

No. **2021-6646**

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

Date: 01/12/2021

Subject Considered:

Texas Department of Insurance

v.

Clarence W. Palmer and NIS Insurance Service Inc

SOAH Docket No. 454-20-4512.C

Order on Letter/Motion to Reconsider

General remarks and official action taken:

The subject of this order is the request by Clarence W. Palmer to reconsider the default order taken against him and NIS Insurance Service Inc.

Background

On November 19, 2020, Commissioner's Order No. 2020-6569 was issued. The Order was a default order revoking all Texas Department of Insurance (TDI) issued licenses held by Clarence W. Palmer and NIS Insurance Service Inc. (NIS). The Order was issued because Mr. Palmer failed to appear for a contested case hearing on the merits seeking to revoke his general lines agent license and the general lines agency license held by NIS based on allegations that Mr. Palmer willfully violated an insurance law of Texas and that he failed to notify TDI of administrative actions taken against him by an insurance regulator of another state.

Following issuance of the default order, Enforcement filed a notice of nonsuit and request to withdraw the contested case hearing from the State Office of Administrative Hearings' (SOAH's) docket, and SOAH issued an order dismissing the case.

When Mr. Palmer received notice of the Order, he sent a letter to Enforcement identified as a "Letter/Motion to Reconsider" that requested a rehearing, and

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Enforcement forwarded the letter to the TDI Chief Clerk's Office on December 7, 2020. On December 16, 2020, TDI Enforcement submitted a response to Mr. Palmer's Letter/Motion to Reconsider.

Discussion

Under 28 Tex. Admin. Code § 1.89(d), a motion to set aside a default order and reopen the record is to 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."

Mr. Palmer's letter/motion makes no argument and provides no evidence that his failure to attend the hearing was neither intentional nor the result of conscious indifference, or that such failure was due to a mistake or accident. Additionally, TDI Enforcement provided evidence showing that Mr. Palmer acknowledged receipt of the date and time of the contested case hearing, that the hearing was to be held via a Zoom meeting, login information for the meeting, and directions on what to do if he could not access the Zoom meeting. Based on this, Mr. Palmer's letter/motion should be denied.

Order

It is ordered that the Letter/Motion to Reconsider submitted by Clarence W. Palmer is denied.

Commissioner of Insurance

DocuSigned by:
By:  _____
Doug Slape
Chief Deputy Commissioner
Tex. Gov't Code § 601.002
Commissioner's Order No. 2018-5528

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Recommended and reviewed by:

DocuSigned by:

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Allison Eberhart, Deputy General Counsel

DocuSigned by:

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Justin Beam, Assistant General Counsel