

JEAN R. URANGA
Hearing Officer
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Idaho State Bar No. 1763

FILED 

JAN 27 2010

Department of Insurance
State of Idaho

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:)
)
BRIAN J. WASSMUTH,) Docket No. 18-2575-09
Resident Producer License)
No. 148589) HEARING OFFICER'S FINDINGS
) OF FACT, CONCLUSIONS OF LAW
) AND PRELIMINARY ORDER
)
_____)

This matter came on for an Order to Show Cause hearing on January 7, 2010 at 10:00 a.m. John Keenan, Deputy Attorney General, appeared on behalf of the Department of Insurance. Brian J. Wassmuth did not appear in person or through counsel.

FINDINGS OF FACT

1. A Certificate of Service filed by the Department of Insurance establishes the Notice of Hearing to Show Cause and Appointment of Hearing Officer was mailed to Brian Wassmuth by first class mail at two (2) separate addresses, one in Moscow, Idaho, and one in Lewiston, Idaho. At the hearing, the Department represented the letter sent to the Moscow address was returned. However, the letter sent to the Linden address in Lewiston, Idaho

was not returned. Following mailing of those documents, the Department also attempted to contact Mr. Wassmuth by telephone without success. Mr. Wassmuth did not appear at the hearing either in person or through counsel, and did not contact the Department of Insurance regarding these proceedings or file any written response.

2. Dale Freeman testified on behalf of the Department of Insurance. Mr. Freeman is a Financial Examiner with the Department of Insurance and his duties include examining bail and title companies. He received a call from Deanna Graham with the Clerk's office in Nez Perce County, regarding Mr. Wassmuth's failure to properly execute his duties as a bail bondsman.

3. Mr. Freeman sent correspondence to Mr. Wassmuth regarding the complaint at the Moscow, Idaho address on file with the Department of Insurance. He also tried to personally contact Mr. Wassmuth without success.

4. Mr. Freeman discovered Mr. Wassmuth now had a new address in Lewiston and additional information was sent to Lewiston, again with no response.

5. The applicable Idaho statutes require bail agents to provide the Department of Insurance with notice when there is a change of address. The statutes further require bail agents to respond to inquiries from the Department of Insurance.

6. Mr. Wassmuth's conduct violates his statutory obligations.

CONCLUSIONS OF LAW

7. Idaho Code §41-247 requires licensed bail agents to respond to inquiries by the Department. Mr. Wassmuth has violated this statute.

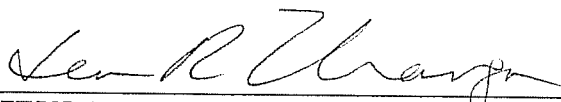
8. Idaho Code §41-1008(6) requires licensed bail agents to notify the Director of a change of address. Mr. Wassmuth has violated this statutory provision.

9. Pursuant to Idaho Code §41-236, the Department of Insurance has the statutory authority to revoke Mr. Wassmuth's temporary producer license as a bail agent.

PRELIMINARY ORDER

Based upon the foregoing, IT IS HEREBY ORDERED That the license of Mr. Wassmuth may be revoked by the Department of Insurance.

DATED This 26 day of January, 2010.



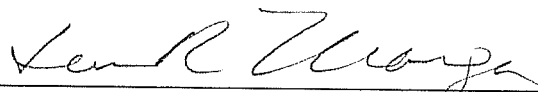
JEAN R. URANGA
Hearing Officer

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this 20 day of January, 2010, I served true and correct copies of the foregoing HEARING OFFICER'S FINDINGS OF FACT, CONCLUSIONS OF LAW AND PRELIMINARY ORDER by depositing copies thereof in the United States mail, postage prepaid, in envelopes addressed to:

Brian J. Wassmuth
915 Linden Avenue
Lewiston, Idaho 83501-5014
(Certified mail, return receipt requested
and regular mail)

John C. Keenan
Deputy Attorney General
Idaho Department of Insurance
P.O. Box 83720
Boise, Idaho 83720-0043



JEAN R. URANGA