

No. 2023-8115

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

Date: 8/3/2023

Subject Considered:

Texas Department of Insurance

v.

Chase Anthony Zaal

SOAH Docket No. 454-22-07125.C

General Remarks and Official Action Taken:

The subjects of this order are Chase Anthony Zaal's life agent license and his general lines agent license with a property and casualty qualification. This order revokes Mr. Zaal's licenses.

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. Mr. Zaal 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 Mr. Zaal's licenses. 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.


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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 Chase Anthony Zaal's life agent license and his general lines agent license with a property and casualty qualification are revoked.

DocuSigned by:

FC5D7EDDFFB84F8... _____
Cassie Brown
Commissioner of Insurance

Recommended and reviewed by:

DocuSigned by:

5DAC5618BBC74D4... _____
Jessica Barta, General Counsel

DocuSigned by:

27ADF3DA5BAF4B7... _____
Justin Beam, Assistant General Counsel

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

—
**TEXAS DEPARTMENT OF INSURANCE,
PETITIONER
v.
CHASE ANTHONY ZAAL,
RESPONDENT**

PROPOSAL FOR DECISION ON SUMMARY DISPOSITION

On July 29, 2022, the staff (Staff) of the Texas Department of Insurance (Department) filed a notice of hearing to revoke the life agent and general lines agent licenses held by Respondent, Chase Anthony Zaal. On April 13, 2023, which was more than 30 days before the scheduled hearing date, Staff filed a motion for summary disposition (Motion), contending that Mr. Zaal's license has been revoked by operation of law pursuant to Texas Occupations Code section 53.021(b). Mr. Zaal did not respond to the motion.

After considering the pleadings, summary disposition evidence, and arguments presented, the Administrative Law Judge (ALJ) GRANTS the motion. In this Proposal for Decision, the ALJ finds the evidence shows that the Department is required by operation of law to revoke Mr. Zaal's license.

I. NOTICE, JURISDICTION, AND PROCEDURAL HISTORY

Issues of jurisdiction and notice were undisputed. Therefore, those matters are set out in the Findings of Fact and Conclusions of Law.

The case was set for a hearing on March 29, 2023. On March 23, 2023, Staff filed an unopposed motion for continuance without a hearing date, which was granted. On April 13, 2023, Staff timely filed its Motion and supporting evidence. Mr. Zaal's counsel was served with the Motion. Mr. Zaal did not file a response.

II. SUMMARY DISPOSITION EVIDENCE

The summary disposition evidence establishes the following relevant facts:

1. Chase Anthony Zaal, individual identification no. 1428146, holds a life agent license (Nos. 2001155) issued by the Texas Department of Insurance on May 9, 2015, and a general lines agent license (No. 2194198) with a property and casualty qualification issued on June 8, 2017.¹
2. On or about August 26, 2022, Mr. Zaal was convicted of Possession of a Controlled Substance Penalty Group 1<1G, a felony, in the 235th Judicial District Court of Cooke County, Texas in case number

¹ Staff Ex. 1.

CR20-00142. Mr. Zaal was sentenced to 10 years confinement, probated for five years. On or about October 25, 2022, Mr. Zaal's probation was revoked, and he was sentenced to 10 years confinement.²

3. On or about August 26, 2022, Mr. Zaal was convicted of Possession of a Controlled Substance Penalty Group 1<1G, a felony, in the 235th Judicial District Court of Cooke County, Texas in case number CR20-00143. Mr. Zaal was sentenced to 10 years confinement, probated for five years. On or about October 25, 2022, Mr. Zaal's probation was revoked, and he was sentenced to 10 years confinement.³
4. On or about July 27, 2021, Mr. Zaal was convicted of Evading Arrest or Detention, a misdemeanor, in the 401st District Court of Collin County, Texas in cause number 401-81956-2021. Mr. Zaal was sentenced to five days confinement.⁴
5. On or about July 30, 2021, Mr. Zaal was convicted of Driving While Intoxicated, a misdemeanor, in cause number 401-81957-2021 in the 401st District Court of Collin County, Texas. Mr. Zaal was sentenced to 180 days confinement, probated for a term of two years. Mr. Zaal was also ordered to attend a DWI repeat course, attend a Victim Impact Panel, complete a Substance Abuse Evaluation, submit to random urinalysis testing, attend one Alcoholics Anonymous meeting per week, and use an Ignition Interlock Device. On February 15, 2022, the State filed a Motion to Revoke Mr. Zaal's probation. On or about September 1, 2022, Mr. Zaal's probation was revoked, and he was sentenced to four days confinement.⁵
6. On or about August 17, 2021, Mr. Zaal was sentenced to two years deferred adjudication probation for Possession of a Controlled

² Staff Ex. 2.

³ Staff Ex. 3.

⁴ Staff Ex. 4.

⁵ Staff Ex. 5.

Substance Penalty Group 1<1G, a felony, in cause number F21-678-462 in the 462nd Judicial District Court of Denton County, Texas.⁶

7. Mr. Zaal is currently incarcerated in Texas Department of Criminal Justice, Montford Facility.⁷

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:

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.

⁶ Staff Ex. 6.

⁷ Staff Ex. 7.

⁸ 1 Tex. Admin. Code § 155.505(a).

Staff has the burden of proving Mr. Zaal's license should be revoked by a preponderance of the evidence.⁹

IV. ANALYSIS

The undisputed summary disposition evidence conclusively shows that Mr. Zaal has been imprisoned following a felony conviction. Texas Occupations Code section 53.021(b) requires the licensing agency to revoke a license under those circumstances. Therefore, the Department is required by law to revoke Mr. Zaal's license. There remains no genuine issue of material fact in this matter, and the Department is entitled to a decision in its favor as a matter of law. Accordingly, Staff's Motion for Summary Disposition is **GRANTED**. Because no evidentiary hearing is needed, the hearing in this matter will not be rescheduled.

V. FINDINGS OF FACT

1. Chase Anthony Zaal, individual identification number 1428146, holds a life agent license issued by the Texas Department of Insurance (Department) on May 9, 2015, and a general lines agent license with a property and casualty qualification issued on June 8, 2017.
2. On or about August 26, 2022, Mr. Zaal was convicted of Possession of a Controlled Substance Penalty Group 1<1G, a felony, in the 235th Judicial District Court of Cooke County, Texas in case number CR20-00142. Mr. Zaal was sentenced to 10 years confinement, probated for five years. On or about

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

October 25, 2022, Mr. Zaal's probation was revoked, and he was sentenced to 10 years confinement.

3. On or about August 26, 2022, Mr. Zaal was convicted of Possession of a Controlled Substance Penalty Group 1<1G, a felony, in the 235th Judicial District Court of Cooke County, Texas in case number CR20-00143. Mr. Zaal was sentenced to 10 years confinement, probated for five years. On or about October 25, 2022, Mr. Zaal's probation was revoked, and he was sentenced to 10 years confinement.
4. On or about July 27, 2021, Mr. Zaal was convicted of Evading Arrest or Detention, a misdemeanor, in the 401st District Court of Collin County, Texas in cause number 401-81956-2021. Mr. Zaal was sentenced to five days confinement.
5. On or about July 30, 2021, Mr. Zaal was convicted of Driving While Intoxicated, a misdemeanor, in cause number 401-81957-2021 in the 401st District Court of Collin County, Texas. Mr. Zaal was sentenced to 180 days confinement, probated for a term of two years. Mr. Zaal was also ordered to attend a DWI repeat course, attend a Victim Impact Panel, complete a Substance Abuse Evaluation, submit to random urinalysis testing, attend one Alcoholics Anonymous meeting per week, and use an Ignition Interlock Device. On February 15, 2022, the State filed a Motion to Revoke Mr. Zaal's probation. On or about September 1, 2022, Mr. Zaal's probation was revoked, and he was sentenced to four days confinement.
6. On or about August 17, 2021, Mr. Zaal was sentenced to two years deferred adjudication probation for Possession of a Controlled Substance Penalty Group 1<1G, a felony, in cause number F21-678-462 in the 462nd Judicial District Court of Denton County, Texas.
7. Mr. Zaal is currently incarcerated in Texas Department of Criminal Justice, Montford Facility.
8. On July 29, 2022, Staff for the Department (Staff) filed a notice of hearing at the State Office of Administrative Hearings (SOAH) to revoke Mr. Zaal's licenses. The notice 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.

9. On April 13, 2023, Staff filed a motion for summary disposition (Motion). The Motion was filed more than 30 days before the scheduled hearing date and contained the information required by 1 Texas Administrative Code section 155.505.
10. The Motion was served on Mr. Zaal via his counsel of record.
11. Mr. Zaal did not respond to the Motion.

VI. CONCLUSIONS OF LAW

1. The Commissioner of Insurance has jurisdiction over this matter pursuant to Texas Insurance Code section 82.051, 4001.002, 4005.101-102, and 4054.051.
2. The State Office of Administrative Hearings 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 for summary disposition was timely, complete, and properly served on Mr. Zaal 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 Mr. Zaal's license pursuant to Texas Occupations Code section 53.021(b) because he is incarcerated following the revocation of his probation for multiple felonies.

SIGNED June 21, 2023.

ALJ Signature:

A handwritten signature in blue ink, appearing to read "Megan Johnson", is written over a horizontal line.

Megan Johnson

Presiding Administrative Law Judge

2023-8115

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Status as of 6/21/2023 2:35 PM CST

Associated Case Party: TDI

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Stephanie Andrews		Stephanie.Andrews@tdi.texas.gov	6/21/2023 2:32:53 PM	SENT
Leah Gillum		Leah.Gillum@tdi.texas.gov	6/21/2023 2:32:53 PM	SENT
Ginger Loeffler		Ginger.Loeffler@tdi.texas.gov	6/21/2023 2:32:53 PM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	6/21/2023 2:32:53 PM	SENT
Catarina Tapia		Catarina.Tapia@tdi.texas.gov	6/21/2023 2:32:53 PM	SENT

Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	6/21/2023 2:32:53 PM	SENT

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Name	BarNumber	Email	TimestampSubmitted	Status
Kristi MorganAronica		[REDACTED]	6/21/2023 2:32:53 PM	SENT
Mark Weitz		[REDACTED]	6/21/2023 2:32:53 PM	SENT