

No. 4544

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

Date: JUN 29 2016

**Subject Considered:**

Texas Department of Insurance

v.

Robert Allen Blackburn

SOAH Docket No. 454-16-3922.C

**General remarks and official action taken:**

The commissioner of insurance considers the general lines life, accident, and health insurance license held by Robert Allen Blackburn. Following consideration of a motion for summary disposition filed by Texas Department of Insurance staff with the State Office of Administrative Hearings on April 29, 2016, the administrative law judge submitted a proposal for decision containing findings of fact and conclusions of law, recommending that Robert Allen Blackburn's license be 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. Robert Allen Blackburn (Respondent) holds a general lines, life, accident, and health license issued by the Texas Department of Insurance (Department).
2. On October 23, 2015, Respondent was convicted in the United States District Court of the Northern District of Texas for felony conspiracy to commit mail fraud.
3. Respondent was sentenced to 60 months' imprisonment, to be followed by 3-years' probation.
4. Respondent is currently incarcerated.
5. The Staff (Staff) of the Department advised Respondent that it was seeking revocation of his license because he was convicted of a felony, for which he was incarcerated.

6. Staff sent Respondent a notice of hearing on April 29, 2016. The notice informed him that a hearing would be held at the State Office of Administrative Hearings (SOAH) at 9:00 a.m. on July 27, 2016. 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 April 29, 2016, Staff filed a motion for summary disposition. Respondent did not file a response to the motion. No hearing was held on Staff's motion for summary disposition.

## 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 Respondent. Tex. Gov't Code §§ 2001.051, 2001.052.
4. Because Respondent is incarcerated for a felony, the Department is obligated to revoke his license, as required by Texas Occupations Code § 53.021(b).
5. The pleadings and summary disposition evidence show that 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. Respondent's general lines, life, accident, and health license should be revoked.

The commissioner of insurance orders that Robert Allen Blackburn's general lines, life, accident, and health license be revoked.

  
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David C. Mattax  
Commissioner of Insurance