

No. 2024-8741

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

**Date: 7/18/2024**

**Subject Considered:**

Texas Department of Insurance v.  
Dania Cala

SOAH Docket No. 454-24-06900.C

**Order on  
Motion for Rehearing or Motion to set Aside and Reopen the Record**

**General Remarks and Official Action Taken:**

The subject of this order is the request by Dania Cala that TDI set aside the default judgment previously issued in this matter and that the record be reopened.

**Background**

On May 16, 2024, the Texas Department of Insurance (TDI) issued Commissioner's Order No. 2024-8659. The order is a default order that adopted findings of fact and conclusions of law concerning Ms. Cala's failure to respond to a notice of hearing or appear for a hearing on the matter and the factual and legal allegations included in TDI Enforcement's notice of hearing and original petition. The order revoked any licenses held by Ms. Cala.

On June 10, 2024, Ms. Cala filed a motion requesting that the time frame to file a motion for rehearing be extended to June 25, 2024. Ms. Cala's motion was granted by Commissioner's Order No. 2024-8686.

On June 25, 2024, Ms. Cala filed a motion for rehearing or motion to set aside and reopen the record. The motion requests a rehearing and asks that Order No. 2024-8659 be set aside and the record reopened because Ms. Cala did not receive the notice of

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hearing and original petition sent by TDI Enforcement staff (Enforcement). In support of the motion was attached a copy of USPS tracking information showing the last status of the letter containing the notice of hearing and original petition as "Moving Through Network in Transit to Next Facility, Arriving Late."

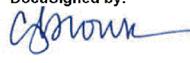
On June 27, 2024, Enforcement filed a response to Ms. Cala's motion, acknowledging that Ms. Cala's failure to appear was the result of an accident or mistake due to her not having received the notice of hearing. Enforcement does not oppose granting Ms. Cala's motion.

**Discussion**

Motions to set aside a default order and reopen the record are addressed in TDI's rules at 28 Texas Administrative Code § 1.89. Section 1.89(d) provides that such a motion will be granted if the respondent's "failure to file a written response . . . was neither intentional nor the result of conscious indifference, and that such a mistake was due to a mistake or accident." In this case, Ms. Cala has shown that she did not receive the notice of hearing. Accordingly, the default order will be set aside, and the record will be reopened.

**Order**

It is ordered that the default judgment ordered by Commissioner's Order No. 2024-8659 is set aside, and the record for SOAH Docket No. 454-24-06900.C is to be reopened, and a new hearing is to be set.

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