

No. 4054

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

Date: JUL 20 2015

Subject Considered:

Texas Department of Insurance

v.

Jovani L. Chappel

SOAH Docket No. 454-15-2130.C

TDI Enforcement Case No. 7860

General remarks and official action taken:

The commissioner of insurance considers Jovani L. Chappel's general lines life, accident, and health insurance license. TDI staff filed a motion for summary disposition with the State Office of Administrative Hearings arguing that the license should be revoked due to Chappel's conviction of a felony and his incarceration following the conviction. The administrative law judge submitted a proposal for decision with findings of fact and conclusions of law, recommending that the motion be granted and the license revoked. The commissioner accepts the proposed findings of fact, conclusions of law, and recommendation of the ALJ, with non-substantive formatting and style changes.

FINDINGS OF FACT

1. Jovani L. Chappel holds a general lines life, accident, and health license first issued by the Texas Department of Insurance August 7, 2013. The license is set to expire August 7, 2015.
2. On April 22, 2014, Chappel was convicted in the Court of Common Pleas of Allegheny County, Pennsylvania, of three counts of robbery by threat of serious injury.
3. Chappel was sentenced to 11 months and 29 days of incarceration in the Allegheny County Jail, to be followed by 3 years probation.
4. Chappel was incarcerated from April 22, 2014, until January 15, 2015.

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5. TDI staff advised Chappel that it was seeking revocation of his license because he was convicted of a felony, for which he was incarcerated.
6. Staff sent Chappel a notice of hearing January 28, 2015. The notice informed him that a hearing would be held at SOAH at 9:00 a.m. March 9, 2015. The notice also informed him of the matters to be considered; the legal authority under which the hearing would be held; and the statutory provisions applicable to the matters to be considered.
7. On February 18, 2015, staff filed a motion for summary disposition. Chappel did not file a response to the motion. No hearing was held on staff's motion for summary disposition.
8. On March 4, 2015, staff filed a motion for continuance of the hearing to allow the administrative law judge an opportunity to rule on the motion for summary disposition, which was granted on March 18, 2015. The hearing was not rescheduled.

CONCLUSIONS OF LAW

1. The department has jurisdiction to decide this matter. Tex. Ins. Code §§ 82.051, 82.052, 4005.101, 4005.102; Tex. Gov't Code §§ 2001.051-2001.178; Tex. Occ. Code §§ 53.021-53.023.
2. SOAH has jurisdiction over matters relating to the conduct of the hearing and issuance of a recommendation in the form of a proposal for decision. Tex. Gov't Code ch. 2003.
3. Adequate and timely notice was provided to Chappel. Tex. Gov't Code §§ 2001.051 and 2001.052.
4. Because Chappel was incarcerated for a felony, the department is obligated to revoke his license, as required by Tex. Occ. Code § 53.021(b).
5. The pleadings and summary disposition evidence show there is no genuine issue as to any material fact and that staff is entitled to a decision in its favor as a matter of law. 1 Tex. Admin. Code § 155.505.
6. Chappel's license should be revoked.

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The commissioner of insurance revokes Jovani L. Chappel's general lines life, accident, and health insurance license.



David C. Mattax
Commissioner of Insurance