

No. 2020-6528

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

Date: 10/28/2020

Subject Considered:

Texas Department of Insurance

v.

Gregg L. Hammock

SOAH Docket No. 454-20-4047.C

General remarks and official action taken:

The subject of this order is the adjuster all lines license held by Gregg L. Hammock.

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. Mr. Hammock 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 Mr. Hammock's license. A copy of the proposal for decision is attached as Exhibit A.

TDI adopts the administrative law judge's proposed findings of fact and conclusions of law with a change to Conclusion of Law No. 3 made by the administrative law judge, as described in this order.

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Change to Conclusion of Law No. 3

The legal authority for the change to the proposal for decision made in this order is TEX. GOV'T CODE § 2001.058(e)(3), which provides that a state agency may change a finding of fact or conclusion of law made by the administrative law judge if the agency determines that a technical error should be changed.

In Conclusion of Law No. 3, the proposal for decision references "Mr. Lennington" when addressing service of TDI's motion for summary disposition. This reference to Mr. Lennington appears to be a technical error, because no one with the name "Lennington" is associated with this matter. The certificate of service for the Motion for Summary Disposition, which is a part of TDI's record for this matter, states that Mr. Hammock was served at addresses in Silsbee, Texas and Lake Charles, Louisiana via certified mail. The technical error in Conclusion of Law No. 3 is corrected by this order.

As submitted in the proposal for decision, proposed Conclusion of Law No. 3 states:

Staff's motion for summary disposition was timely, complete, and properly served on Mr. Lennington pursuant to 1 Texas Administrative Code (TAC) § 155.505.

In this order, proposed Conclusion of Law No. 3 is changed to state:

Staff's motion for summary disposition was timely, complete, and properly served on Mr. Hammock pursuant to 1 Texas Administrative Code (TAC) § 155.505.

Findings of Fact

The findings of fact contained in Exhibit A are adopted by TDI and incorporated by reference into this order.

Conclusions of Law

1. Conclusions of Law Nos. 1, 2, 4, and 5 as contained in Exhibit A are adopted by TDI and incorporated by reference into this order.

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2. In place of Conclusion of Law No. 3 as proposed in Exhibit A, TDI adopts the following conclusion of law:

Staff's motion for summary disposition was timely, complete, and properly served on Mr. Hammock pursuant to 1 Texas Administrative Code (TAC) § 155.505.

Order

It is ordered that Gregg L. Hammock'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
75578E954EFC48A...
James Person, General Counsel

DocuSigned by:
Justin Beam
27ADF3DA5BAF4B7...
Justin Beam, Assistant General Counsel

SOAH DOCKET NO. 454-20-4047.C

**TEXAS DEPARTMENT OF
INSURANCE**
 Petitioner

v.

GREGG L. HAMMOCK
 Petitioner

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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. held by Respondent, Gregg L. Hammock. 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 Mr. Hammock’s license has been revoked by operation of law pursuant to Texas Occupations Code § 53.021(b). Mr. Hammock 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 Mr. Hammock’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 Mr. Hammock at his residential address of record with the Department and at his current address in prison at the Calcasieu Parish Correctional Center in Lake Charles, Louisiana. 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 Mr. Hammock 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 Mr. Hammock'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. Gregg L. Hammock holds an adjuster all lines license number 1855100 issued by the Texas Department of Insurance (Department) on February 21, 2018.
2. On or about February 3, 2020, Mr. Hammock pled guilty to the felony offense of Cruelty to the Infirm in Case Number 7073-50-2018 in the 14th Judicial District Court of Calcasieu Parish, Lake Charles, Louisiana.
3. Mr. Hammock was sentenced to serve ten years confinement in the Louisiana Department of Corrections.
4. Mr. Hammock is currently incarcerated following his felony conviction.
5. On June 24, 2020, the Department's staff (Staff) filed a notice of hearing to revoke Mr. Hammock'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 Mr. Hammock at both his residential address of record with the Department and at his current address in prison at the Calcasieu Parish Correctional Center in Lake Charles, Louisiana.
10. Mr. Hammock 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 Mr. Lennington 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 Mr. Hammock's license pursuant to Texas Occupations Code § 53.021(b).

SIGNED September 25, 2020.



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