-0874

DATED this 5th day of December 2023.

/s/ Jeanine Couser

Jeanine Couser

Utah Insurance Department

4315 South 2700 West, Suite 2300

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