

No. **2025-9454**

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

Date: 08/07/2025

Subject Considered:

Texas Department of Insurance
v.
Andrew Kirkman

SOAH Docket No. 454-24-19313.C

Order on Request for a Rehearing

General Remarks and Official Action Taken:

The subject of this order is Andrew Kirkman's request for a rehearing for State Office of Administrative Hearings (SOAH) Docket No. 454-24-19313.C and Commissioner's Order No. 2025-9081. This order denies Mr. Kirkman's request for a rehearing and affirms that Commissioner's Order No. 2025-9081 is final.

Background

On January 16, 2025, Commissioner's Order No. 2025-9081 was issued, denying Mr. Kirkman's application for an adjuster all lines license. The order was issued following a SOAH hearing on the matter and the commissioner's consideration of a proposal for decision issued by a SOAH administrative law judge.

After Commissioner's Order No. 2025-9081 was issued, Mr. Kirkman sent a letter to the Texas Department of Insurance (TDI) stating that he wanted to appeal the decision. The letter was received by TDI Agent and Adjuster Licensing on February 26, 2025, which was 41 days after Commissioner's Order No. 2025-9081 was issued. Mr. Kirkman's letter was not dated. On June 25, 2025, Mr. Kirkman sent an email to the TDI Chief Clerk's Office asserting that he mailed his letter on January 20, 2025, but he provided no

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tracking information or explanation for why the letter was not received until February 26, 2025.

Discussion

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. 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. If an agency does not act on the motion by the 55th day after the order that is the subject of the motion was signed, the motion is overruled by operation of law.

Because Commissioner's Order No. 2025-9081 was issued on January 16, 2025, any motion for rehearing or motion to set aside the default order and reopen the record was due by February 10, 2025. However, Mr. Kirkman's letter was received on February 26, 2025, which was 16 days after the deadline to file a motion for rehearing under Government Code § 2001.146.

In addition, Mr. Kirkman's letter does not satisfy the requirements for a motion for rehearing under Government Code § 2001.146. The letter does not identify any findings of fact or conclusions of law that are the subject of a complaint or any evidentiary or legal ruling claimed to be erroneous.

Finally, because no agency action was taken on a motion for rehearing before the 55th day after Commissioner's Order No. 2025-9081 was issued, any timely request for a rehearing would have been overruled by operation of law on March 13, 2025.

Therefore, Mr. Kirkman's request for a rehearing must be denied and Commissioner's Order No. 2025-9081 is final.

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Order

It is ordered that Mr. Kirkman's request for a rehearing is denied and Commissioner's Order No. 2025-9081 is final.

Signed by:

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Cassie Brown
Commissioner of Insurance

Recommended and reviewed by:

Signed by:

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Jessica Barta, General Counsel

Signed by:

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Justin Beam, Chief Clerk