

No. 2025-9530

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

Date: 10/01/2025

Subject Considered:

Texas Department of Insurance

v.

Debra Diana Washington

SOAH Docket No. 454-24-23242.C

Order Denying Motion for Rehearing

General Remarks and Official Action Taken:

The subject of this order is the motion for rehearing filed by Debra Diana Washington. This order denies Ms. Washington's motion.

Background

On July 11, 2025, Commissioner's Order No. 2025-9410 was issued. The order revoked Ms. Washington's adjuster license and required her to pay restitution in the amount of \$22,901.52 to Homesite Insurance Company. The order was issued following a State Office of Administrative Hearings (SOAH) hearing on the matter and the commissioner's consideration of a proposal for decision issued by a SOAH administrative law judge.

On August 7, 2025, Ms. Washington submitted a motion requesting an extension of time to file a motion for rehearing. Due to a clerical error, the letter containing Order No. 2025-9410 was mailed to a nonexistent address in Pennsylvania. Ms. Washington received a copy of Order No. 2025-9410 by email, but she said the lack of a hardcopy via mail and the incorrect address on the cover letter for the order, which was included in the email with the order, confused her and prevented her from filing a timely motion for rehearing.

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The motion requesting an extension of time to file a motion for rehearing was granted by Commissioner's Order No. 2025-9466. This order was issued on August 11, 2025, and it gave Ms. Washington an additional 25 days from the issuance of the order to file a motion for rehearing. The 25th day after August 11, 2025, was September 5, 2025.

Ms. Washington filed a motion for rehearing with SOAH after 5 p.m. on September 8, 2025, and the motion was accepted by SOAH and forwarded to the Texas Department of Insurance (TDI) on September 9, 2025. In her motion, she asserts that Order No. 2025-9410 conflicts with 40 Tex. Admin. Code § 819.193, and that under the rule TDI has a duty to consider hearsay evidence, including an affidavit that Ms. Washington obtained from a witness and attempted to submit after the close of the hearing record.

Discussion

Under Government Code § 2001.146, a motion for rehearing must be filed no later than the 25th day after the date the order that is the subject of the motion is signed, unless an extension is granted. 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. Under Government Code § 2001.144(a)(1), a decision or order in a contested case is final on the expiration of the period for filing a motion for rehearing.

In this case, Ms. Washington was granted an extension—she was given until September 5, 2025, to file a motion for rehearing. She failed to meet that deadline. Because Ms. Washington failed to file her motion for rehearing on time, Order No. 2025-9410 is final. Therefore, Ms. Washington's motion for rehearing must be denied.

In addition, even if Ms. Washington's motion had been filed on time, her motion does not satisfy the requirements for a motion for rehearing under Government Code § 2001.146; it does not identify any findings of fact or conclusions of law that are the subject of a complaint.

Further, before the issuance of the proposal for decision, Ms. Washington filed a motion asking the administrative law judge to reopen the record to admit and consider the affidavit Ms. Washington addressed in her motion for rehearing. The administrative law judge addressed this in the proposal for decision, citing case law showing that the

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affidavit was inadmissible hearsay. Ms. Washington did not file exceptions to the proposal for decision disputing this.

Finally, Ms. Washington's argument that Order No. 2025-9410 conflicts with 40 Tex. Admin. Code § 819.193, and that, under the rule, TDI has a duty to consider hearsay evidence, is wrong. The rule at 40 Tex. Admin. Code § 819.193 concerns Texas Workforce Commission housing discrimination hearings, and it has no relevance to disciplinary hearings conducted by TDI under the Insurance Code.

Order

It is ordered that the motion for rehearing filed by Debra Diana Washington is denied.

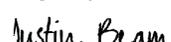
Signed by:

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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