

No. 2021-7080

**Official Order
of the
Texas Commissioner of Insurance**

Date: 11/18/2021

Subject Considered:

Texas Department of Insurance

v.

David Graham Hull

SOAH Docket No. 454-21-2808.C

General remarks and official action taken:

The subject of this order is David Graham Hull's general lines agent license with a life, accident, health, and HMO qualification. This order revokes Mr. Hull's license.

Background

After proper notice was given, a hearing was scheduled for the above-styled case. Prior to the hearing, the Texas Department of Insurance (TDI) filed a motion for summary disposition. Mr. Hull did not respond to the motion.

An administrative law judge for the State Office of Administrative Hearings granted the motion for summary disposition and canceled the hearing.

The administrative law judge made and filed a proposal for decision concluding that TDI is required by law to revoke Mr. Hull's license. A copy of the proposal for decision is attached as Exhibit A.

Findings of Fact

The findings of fact contained in Exhibit A are adopted by TDI and incorporated by reference into this order.


COMMISSIONER'S ORDER
TDI v. David Graham Hull
SOAH Docket No. 454-21-2808.C
Page 2 of 2

Conclusions of Law

The conclusions of law contained in Exhibit A are adopted by TDI and incorporated by reference into this order.

Order

It is ordered that David Graham Hull's general lines agent license with a life, accident, health, and HMO qualification is revoked.

DocuSigned by:

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Cassie Brown
Commissioner of Insurance

Recommended and reviewed by:

DocuSigned by:

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James Person, General Counsel

DocuSigned by:

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Justin Beam, Assistant General Counsel



TEXAS DEPARTMENT OF
INSURANCE
Petitioner

v.

DAVID GRAHAM HULL
Respondent.

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**PROPOSAL FOR DECISION
ON SUMMARY DISPOSITION**

On July 6, 2021, the staff (Staff) of the Texas Department of Insurance (Department) filed a notice of hearing and original petition, seeking to revoke David Graham Hull’s (Respondent) general lines agent license with a life, accident, health, and HMO qualification. On the same date, which was more than 30 days before the scheduled hearing date, Staff filed a motion for summary disposition (Motion), contending that Respondent’s license has been revoked by operation of law pursuant to Texas Occupations Code § 53.021(b). Respondent did not respond to the Motion. After considering these pleadings, the summary disposition evidence, and the applicable law, the Administrative Law Judge (ALJ) concludes that the Motion for Summary Disposition should be **GRANTED** and that Respondent’s license is subject to mandatory revocation. Therefore, the ALJ recommends that the Department revoke Respondent’s general lines agent license. The hearing set for October 18, 2021, is **CANCELED**.

I. JURISDICTION, PROCEDURAL HISTORY, AND UNDISPUTED FACTS

On July 6, 2021, the Department referred this case to the State Office of Administrative Hearings (SOAH). On the same date, Staff filed and served its Motion for Summary Disposition and supporting evidence. Respondent did not file a response.¹ On July 6, 2021, Staff also filed with

¹ SOAH’s procedural rules provide that the response to a motion for summary disposition and opposing summary disposition evidence shall be filed no later than 15 days after the filing of the motion. 1 Tex. Admin. Code § 155.505(b)(2).

SOAH and served on Respondent its Notice of Hearing, which contained an Original Petition describing the allegations against Respondent.

Staff established jurisdiction and proper notice to Respondent. Those matters are set out in the Findings of Fact and Conclusions of Law without further discussion.

II. SUMMARY DISPOSITION EVIDENCE

Staff presented uncontested summary disposition evidence establishing the following relevant facts:

- Respondent holds a general lines agent license with a life, accident, health, and HMO qualification, issued by the Texas Department of Insurance on October 30, 2019.²
- On or about January 20, 2021, Respondent pleaded guilty to and was convicted of the felony offense of Aggravated Assault with a Deadly Weapon in Cause No. 20-01897-CRF-85 in the 85th District Court, Brazos County, Texas.³
- On or about January 20, 2021, Respondent pleaded guilty to and was convicted of two counts of the felony offense of Obstruction or Retaliation in Cause No. 20-01898-CRF-85 in the 85th District Court, Brazos County, Texas.⁴
- Respondent is currently incarcerated following his felony conviction.⁵

III. APPLICABLE LAW

Summary disposition of a contested case may be granted, in full or in part, without the necessity of a hearing on the merits if the pleadings, the motion for summary disposition, and the summary disposition evidence show that there is no genuine issue as to any material fact and that

² Staff Ex. 1.

³ Staff Ex. 2.

⁴ Staff Ex. 3.

⁵ Staff Ex. 4.

the moving party is entitled to a decision in its favor as a matter of law on all or some of the issues expressly set out in the motion.⁶

In seeking disciplinary action against Respondent, Staff relies on Texas Occupations Code § 53.021(b), which states that a “license holder’s license shall be revoked on the license holder’s imprisonment following a felony conviction, felony community supervision revocation, revocation of parole, or revocation of mandatory supervision.”

IV. ANALYSIS AND RECOMMENDATION

There are no genuine issues of fact or law in dispute. The uncontroverted summary disposition evidence shows that Respondent has been convicted of the felony offense of Aggravated Assault with a Deadly Weapon and two counts of the felony offense of Obstruction or Retaliation. The same evidence also demonstrates that Respondent is currently incarcerated for his felony convictions. As a matter of law, Respondent’s license is subject to mandatory revocation Texas Occupations Code § 53.021(b) based on his imprisonment following a felony conviction. For these reasons, Staff’s Motion for Summary Disposition is **GRANTED**; the hearing setting requested for October 18, 2021, is **CANCELED**; and the ALJ recommends that the Board revoke Respondent’s general lines agent license with a life, accident, health, and HMO qualification.

III. FINDINGS OF FACT

1. David Graham Hull (Respondent) holds a general lines agent license, number 2135092, with a life, accident, health, and HMO qualification, issued by the Texas Department of Insurance (Department) on October 30, 2019.
2. On or about January 20, 2021, Respondent was convicted of the felony offense of Aggravated Assault with a Deadly Weapon in Cause No. 20-01897-CRF-85 in the 85th District Court, Brazos County, Texas.

⁶ 1 Tex. Admin. Code § 155.505(a).

3. On or about January 20, 2021, Respondent was convicted of two counts of the felony offense of Obstruction or Retaliation in Cause No. 20-01898-CRF-85 in the 85th District Court, Brazos County, Texas.
4. Respondent is currently incarcerated following his felony convictions.
5. On July 6, 2021, the Department's staff (Staff) filed a notice of hearing to revoke Respondent's license.
6. The notice contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and either a short, plain statement of the factual matters asserted, or an attachment that incorporated by reference the factual matters asserted in the complaint or petition filed with the state agency.
7. Also on July 6, 2021, Staff filed a motion for summary disposition (Motion).
8. The Motion was filed more than 30 days before the scheduled hearing date and contained the information required by 1 Texas Administrative Code § 155.505.
9. Staff's motion was served on Respondent at both his residential address of record with the Department and at his current address in prison at the TDCJ's Goree Unit in Huntsville, Texas.
10. Respondent did not respond to the motion.

IV. CONCLUSIONS OF LAW

1. The Commissioner of Insurance has jurisdiction over this matter pursuant to Texas Insurance Code chapter 4001, Texas Occupations Code chapter 53, and Texas Government Code §§ 2001.051-.178.
2. The State Office of Administrative Hearings has jurisdiction to hear this matter and issue a proposal for decision pursuant to Texas Government Code ch. 2003.
3. Staff's motion for summary disposition was timely, complete, and properly served on Respondent pursuant to 1 Texas Administrative Code (TAC) § 155.505.

4. Because there is no genuine issue of material fact, summary disposition is appropriate in this matter under 1 TAC § 155.505.
5. The Department is required to revoke Respondent's license pursuant to Texas Occupations Code § 53.021(b).

SIGNED August 12, 2021.

/s/ Srinivas Behara
Administrative Law Judge
STATE OFFICE OF ADMINISTRATIVE HEARINGS