

No. 2025-9257

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

Date: 04/16/2025

Subject Considered:

Evans Claims Service, Inc.
1 Financial Plaza Suite 100
Huntsville, Texas 77340-3552

TDI Enforcement File No. 35983

Order on Request for Rehearing

General Remarks and Official Action Taken:

The subject of this order is the request from Evans Claims Service, Inc. (Evans Claims) to allow a rehearing for the matter addressed by Commissioner's Order No. 2025-9188. This order denies Evans Claims' request.

Background

On March 7, 2025, Commissioner's Order No. 2025-9188 was issued, revoking Evans Claims' third-party administrator certificate of authority. The order was issued following the failure of Evans Claims to respond to the notice of allegations sent by Texas Department of Insurance (TDI) Enforcement staff to Evans Claims under Tex. Admin. Code § 1.47.

Jason Evans, president of Evans Claims, sent a request for a rehearing to TDI by email on March 10, 2025. TDI Enforcement staff submitted a reply opposing Evans Claims' request on March 25, 2025.

Discussion

Under 28 Tex. Admin. Code § 1.47(d)(2), a motion to set aside a default order and reopen the record will be granted if the requesting party establishes that the failure to file a written response to a notice of allegations was neither intentional nor the result of conscious indifference, and that such failure was due to a mistake or accident.

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Under Government Code § 2001.146, a motion for rehearing must be filed no later than the 25th day after the date the order is signed unless an extension is granted. The motion 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.

Mr. Evans said that he did not receive the mailed notice of allegations from TDI Enforcement staff because over 11 years ago Evans Claims moved from the address where the notice was sent. TDI Enforcement staff had also sent the notice via email, but Mr. Evans said he did not see the email because it went into a spam folder, and he did not look for it until receiving an email with Order No. 2025-9188 sent by the TDI Chief Clerk's Office.

TDI Enforcement staff objected to the request from Evans Claims on the basis that Mr. Evans acknowledged receipt of the emailed notice of allegations, and that his failure to not check his spam folder was not a mistake or accident. Further, the fact that Evans Claims had not contacted TDI in over a decade to update its physical address demonstrated a conscious indifference. TDI Enforcement staff also pointed out that Evans Claims did not allege any error or challenge the facts found in Order No. 2025-9188.

After considering the request submitted by Evans Claims and the reply from TDI Enforcement staff, it has been determined that Evans Claims' request should be denied. Evans Claims' failure to respond to the notice of allegations was the result of its failure to update its mailing address with TDI for over 11 years, rather than due to accident or mistake. Also, Evans Claims has not identified any findings of fact or conclusions of law or any evidentiary or legal ruling claimed to be erroneous that would warrant a rehearing.

Order

It is ordered that the request from Evans Claims Service, Inc. to allow a rehearing is denied and Commissioner's Order No. 2025-9188 is final.

Signed by:

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Cassie Brown
Commissioner of Insurance

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Recommended and reviewed by:

Signed by:

Jessica Barta

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Jessica Barta, General Counsel

Signed by:

Justin Beam

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Justin Beam, Chief Clerk