

No. 2018- 5377

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

Date: **JAN 25 2018**

Subject Considered:

Texas Department of Insurance

v.

Sam Hossein Keyvan

SOAH Docket No. 454-17-3142.C

General remarks and official action taken:

This order is in consideration of the application of Sam Hossein Keyvan for a general lines agent license with a property and casualty qualification. Following a hearing before the State Office of Administrative Hearings (SOAH), the administrative law judge (ALJ) submitted a proposal for decision containing findings of fact and conclusions of law, recommending that the Texas Department of Insurance (department) deny the application. The proposed findings of fact, conclusions of law, and recommendation of the ALJ are adopted with nonsubstantive formatting and style changes and with a correction of a technical error in finding of fact number 1.

FINDINGS OF FACT

1. On July 19, 2010, the Texas Department of Insurance issued Commissioner's Order No. 10-0667, revoking Sam Keyvan's general lines agent license with a property and casualty qualification.
2. On January 4, 2016, Mr. Keyvan applied for a general lines agent license with a property and casualty qualification.
3. On April 8, 2016, the department proposed to deny Mr. Keyvan's application for a license. Mr. Keyvan requested a hearing to challenge the denial.
4. On March 16, 2016, the department issued a notice of hearing on the contested denial of the application.
5. The notice of hearing 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 a short, plain statement of the factual matters asserted.

6. The hearing in this case was convened on May 24, 2017, at the SOAH offices in Austin, Texas, before ALJ John H. Beeler. The department was represented by staff attorneys Stephanie Andrews and Elissa Mazza. Mr. Keyvan was represented by attorney Bogdan Rentea. The record closed on June 30, 2017, with the filing of the transcript.
7. Subsequent to his revocation as an agent, Mr. Keyvan held himself out as a risk manager but did not hold a risk manager license.
8. Mr. Keyvan made a material false statement on his application.
9. Mr. Keyvan failed to offer sufficient evidence demonstrating that he is qualified for licensure.

CONCLUSIONS OF LAW

1. The department has jurisdiction over this matter. Tex. Ins. Code §§ 4001.002, 4001.105, and 4005.101.
2. SOAH has authority to hear this matter and issue a proposal for decision with findings of fact and conclusions of law. Tex. Gov't Code Ch. 2003; Code§ 4005.104.
3. Mr. Keyvan received timely and sufficient notice of hearing. Tex. Gov't Code Ch. 2001; Tex. Ins. Code § 4005.104(b).
4. Mr. Keyvan violated or attempted to violate Texas Insurance Code § 4153.001.
5. An application may be denied if the applicant fails to show good cause why the denial or revocation should not be a bar to the issuance of a new license. Tex. Ins. Code § 4005.105.
6. The department should deny Mr. Keyvan's application for a license. Tex. Ins. Code § 4005.101.

Correction of Proposed Finding of Fact Number 1

Finding of Fact number 1 as contained in this order modifies Finding of Fact number 1 as contained in the proposal for decision for SOAH docket no. 454-17-3142.C to correct a technical error related to how a previous commissioner's order is referenced.

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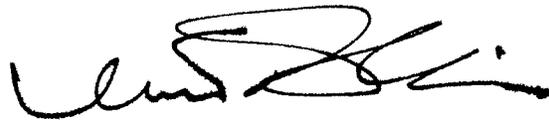
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Finding of Fact number 1 in the proposal for decision makes reference to a previous order issued by the department as "Commission Order No. 10-0667." However, in the hearing transcript for SOAH docket number 454-17-3142, both parties refer to order number 10-0667 as "Commissioner's Order number 10-0667," and Commissioner's Order number 10-0667 is Exhibit 6 in the record for SOAH docket number 454-17-3142. Therefore, use of the word "Commission" in proposed Finding of Fact number 1 appears to be a typographical error, and Finding of Fact number 1 should reference "Commissioner's Order No. 10-0667." This change is made in the adopted findings of fact as correction of a technical error.

The commissioner's authority to modify findings of fact to correct technical errors is Tex. Gov't Code § 2001.058(e).

ORDER

It is ordered that the application of Sam Hossein Keyvan for a general lines agent license with a property and casualty qualification is denied.



Kent C. Sullivan
Commissioner of Insurance