

No. 2024-8739

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

Date: 7/18/2024

Subject Considered:

Texas Department of Insurance v.
Sabrina Ann Ho

SOAH Docket No. 454-24-07414.C

General Remarks and Official Action Taken:

The subject of this order is Sabrina Ann Ho's general lines agent license with a life, accident, and health qualification. This order revokes Ms. Ho's license.

Background

After proper notice was given, a hearing was scheduled for the above-styled case. Prior to the hearing, the Texas Department of Insurance (TDI) filed a motion for summary disposition. Ms. Ho did not respond to the motion.

An administrative law judge for the State Office of Administrative Hearings granted the motion for summary disposition and canceled the hearing.

The administrative law judge made and filed a proposal for decision concluding that TDI is required by law to revoke Ms. Ho 's license. 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 commissioner and incorporated by reference into this order.

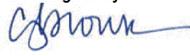
COMMISSIONER'S ORDER
TDI v. Sabrina Ann Ho
SOAH Docket No. 454-24-07414.C
Page 2 of 2

Conclusions of Law

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

Order

It is ordered that Sabrina Ann Ho's general lines agent license with a life, accident, and health qualification is revoked.

DocuSigned by:

FC5D7EDDFFBB4F8... _____
Cassie Brown
Commissioner of Insurance

Recommended and reviewed by:

DocuSigned by:

5DAC5618BBC74D4... _____
Jessica Barta, General Counsel

DocuSigned by:

27ADF3DA5BAF4B7... _____
Justin Beam, Chief Clerk

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

FILED
454-24-07414
6/21/2024 1:48 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

**TEXAS DEPARTMENT OF INSURANCE,
PETITIONER
V.
SABRINA ANN HO,
RESPONDENT**

ACCEPTED
454-24-07414
6/21/2024 2:08:40 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

PROPOSAL FOR DECISION ON SUMMARY DISPOSITION

The staff (Staff) of the Texas Department of Insurance (Department) filed a Motion for Summary Disposition (Motion) contending that Respondent Sabrina Ann Ho's general lines agent license has been revoked by operation of law based on her imprisonment for a felony. Respondent did not file a response to the Motion. After considering the pleadings, Motion, summary disposition evidence, and applicable law, the Administrative Law Judge (ALJ) granted the Motion. Therefore, the ALJ finds the evidence shows the Department is required by operation of law to revoke Respondent's license for imprisonment for a felony.

I. NOTICE, JURISDICTION, AND PROCEDURAL HISTORY

On December 18, 2023, Staff filed its Original Petition against Respondent at the State Office of Administrative Hearings (SOAH). The ALJ issued Order No. 1 scheduling the merits hearing for February 29, 2024. Before the hearing, Staff filed a motion for continuance requesting additional time to amend the petition and file a motion for summary disposition based on recent developments in criminal proceedings against Respondent. On February 27, 2024, the ALJ issued Order No. 2, which granted the continuance and reset the merits hearing for June 27, 2024; set a May 1, 2024 deadline for dispositive motions; and set a May 23, 2024 deadline for responses to dispositive motions.

On April 25, 2024, Staff timely filed its Motion and supporting evidence. Respondent was served with the Motion via email, at her mailing address of record with the Department via certified mail,¹ and at her current mailing address at the Texas Department of Criminal Justice (TDCJ) Hilltop Unit in Gatesville, Texas, via certified mail.² Respondent did not file a response. On May 23, 2024, the ALJ issued Order No. 4 noting that Staff had neglected to file an amended petition in support of its Motion. Order No. 4 permitted Staff to file the amended pleading no later than May 31, 2024, and authorized Respondent to file any objections or responses to Staff's amended pleading and/or Motion no later than June 14, 2024. On May 31, 2024, Staff filed an Amended Notice of Hearing and Amended Petition. Respondent was served with the filings via email, at her current mailing address of

¹ See Staff's Resp. to SOAH's Order No. 2 at 2 (filed April 16, 2024).

² See Staff's Resp. to SOAH's Order No. 2 at 1 (filed April 16, 2024).

record with the Department via certified mail, and at her current mailing address at the TDCJ Hilltop Unit via certified mail. Respondent did not file a response, and on June 17, 2024, the ALJ issued Order No. 5, which granted Staff's Motion, closed the record, and canceled the merits hearing.

II. SUMMARY DISPOSITION EVIDENCE

The summary disposition evidence establishes the following relevant facts:

- Respondent, individual identification number 2100527,³ holds a general lines agent license (No. 2446469) with a life, accident, and health qualification issued by the Department on September 13, 2019.⁴
- On January 23, 2024, Respondent was convicted, following a trial by jury, of six felony counts of Injury to a Child and one capital felony count of Capital Murder in Cause No. F23-1412-462 in the 462nd District Court, Denton County, Texas.⁵ Respondent was sentenced to 10 years imprisonment for four counts of Injury to a Child, life imprisonment for two counts of Injury to a Child, and life imprisonment without parole for the Capital Murder count.⁶
- Following her felony convictions, Respondent is an inmate currently incarcerated at the TDCJ Hilltop Unit.⁷

³ Staff's Motion appears to have inadvertently referenced a different number (the NPN number) rather than the "Individual ID" number included in Exhibit 1 to the Motion. *Compare* Mot. at 3 *with* Mot. Ex. 1. Staff's Amended Petition references the correct individual identification number. Staff's Am. Pet. at 1 (filed May 31, 2024).

⁴ Mot. Ex. 1.

⁵ Mot. Ex. 2; *see also* Tex. Penal Code §§ 19.03, 22.04. The offenses occurred on March 7, March 25, March 26, and April 1, 2022. Mot. Ex. 2 at 1.

⁶ Mot. Ex. 2. Respondent's sentence will run concurrently. Mot. Ex. 2 at 1.

⁷ Mot. Ex. 3.

III. APPLICABLE LAW

Summary disposition of a contested case may be granted, in full or in part, without the necessity of a hearing on the merits 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 a matter of law on all or some of the issues expressly set out in the motion.⁸

Texas Occupations Code section 53.021(b) states that “[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.” Staff has the burden of proving by a preponderance of the evidence that Respondent’s license should be revoked.⁹

IV. ANALYSIS

The undisputed summary disposition evidence shows that Respondent was imprisoned following convictions for several felonies. Texas Occupations Code section 53.021(b) requires that a licensing agency revoke a license under these circumstances. Therefore, as a matter of law, Respondent’s license is subject to mandatory revocation by operation of law, and the ALJ does not have discretion to

⁸ 1 Tex. Admin. Code § 155.505(a).

⁹ 1 Tex. Admin. Code § 155.427; *Granek v. Tex. St. Bd. of Med. Exam’rs*, 172 S.W.3d 761, 777 (Tex. App.—Austin 2005, no pet.).

recommend otherwise. Consequently, the ALJ finds that Respondent's license is subject to mandatory revocation.

V. FINDINGS OF FACT

1. Sabrina Ann Ho (Respondent), individual identification number 2100527, holds a general lines agent license (No. 2446469) with a life, accident, and health qualification issued by the Texas Department of Insurance (Department) on September 13, 2019.
2. On January 23, 2024, Respondent was convicted of six felony counts of Injury to a Child and one capital felony count of Capital Murder in Cause No. F23-1412-462 in the 462nd District Court, Denton County, Texas. Respondent was sentenced to 10 years imprisonment for four counts of Injury to a Child, life imprisonment for two counts of Injury to a Child, and life imprisonment without parole for the Capital Murder count.
3. Respondent is currently an inmate incarcerated at the Hilltop facility within the Texas Department of Criminal Justice.
4. On December 18, 2023, staff (Staff) for the Department filed an Original Petition with the State Office of Administrative Hearings (SOAH) seeking to revoke Respondent's license and requesting a hearing on the merits.
5. On December 20, 2023, SOAH Administrative Law Judge (ALJ) Shelly M. Doggett issued SOAH Order No. 1 scheduling the hearing on the merits for February 29, 2024.
6. Staff filed and served Respondent with a notice of hearing on December 20, 2023.
7. On February 20, 2024, Staff filed a motion for continuance seeking to continue the merits hearing to allow time to amend the petition and file a motion for summary disposition.
8. On February 27, 2024, ALJ Doggett issued SOAH Order No. 2, which rescheduled the merits hearing for June 27, 2024; set a dispositive motion

deadline of May 1, 2024; and set a deadline of May 23, 2024, for responses to dispositive motions.

9. Staff filed a motion for summary disposition and supporting evidence (Motion) on April 25, 2024. The Motion was timely filed under the deadline in SOAH Order No. 2 and contained the information required by 1 Texas Administrative Code section 155.505.
10. The Motion was served on Respondent via email and at her mailing address of record with the Department and her address of incarceration.
11. On May 23, 2024, ALJ Doggett issued Order No. 4 noting that Staff had neglected to file an amended petition in support of its Motion. Order No. 4 permitted Staff to file the amended pleading no later than May 31, 2024, and authorized Respondent to file any objections or responses to Staff's amended pleading and/or Motion no later than June 14, 2024.
12. On May 31, 2024, Staff filed an Amended Notice of Hearing and Amended Petition, which was served on Respondent via email and at her address of record with the Department and her address of incarceration.
13. Together, the notice of hearing and SOAH orders 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.
14. Respondent did not respond to the Motion or the Amended Petition.
15. On June 17, 2024, ALJ Doggett issued Order No. 5, which granted Staff's Motion, closed the record, and canceled the merits hearing.

VI. CONCLUSIONS OF LAW

1. The Commissioner of Insurance has jurisdiction over this matter pursuant to Texas Insurance Code sections 82.051-.055, 4001.002, 4005.101-.102, and 4054.051.

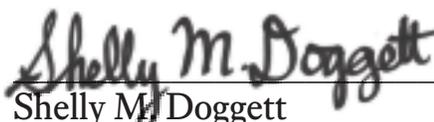
2. SOAH has jurisdiction to hear this matter and issue a proposal for decision with findings of fact and conclusions of law. Tex. Gov't Code ch. 2003.
3. Staff's Motion was timely, complete, and properly served on Respondent pursuant to 1 Texas Administrative Code section 155.505.
4. Summary disposition shall be granted 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 a matter of law on the issues expressly set out in the motion. 1 Tex. Admin. Code § 155.505(a).
5. Because there is no genuine issue of material fact, summary disposition is appropriate. 1 Tex. Admin. Code § 155.505.
6. The Department is required to revoke Respondent's license pursuant to Texas Occupations Code section 53.021(b) because she is incarcerated following her conviction for multiple felonies.

SIGNED JUNE 21, 2024

FILED
454-24-07414
6/21/2024 1:48 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

ACCEPTED
454-24-07414
6/21/2024 2:08:40 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

ALJ Signature:



Shelly M. Doggett

Presiding Administrative Law Judge