

No. **2020-6529**

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

Date: 10/28/2020

Subject Considered:

Texas Department of Insurance

v.

Victoria Yett

SOAH Docket No. 454-20-4048.C

General remarks and official action taken:

The subject of this order is the adjuster all lines license held by Victoria Yett.

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. Yett did not respond to the motion.

An administrative law judge for the State Office of Administrative Hearings considered the motion for summary disposition. After consideration of the motion, the administrative law judge granted 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. Yett'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 TDI 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 TDI and incorporated by reference into this order.

Order

It is ordered that Victoria Yett's adjuster all lines license is revoked.

Commissioner of Insurance

DocuSigned by:
By *Doug Slape* _____
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Doug Slape
Chief Deputy Commissioner
Tex. Gov't Code § 601.002
Commissioner's Order No. 2018-5528

Recommended and reviewed by:

DocuSigned by:
James Person _____
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James Person, General Counsel

DocuSigned by:
Justin Beam _____
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Justin Beam, Assistant General Counsel

SOAH DOCKET NO. 454-20-4048.C

TEXAS DEPARTMENT OF
INSURANCE,
Petitioner

v.

VICTORIA YETT,
Respondent

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**PROPOSAL FOR DECISION
ON SUMMARY DISPOSITION**

On June 24, 2020, the staff (Staff) of the Texas Department of Insurance (Department) filed a notice of hearing to revoke the adjuster all lines agent license No. 1982001 held by Respondent, Victoria Yett. On the same date, which was more than 30 days before the scheduled hearing date, Staff filed a motion for summary disposition (motion), contending that Ms. Yett’s license has been revoked by operation of law pursuant to Texas Occupations Code § 53.021(b). Ms. Yett did not respond to the motion.

After considering the pleadings, summary disposition evidence, and arguments presented, the Administrative Law Judge (ALJ) granted the motion and canceled the hearing. In this Proposal for Decision, the ALJ finds the evidence shows that the Department is required by operation of law to revoke Ms. Yett’s license.

I. JURISDICTION, PROCEDURAL HISTORY, AND UNDISPUTED FACTS

No party challenged the jurisdiction of the Department or the State Office of Administrative Hearings (SOAH). Therefore, those matters are set out in the proposed findings of fact and conclusions of law without further discussion. Staff’s motion was filed on June 24, 2020, and served on Ms. Yett at her residential address of record with the Department and at her current address in prison at the Texas Department of Criminal Justice, Plane Unit in Dayton, Texas. The motion

complied with SOAH's rule regarding motions for summary disposition.¹ On August 17, 2020, the ALJ granted the motion.

II. DISCUSSION

A. Applicable Law

Under SOAH's rule, summary disposition shall be granted on all or part of a contested case 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 matter of law on all or some of the issue expressly set out in the motion.²

Texas Occupations Code § 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.

B. Analysis

The summary disposition evidence, regarding which there is no dispute, shows that Ms. Yett has been imprisoned following a felony conviction. Texas Occupations Code § 53.021(b) requires the licensing agency to revoke a license under those circumstances. Therefore, the Department is required by law to revoke Ms. Yett's license, and the ALJ concludes it should do so.

¹ 1 Tex. Admin. Code (TAC) § 155.505.

² 1 TAC § 155.505(a).

III. FINDINGS OF FACT

1. Victoria Yett holds an adjuster all lines license number 1982001, issued by the Texas Department of Insurance (Department) on November 16, 2018.
2. On or about January 24, 2020, Ms. Yett pled guilty to Unlawful Possession of a Firearm by a Felon, a third degree Felony offense, in Cause Number D-1-DC-19-205330 in the 299th District Court of Travis County, Texas. Ms. Yett was sentenced to serve three years confinement in the Texas Department of Criminal Justice (TDCJ) for this offense.
3. On or about January 24, 2020, Ms. Yett pled guilty to Aggravated Assault with a Deadly Weapon, , a second degree Felony offense, in Cause Number D-1-DC-19-205331 in the 299th District Court of Travis County, Texas. Ms. Yett was sentenced to serve three years confinement in the TDCJ for this offense
4. Ms. Yett is currently incarcerated following her felony convictions.
5. On June 24, 2020, the Department's staff (Staff) filed a notice of hearing to revoke Ms. Yett's license.
6. 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 filed with the state agency.
7. Also on June 24, 2020, Staff filed a motion for summary disposition (motion).
8. The motion was filed more than 30 days before the scheduled hearing date and contained the information required by 1 Texas Administrative Code § 155.505.
9. Staff's motion was served on Ms. Yett at both her residential address of record with the Department and at her current address in prison at the TDCJ's Plane Unit in Dayton, Texas.
10. Ms. Yett did not respond to the motion.
11. After considering the pleadings, summary disposition evidence, and arguments presented, the Administrative Law Judge granted the motion for summary disposition and canceled the hearing in Order No. 1, issued August 17, 2020.

IV. CONCLUSIONS OF LAW

1. The Commissioner of Insurance has jurisdiction over this matter pursuant to Texas Insurance Code §§ 82.051, 4001.002, and 4005.101-.102; and Texas Government Code §§ 2001.051-.178.
2. The State Office of Administrative Hearings has jurisdiction to hear this matter and issue a proposal for decision pursuant to Texas Government Code ch. 2003.
3. Staff's motion for summary disposition was timely, complete, and properly served on Ms. Yett pursuant to 1 Texas Administrative Code (TAC) § 155.505.
4. Because there is no genuine issue of material fact, summary disposition is appropriate in this matter under 1 TAC § 155.505.
5. The Department is required to revoke Ms. Yett's license pursuant to Texas Occupations Code § 53.021(b).

SIGNED September 17, 2020.



**STEVEN M. RIVAS
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS**