

COURT OF APPEALS OF TEXAS, EASTLAND

Texas Department of Public Safety v. William Paul Jenkins, Jr.

262 S.W.3d 811 (Tex. App.—Eastland 2008) · No. No. 11-06-00351-CV · Decided July 31, 2008

SUMMARY

The Texas Department of Public Safety appealed the reversal of an administrative order suspending William Paul Jenkins Jr.'s driver's license. The court held that the district court lacked subject-matter jurisdiction because the appeal was not first filed in the county court as required by Texas Transportation Code section 524.041(b). The court vacated the district court's order and dismissed the cause.

CASE DETAILS

|                       |                                                                                                                                                                                      |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals of Texas, Eastland                                                                                                                                                  |
| WRITING FOR THE COURT | Jim R. Wright, Chief Justice; Wright, C.J.; McCall, J.; Strange, J.                                                                                                                  |
| JURISDICTION          | Texas                                                                                                                                                                                |
| DECIDED               | July 31, 2008                                                                                                                                                                        |
| DOCKET                | No. 11-06-00351-CV                                                                                                                                                                   |
| DISPOSITION           | vacated                                                                                                                                                                              |
| PROCEDURAL POSTURE    | The Texas Department of Public Safety appealed from a district court order reversing a State Office of Administrative Hearings order suspending Jenkins's driver's license.          |
| STANDARD OF REVIEW    | Statutory construction is a question of law. The court reviewed the jurisdictional issue de novo and treated subject-matter jurisdiction as nonwaivable and reviewable at any point. |
| PRECEDENTIAL VALUE    | published precedential opinion                                                                                                                                                       |
| PARTIES               | Texas Department of Public Safety v. William Paul Jenkins, Jr.                                                                                                                       |

TOPICS

- agency adjudication
- judicial review of agency action
- subject matter jurisdiction
- appellate procedure
- statutory interpretation

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the Jones County district court had subject-matter jurisdiction to hear Jenkins's appeal from the administrative law judge's final driver's-license suspension order.
2. Whether the court needed to address the Department's remaining appellate issue after determining that the district court lacked subject-matter jurisdiction.

## HOLDINGS

1. Texas Transportation Code section 524.041(b) confers exclusive jurisdiction over an appeal from an administrative law judge's final decision on the county court at law in the county where the person was arrested, or, if no county court at law exists, on the county court; a district court may hear the appeal only after a proper transfer under the statute.
2. The court did not need to reach the Department's remaining issue because the lack of subject-matter jurisdiction required vacatur of the district court's order and dismissal of the cause.

## KEY QUOTATIONS

*"Therefore, the district court lacked jurisdiction to consider Jenkins's appeal from the administrative law judge's order suspending his driver's license." (813)*

*"Because the district court lacked jurisdiction to hear the appeal, we vacate the order of the district court reversing the suspension of Jenkins's driver's license and dismiss the cause." (813)*

## FACTUAL BACKGROUND

The State Office of Administrative Hearings issued an order suspending William Paul Jenkins, Jr.'s driver's license for two years under Texas Transportation Code section 724.035. Jenkins appealed the administrative decision to the district court of Jones County. The record did not show that the appeal had first been filed in the county court and then transferred to the district court as permitted by Texas Transportation Code section 524.041(b).

## PROCEDURAL HISTORY

The State Office of Administrative Hearings suspended Jenkins's driver's license for two years under Texas Transportation Code section 724.035. Jenkins appealed the administrative order to the Jones County district court, which reversed the suspension. The Department appealed, and the Court of Appeals held that the district court lacked subject-matter jurisdiction because the appeal was not filed in the county court or properly transferred under Texas Transportation Code section 524.041(b).

## DISPOSITION

vacated

## REMAND INSTRUCTIONS

No remand was ordered; the district court's order was vacated and the cause was dismissed.

## CASES CITED

- Duncan v. Tex. Dep't of Pub. Safety, 6 S.W.3d 756, 758 (Tex. App.—Tyler 1999, no pet.)
- Tex. Dep't of Pub. Safety v. Dierschke, 952 S.W.2d 634, 636-37 (Tex. App.—Austin 1997, no pet.)
- Wichita County, Tex. v. Hart, 917 S.W.2d 779, 782 (Tex. 1996)
- Tex. Dep't of Pub. Safety v. Scanio, 159 S.W.3d 712, 715 (Tex. App.—Corpus Christi 2004, pet. den'd)
- Stodder v. Evans, 860 S.W.2d 651, 652 (Tex. App.—Waco 1993, writ denied)

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