

DEPARTMENT OF INSURANCE
STATE OF WYOMING

WYOMING INSURANCE DEPARTMENT,)
)
) **Petitioner,**)
)
) **vs.**) **Docket 06-10**
)
Select Benefits Group)
65 Wadsworth Park Drive, Suite 200)
Draper, UT 84020-8157)
)
) **Respondent.**)

PETITION FOR DISMISSAL WITHOUT PREJUDICE


COMES NOW the Wyoming Insurance Department, acting by and through James S. Mitchell, Staff Attorney, and herewith moves the Wyoming Insurance Commissioner for the issuance of an Order to Dismiss Without Prejudice. As cause for this Petition, the Wyoming Insurance Department states and alleges as follows:

1. The Wyoming Insurance Commissioner has jurisdiction over this matter pursuant to Wyo. Stat. §§ 26-1-103, 26-1-108, and 26-9-211.
2. On June 15, 2006, a Petition for Notice and Order to Show Cause was filed herein alleging two counts of failure to comply with Wyo. Stat. § 26-9-211.
3. Plaintiff has failed to bring this matter before the Commissioner of Insurance for a hearing in a timely manner.
4. Respondent has not conducted the business of insurance in the state of Wyoming since the filing of the Petition herein and Respondent's nonresident producer license was canceled as of October 31, 2008.
5. The administrative action in Respondent's home state of Utah, which is the basis for this administrative action, did not result in suspension or revocation of the license of Respondent.
6. Respondent poses no risk to the insurance consumer in the state of Wyoming and this matter should be dismissed without prejudice as any further action herein would be moot.

WHEREFORE, the Wyoming Insurance Department respectfully prays the Wyoming Insurance Commissioner:

Dismiss the above-captioned matter without prejudice.

Dated this 25th day of June, 2009.



James S. Mitchell
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FILED
WYOMING INSURANCE DEPARTMENT
DATE <u>June 25, 2009</u>
BY <u>Deborah Wilhel</u>