Official Order of the Texas Commissioner of Insurance

Date: <u>01/05/2021</u>

Subject Considered:

Texas Department of Insurance v.

Candace Marie Segall

SOAH Docket No. 454-21-0383.C

Order on Request to Appeal Default Order and Set Rehearing

General remarks and official action taken:

The subject of this order is the request by Candace Marie Segall to appeal the default order taken against her and set a rehearing.

Background

On November 12, 2020, Commissioner's Order No. 2020-6558 was issued. The Order was a default order revoking all Texas Department of Insurance (TDI) issued licenses held by Candace Marie Segall. The Order was issued because Ms. Segall failed to respond to a notice of hearing for a contested case hearing seeking to revoke her general lines agent license based on allegations that in April 2019 she pleaded guilty to the class A misdemeanor charge of Theft of Property with a value of \$100 or more and less than \$750.

Following issuance of the Order, Enforcement filed a motion to dismiss the contested case hearing from SOAH's docket, and SOAH granted the motion.

When Ms. Segall received notice of the Order, she submitted a letter to the TDI Chief Clerk's Office requesting a rehearing. She submitted the letter on November 20, 2020. On November 30, 2020, TDI Enforcement submitted a response to Ms. Segall's letter.

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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."

In an email sent to TDI Enforcement, Ms. Segall states that she did not know she needed to submit a response to the notice of hearing. In the email to TDI Enforcement, Ms. Segall acknowledges receiving the notice of hearing.

In bold, capitalized text, the notice of hearing directed Ms. Segall to file a written response, and stated that if she failed to file a response the scheduled hearing could be canceled and the Commissioner of Insurance could issue a default order in which the allegations in the notice of hearing are deemed admitted and the relief sought, including revocation or suspension of her license, would be granted.

Ms. Segall has offered no explanation or information explaining why she did not know she needed to submit a response to the notice of hearing, and she has not established that her failure to file a written response was neither intentional nor the result of conscious indifference, and that such failure was due to a mistake or accident. Therefore, Ms. Segall has failed to satisfy the requirements of 28 Tex. Admin. Code § 1.89(d) necessary to set aside a default order and reopen the record.

Order

It is ordered that the request by Candace Marie Segall to appeal the default order taken against her and set a rehearing is denied.

Commissioner of Insurance

Doug Slape Chief Deputy Commissioner

Tex. Gov't Code § 601.002

Commissioner's Order No. 2018-5528

2021-6636

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Recommended and reviewed by:

-DocuSigned by: Allison Eberhart — D03DCB0BCCB94B6... Allison Eberhart, Deputy General Counsel

-DocuSigned by: Justin Beam -27ADF3DA5BAF4B7... -

Justin Beam, Assistant General Counsel