

No. 2017-4957

**OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF INSURANCE**

Date: FEB 23 2017

Subject Considered:

RICKY CISNEROS
4944 Bryant Irvin Road N No. 902
Fort Worth, Texas 76107

DEFAULT ORDER
SOAH DOCKET NO. 454-17-1829.C
TDI ENFORCEMENT FILE NO. 8069

General remarks and official action taken:

The commissioner of insurance considers the adjuster trainee license application for Ricky Cisneros.

FINDINGS OF FACT

The commissioner makes the following findings of fact:

1. On June 9, 2014, Ricky Cisneros submitted an application for an adjuster trainee license.
2. On September 10, 2014, the department proposed to deny Cisneros' application based on his criminal history. He appealed that decision and made a written request for a hearing.
3. On December 22, 2016, the department sent a notice of hearing to Cisneros' last known address provided in writing to the department, 4944 Bryant Irvin Road N, No. 902, Fort Worth, Texas 76107.
4. Cisneros failed to file a written response to the notice of hearing within 20 days of the date the notice of hearing was mailed.
5. On August 30, 2002, Cisneros was placed on deferred adjudication for the offense of Assault Bodily Injury – Family Member, a class A misdemeanor, in the County Criminal Court Number 5 of Tarrant County, Texas. He was ordered to serve 18 months community supervision and pay a \$100.00 fine and \$152.00 in court costs. On February 28, 2004, his community supervision was successfully discharged.
6. On June 24, 2009, the 213th District Court of Tarrant County, Texas placed Cisneros on deferred adjudication after he pleaded guilty to the offense of Fraudulent Possession of a Controlled Substance or Prescription, a 3rd degree felony. Cisneros stole a doctor's prescription pad and fraudulently used the information in an attempt to obtain

prescription drugs. He was ordered to serve three years community supervision and pay \$330.00 in court costs and a \$300.00 fine. On November 14, 2011, a judge signed an Order of Early Release from Deferred Adjudication.

7. On August 21, 2016, Cisneros notified the department that he no longer has a licensed adjuster sponsor, as required for an adjuster trainee license, and that he would not be able to find another one.

CONCLUSIONS OF LAW

The commissioner makes the following conclusions of law:

1. The commissioner of insurance has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, and 4101.003; TEX. GOV'T CODE §§ 2001.051- 2001.178; 28 TEX. ADMIN. CODE § 1.502; and TEX. OCC. CODE §§ 53.021-53.023.
2. TEX. GOV'T CODE § 2001.056; TEX. INS. CODE § 82.055; and 28 TEX. ADMIN. CODE §§ 1.47, 1.88, and 1.89 give the commissioner authority to dispose of this case informally.
3. Based on 28 TEX. ADMIN. CODE § 19.906, Cisneros' last known address is presumed to be 4944 Bryant Irvin Road N, No. 902, Fort Worth, Texas 76107.
4. TDI sent a notice of hearing to Cisneros' last known address, as required by 28 TEX. ADMIN. CODE §§ 1.28(c) and 1.88(c), 1 TEX. ADMIN. CODE § 155.401, and TEX. GOV'T CODE Ch. 2001.
5. The allegations in the notice of hearing, set out herein as findings of fact nos. 1-2 and 5-7, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.
6. Cisneros committed on offense that the department considers to be of such serious nature that it is of prime importance in determining fitness for licensure or authorization, as contemplated by TEX. ADMIN. CODE § 1.502(e).
7. Cisneros committed an offense for which fraud, dishonesty, or deceit is an essential element, as contemplated in 28 TEX. ADMIN. CODE § 1.502(e)(1) and TEX. OCC. CODE §§ 53.021-53.023.
8. Pursuant to TEX. OCC. CODE § 53.021(c)-(d), the commissioner may consider Cisneros to have been convicted of the offense of Fraudulent Possession of a Controlled Substance or Prescription because Cisneros completed the period of supervision less than five years before the date he applied for the license.
9. Considering the factors in TEX. OCC. CODE §§ 53.022 and 53.023(a), the commissioner determines that Cisneros may pose a continued threat to public safety or his employment in the licensed occupation would give Cisneros the opportunity to repeat the prohibited conduct, pursuant to TEX. OCC. CODE §§ 53.021(d)(2).
10. Cisneros does not meet the qualifications for licensure because he no longer has a licensed adjuster sponsor, as required by TEX. INS. CODE § 4101.003.

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COMMISSIONER'S ORDER

Ricky Cisneros

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The commissioner of insurance denies Ricky Cisneros' application for an adjuster trainee license.



David C. Mattax
Commissioner of Insurance

