

No. **2021-6806**

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

Date: 04/27/2021

Subject Considered:

Texas Department of Insurance

v.

Justin Demonbreun

SOAH Docket No. 454-20-4230.C

Order on Motion for Rehearing

General remarks and official action taken:

The subject of this order is the request by Justin Demonbreun for a rehearing of the contested case which resulted in the revocation of his general lines agent license. Mr. Demonbreun's request is denied.

Background

On March 10, 2021, Commissioner's Order No. 2021-6715 was issued. The order adopted findings of fact and conclusions of law and ordered that Mr. Demonbreun's general lines agent license be revoked. The order was issued following a hearing on the merits of the proposed revocation of his license and the issuance of a proposal for decision by an administrative law judge of the State Office of Administrative Hearings. On April 5, 2021, Mr. Demonbreun filed a motion for rehearing of the case.

Discussion

First, we address whether Mr. Demonbreun's motion was timely. In its response to Mr. Demonbreun's motion, staff for the Texas Department of Insurance (TDI) note that a motion for rehearing in a contested case generally must be filed by a party not later than the 25th day after the date the order is signed. TEX. GOV'T. CODE § 2001.146(a). TDI staff contend that Mr. Demonbreun's motion for rehearing was untimely because the

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25th day after the order was signed was April 4, 2021. However, April 4th was a Sunday. And as such, the 25-day period was extended to April 5th. *See id.* § 311.014(b) ("If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday, or legal holiday."). Therefore, Mr. Demonbreun's motion for rehearing was timely.

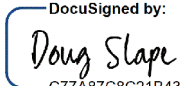
"A motion for rehearing must identify with particularity findings of fact or conclusions of law that are the subject of the complaint and any evidentiary or legal ruling claimed to be erroneous. The motion must also state the legal and factual basis for the claimed error." *Id.* § 2001.146(g). In his motion for rehearing, Mr. Demonbreun argues that a rehearing is warranted because: (1) TDI failed to meet its burden in proving the basis for the license revocation; (2) TDI failed to properly consider applicable factors¹ in determining whether to revoke his license; and (3) the crime on which TDI based license revocation did not involve fraud, deceit, or dishonesty.

Upon further review, however, the issues raised by Mr. Demonbreun were sufficiently addressed by the administrative law judge in the proposal for decision. Mr. Demonbreun has not demonstrated any error that warrants a rehearing in this case.

Order

It is ordered that Justin Demonbreun's motion for a rehearing is denied.

Commissioner of Insurance

DocuSigned by:

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

¹ See TEX. OCC. CODE §§ 53.022-.023; 28 Tex. Admin. Code § 1.502(h).

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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