

No. 2019-6024

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

Date: JUL 22 2019

Subject Considered:

Texas Department of Insurance

v.

Jonathan Ryan Lennington

SOAH Docket No. 454-19-4233.C

General remarks and official action taken:

The subject of this order is the disciplinary action against Jonathan Ryan Lennington, an adjuster all lines agent license holder.

Background

After proper notice was given and staff for the Texas Department of Insurance (TDI) filed a motion for summary disposition, the above styled case was considered by an administrative law judge for the State Office of Administrative Hearings.

The administrative law judge made and filed a proposal for decision containing a recommendation and underlying rationale and including separately stated findings of fact and conclusions of law. The administrative law judge concluded that TDI is required to revoke Mr. Lennington's license pursuant to TEX. OCC. CODE § 53.021(b). 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 the Texas Department of Insurance and incorporated by reference into this order.

2019- 6024

COMMISSIONER'S ORDER
TDI v. Jonathan Ryan Lennington
SOAH Docket No. 454-19-4233.C
Page 2 of 3

Conclusions of Law

The conclusions of law contained in Exhibit A are adopted by the Texas Department of Insurance and incorporated by reference into this order.

Order

It is ordered that the adjuster all lines agent license held by Jonathan Ryan Lennington is revoked.

If enforcement of this order is restrained or enjoined by an order of a court, this order shall become effective upon a final determination by said court or appellate court in favor of the Texas Department of Insurance.



Kent C. Sullivan
Commissioner of Insurance

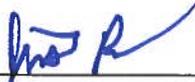
2019- 6024

COMMISSIONER'S ORDER
TDI v. Jonathan Ryan Lennington
SOAH Docket No. 454-19-4233.C
Page 3 of 3

Recommended and reviewed by:



James Person, General Counsel



Justin Beam, Assistant General Counsel

2019- 6024



State Office of Administrative Hearings

Kristofer Monson
Chief Administrative Law Judge

June 18, 2019

Kent Sullivan
Commissioner of Insurance
Texas Department of Insurance
333 Guadalupe, Tower 1, 13th Floor, Mail Code 113-2A
Austin, Texas 78714

INTERAGENCY

RE: Docket No. 454-19-4233.C, Texas Department of Insurance v. Jonathan Ryan Lennington

Dear Commissioner Sullivan:

Please find enclosed a Proposal for Decision in this case. It contains my recommendation and underlying rationale.

Exceptions and replies may be filed by any party in accordance with 1 Tex. Admin. Code § 155.507, a SOAH rule which may be found at www.soah.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "H. D. Card".

Henry D. Card
Administrative Law Judge

HDC/sh
Enclosure includes: Certified Evidentiary Record

cc: Cassie Tighe, Staff Attorney, Texas Department of Insurance, 333 Guadalupe, Tower 1, 13th Floor, Austin, Texas 78701 VIA INTER-AGENCY
Jonathan Ryan Lennington, TDCJ NO. 02243951, 1385 FM 3328, Palestine, TX 75803- VIA REGULAR MAIL
Jonathan Ryan Lennington, 4450 Sojourn Drive, Suite 500, Addison, TX 75001 -VIA REGULAR MAIL

TEXAS DEPARTMENT OF
INSURANCE,
Petitioner

v.

JONATHAN RYAN LENNINGTON,
Respondent

§
§
§
§
§
§
§
§
§

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**PROPOSAL FOR DECISION
ON SUMMARY DISPOSITION**

The staff (Staff) of the Texas Department of Insurance (Department) filed a notice of hearing to revoke the adjuster all lines agent license held by Respondent, Jonathan Ryan Lennington. 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 Mr. Lennington’s license has been revoked by operation of law pursuant to Texas Occupations Code § 53.021(b). Mr. Lennington did not respond to the motion.

After considering the pleadings, summary disposition evidence, and arguments presented, the Administrative Law Judge (ALJ) granted the motion and canceled the hearing. In this Proposal for Decision, the ALJ finds the evidence shows that the Department is required by operation of law to revoke Mr. Lennington’s license.

I. JURISDICTION, PROCEDURAL HISTORY, AND UNDISPUTED FACTS

No party challenged the jurisdiction of the Department or the State Office of Administrative Hearings (SOAH). Therefore, those matters are set out in the proposed findings of fact and conclusions of law without further discussion.

Staff’s motion was filed on April 25, 2019, and served on Mr. Lennington at both his business and residential addresses of record with the Department and at his current address in state

prison. The motion complied with SOAH's rule regarding motions for summary disposition.¹ On June 5, 2019, the ALJ granted the motion.

The undisputed facts of the case, set out in the motion and supported by exhibits attached to the motion,² are set forth below:

Mr. Lennington holds an adjuster all lines agent license that was issued by the Department on July 29, 2016.

On December 7, 2018, Mr. Lennington pleaded guilty to the felony offense of manslaughter, in Case No. 366-81400-2017 in the 366th District Court of Collin County, Texas. The court ordered Mr. Lennington to serve two years in prison.

On December 7, 2018, Mr. Lennington was sentenced after pleading guilty to the felony offense of aggravated assault with a deadly weapon, in Case No. 366-81401-2017 in the 366th District Court of Collin County, Texas. The court sentenced Mr. Lennington to serve 10 years in prison for the offense of aggravated assault with a deadly weapon. This sentence was suspended, and Mr. Lennington will be placed on community supervision for 10 years following the incarceration imposed in Case No. 366-81400-2017.

On December 7, 2018, Mr. Lennington pleaded guilty to the felony offense of aggravated assault with a deadly weapon, in Case No. 366-81402-2017 in the 366th District Court of Collin County, Texas. The court sentenced Mr. Lennington to serve 10 years in prison for the offense of aggravated assault with a deadly weapon. This sentence was suspended, and Mr. Lennington will be placed on community supervision for 10 years following the incarceration imposed in Case No. 366-81400-2017.

The court ordered the sentences imposed in Case Nos. 366-81400-2017, 366-81401-2017, and 366-81402-2017 in the 366th District Court of Collin County, Texas, to run concurrently.

Mr. Lennington is currently incarcerated in the Texas Department of Criminal Justice facility located in Palestine, Texas.

¹ 1 Tex. Admin. Code (TAC) § 155.505.

² The motion included six attached exhibits.

II. DISCUSSION

A. Applicable Law

Under SOAH's rule, summary disposition shall be granted on all or part of a contested case 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 the moving party is entitled to a decision in its favor as matter of law on all or some of the issue expressly set out in the motion.³

Texas Occupations Code § 53.021(b) states:

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.

B. Analysis

The summary disposition evidence, regarding which there is no dispute, shows that Mr. Lennington has been imprisoned following a felony conviction. Texas Occupations Code § 53.021(b) requires the licensing agency to revoke a license under those circumstances. Therefore, the Department is required by law to revoke Mr. Lennington's license, and the ALJ concludes it should do so.

III. FINDINGS OF FACT

1. Jonathan Ryan Lennington holds an adjuster all lines agent license that was issued by the Texas Department of Insurance (Department) on July 29, 2016.

³ 1 TAC § 155.505(a).

2. On December 7, 2018, Mr. Lennington pleaded guilty to the felony offense of manslaughter, in Case No. 366-81400-2017 in the 366th District Court of Collin County, Texas. The court ordered Mr. Lennington to serve two years in prison.
3. On December 7, 2018, Mr. Lennington was sentenced after pleading guilty to the felony offense of aggravated assault with a deadly weapon, in Case No. 366-81401-2017 in the 366th District Court of Collin County, Texas. The court sentenced Mr. Lennington to serve 10 years in prison for the offense of aggravated assault with a deadly weapon. This sentence was suspended, and Mr. Lennington will be placed on community supervision for 10 years following the incarceration imposed in Case No. 366-81400-2017.
4. On December 7, 2018, Mr. Lennington pleaded guilty to the felony offense of aggravated assault with a deadly weapon, in Case No. 366-81402-2017 in the 366th District Court of Collin County, Texas. The court sentenced Mr. Lennington to serve 10 years in prison for the offense of aggravated assault with a deadly weapon. This sentence was suspended, and Mr. Lennington will be placed on community supervision for 10 years following the incarceration imposed in Case No. 366-81400-2017.
5. The court ordered the sentences imposed in Case Nos. 366-81400-2017, 366-81401-2017, and 366-81402-2017 in the 366th District Court of Collin County, Texas, to run concurrently.
6. Mr. Lennington is currently incarcerated in the Texas Department of Criminal Justice facility located in Palestine, Texas.
7. On April 25, 2019, the Department's staff (Staff) filed a notice of hearing to revoke Mr. Lennington's license.
8. 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.
9. Also on April 25, 2019, Staff filed a motion for summary disposition (motion).
10. 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.

11. Staff's motion was served on Mr. Lennington at both his business and residential addresses of record with the Department and at his current address in state prison.
12. Mr. Lennington did not respond to the motion.
13. After considering the pleadings, summary disposition evidence, and arguments presented, the Administrative Law Judge granted the motion for summary disposition and canceled the hearing in Order No. 1, issued June 5, 2019.

IV. CONCLUSIONS OF LAW

1. The Commissioner of Insurance has jurisdiction over this matter pursuant to Texas Insurance Code §§ 82.051, 4001.002, and 4005.101-.102; 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 Mr. Lennington 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 Mr. Lennington's license pursuant to Texas Occupations Code § 53.021(b).

SIGNED June 18, 2019.



HENRY D. CARD
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS