

No. **2024-8566**

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

Date: 3/5/2024

Subject Considered:

Texas Department of Insurance
v.
José Manuel Rodriguez Jr.

SOAH Docket No. 454-24-00637.C

Order on Request to Reopen Docket

General Remarks and Official Action Taken:

The subject of this order is José Manuel Rodriguez Jr.'s request to reopen the docket for State Office of Administrative Hearings (SOAH) Docket No. 454-24-00637.C and Commissioner's Order No. 2023-8294, the default order revoking any licenses held by Rodriguez. This order denies Mr. Rodriguez's request to reopen the docket and affirms that Commissioner's Order No. 2023-8294 is final.

Background

On October 19, 2023, Commissioner's Order No. 2023-8294 was issued, revoking any licenses held by Mr. Rodriguez. The order was issued following the failure of Mr. Rodriguez to respond to the notice of hearing issued in the matter.

Mr. Rodriguez sent a written request to the Texas Department of Insurance (TDI) by email on February 20, 2024. In the request, Mr. Rodriguez said that, due to an oversight, he was unaware of the requirement to respond to the notice of hearing. Mr. Rodriguez said his inability to clear his license with TDI has resulted in a cascading effect on licenses in other states. He asked that TDI consider granting an appeal of the administrative action and allow him to plead his case, present relevant information, and address any concerns that led to the disciplinary action against his license.

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Discussion

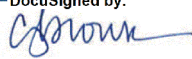
Under 28 Tex. Admin. Code § 1.89(d), any motion to set aside a default order and reopen the record must be filed with the commissioner before the time that the order becomes final under the provisions of Government Code Chapter 2001. The section also states that a motion to set aside the default order and reopen the record is not a motion for rehearing and is not to be considered a substitute for a motion for rehearing, and that the filing of a motion to set aside the default order and reopen the record has no effect on either the statutory time periods for the filing of a motion for rehearing or on the time period for ruling on a motion for rehearing.

Under Government Code § 2001.146, a motion for rehearing must be filed no later than the 25th day after the date the order is signed. Because Commissioner's Order No. 2023-8294 was issued on October 19, 2023, any motion for rehearing or motion to set aside the default order and reopen the record was due by November 13, 2023.


Mr. Rodriguez sent his request to reopen the matter on February 20, 2024, more than four months after the default order revoking any licenses held by him. This was well past the deadline set by Government Code § 2001.146 to file a motion for rehearing. Therefore, Mr. Rodriguez's request to reopen the docket is denied and Commissioner's Order No. 2023-8294 is final.

Order

It is ordered that Mr. Rodriguez's request to reopen the docket is denied and Commissioner's Order No. 2023-8294 is final.

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, Chief Clerk