

No. **2023-7968**

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

Date: 05/15/2023

Subject Considered:

Texas Department of Insurance

v.

Taneshia Sherette Solomon

SOAH Docket No. 454-23-02048.C

Order Denying New Hearing

General Remarks and Official Action Taken:

The subject of this order is the email from Taneshia Sherette Solomon concerning the default order that was issued when she failed to appear for a hearing before the State Office of Administrative Hearings (SOAH). This order denies the setting of a new hearing.

Background

On March 22, 2023, Commissioner's Order No. 2023-7857 was issued. The order revokes any licenses held by Ms. Solomon and requires that she pay restitution in the amounts of \$77,311.52 to Transamerica Life Insurance Company and \$26,520.09 to Americo Financial Life and Annuity Insurance Company. The order was issued following Ms. Solomon's failure to appear for a hearing on the merits, scheduled via videoconference.

On April 4, 2023, Ms. Solomon sent an email to a member of the Texas Department of Insurance Chief Clerk's Office staff stating that she did not willingly miss her hearing. However, the email did not clearly state why Ms. Solomon missed the hearing, other than providing general statements about delays in receiving information and illness.

Enforcement staff (Staff) for the Texas Department of Insurance submitted a response to Ms. Solomon's email. Staff's response noted that on separate occasions Ms. Solomon

emailed documents to staff and submitted documents to SOAH that included pages from the Notice of Hearing, showing that Ms. Solomon received notice of the hearing.

Discussion

Under 28 Tex. Admin. Code § 1.89, after informal disposition of a contested case by default, a motion by the respondent to set aside the default order and reopen the record will be granted if the respondent establishes that the failure to file a written response or to attend the hearing was neither intentional nor the result of conscious indifference, and that such failure was due to a mistake or accident.

Under Tex. Gov't Code § 2001.146, a motion for rehearing in a contested case may be granted if the motion identifies with particularity findings of fact or conclusions of law that are the subject of the complaint and any evidentiary or legal ruling claimed to be erroneous. The motion must also state the legal and factual basis for the claimed error. In addition, a motion to set aside the default order and reopen the record is not a motion for rehearing and is not to be considered a substitute for a motion for rehearing. See 28 Tex. Admin. Code § 1.89(d)(2).

In her email, Ms. Solomon says that she was unable to attend the hearing, but she does not clearly explain why. In response, Staff submitted information showing that Ms. Solomon had received notice of the hearing.

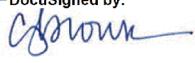
Ms. Solomon does not establish that her failure to attend the hearing was neither intentional nor the result of conscious indifference or due to a mistake or accident. Additionally, she does not identify with particularity findings of fact or conclusions of law or any evidentiary or legal ruling that is alleged to be erroneous or provide a legal and factual basis for a claimed error.

It is unclear whether Ms. Solomon's email is intended to be a motion under 28 Tex. Admin. Code § 1.89 or Tex. Gov't Code § 2001.146, but she has failed to meet the requirements under either provision. Because Ms. Solomon failed to satisfy the requirements of 28 Tex. Admin. Code § 1.89 or Tex. Gov't Code § 2001.146, any request for a new hearing is denied.

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Order

It is ordered that the setting of a new hearing for Taneshia Sherette Solomon is denied.

DocuSigned by:

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Cassie Brown
Commissioner of Insurance

Recommended and reviewed by:

DocuSigned by:

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Jessica Barta, General Counsel

DocuSigned by:

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Justin Beam, Assistant General Counsel