RECEIVED

JUN 0 8 1999

STATE OF ARIZONA
FILED

STATE OF ARIZONA

JUN 8 1992

DEPARTMENT OF INSURANCE

DEPARTMENT OF INSURANCE

In the Matter of

Docket No. 7716

JOSEPH HOWARD BAYNE, Jr.,

ORDER ON REQUEST FOR DEFAULT

Respondent.

On May 26, 1992, counsel for the Arizona Department of Insurance filed a request for default in this matter. The stated basis for this request was that Respondent failed to file an answer to the allegations set forth in the amended notice of hearing within 20 days after the issuance of the notice as is required by A.A.C. R4-14-106(D).

On June 1, 1992, Respondent filed an answer to the allegations in the amended notice of hearing. On June 8, 1992, Respondent filed a response to the Department's request for default.

We find that Respondent's answer was not timely filed. However, we find that the delay in filing the answer was relatively short and that the hearing is set for August 4, 1992, almost two months from this date. Under these circumstances, we will accept Respondent's answer and will deny the Department's request for default.

We also note that in his answer, Respondent requested a continuance of the hearing to a date after October 7, 1992. The stated basis for Respondent's request is "so that this matter may be resolved prior to the hearing".

No reason has been presented as to why this matter cannot be resolved prior to August 4, 1992 if it is to be

4 5

1

2

3

6 7

8

9 10

11

12

1314

15

16

17

18

19

2021

22

23

24

25

26

27 28

- 1

resolved without a hearing. We find that good cause has not been shown for a continuance.

Finally, we again bring to Respondent's attention that copies of all pleadings served on the hearing officer in this matter also be served on Assistant Attorney General Leonard pursuant to A.A.C. R4-14-103.

IT IS HEREBY ORDERED that

- 1. The Department's request for default is denied.
- 2. Respondent's motion to continue is denied.

DATED this 8th day of June, 1992.

SARA M. BEGLEY Chief Hearing Office

COPY of the foregoing mailed/delivered this 8th day of June, 1992, to:

Kathryn Leonard, Esq. Assistant Attorney General 1275 W. Washington Phoenix, Arizona 85007

Joseph M. Hennelly, Jr., Deputy Director Jay Rubin, Assistant Director Maureen Catalioto, Supervisor John Berentz, Investigator Department of Insurance 3030 N. 3rd Street, Suite 1100 Phoenix, Arizona 85012

Joseph Howard Bayne, Jr. 3073 Colina Verde Lane Jamul, CA 91935

American Travellers Life Insurance Company 3220 Tillman Drive Bensalem, PA 19020

Aetna Life Insurance Company 151 Farmington Avenue Hartford, CT 06156

23

24

25

26

27

Medico Life Insurance Company P.O. Box 3477 Omaha, NE 68103

Chris Crawford