

No. 2020-6545

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

**Date:** 11/05/2020

**Subject Considered:**

Texas Department of Insurance

v.

Michael David Ryerson

SOAH Docket No. 454-20-4049.C

**General remarks and official action taken:**

The subject of this order is the general lines agent license with a life, accident, and health qualification held by Michael David Ryerson.

**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. Ryerson 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. Ryerson's license. A copy of the proposal for decision is attached as Exhibit A.

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**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**

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

**Order**

It is ordered that Michael David Ryerson's general lines agent license with a life, accident, and health qualification is revoked.

Commissioner of Insurance

DocuSigned by:  
B. *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* \_\_\_\_\_  
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James Person, General Counsel

DocuSigned by:  
*Justin Beam* \_\_\_\_\_  
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Justin Beam, Assistant General Counsel

**SOAH DOCKET NO. 454-20-4049.C**

**TEXAS DEPARTMENT OF  
INSURANCE  
Petitioner**

v.

**MICHAEL DAVID RYERSON  
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, Michael David Ryerson. 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. Ryerson’s license has been revoked by operation of law pursuant to Texas Occupations Code § 53.021(b). Mr. Ryerson 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. Ryerson’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. Ryerson at his residential address of record with the Department and at his current address in prison at the Texas Department of Criminal Justice, Daniel Unit in Snyder, Texas. The motion

complied with SOAH's rule regarding motions for summary disposition.<sup>1</sup> 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.<sup>2</sup>

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. Ryerson 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. Ryerson's license, and the ALJ concludes it should do so.

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<sup>1</sup> 1 Tex. Admin. Code (TAC) § 155.505.

<sup>2</sup> 1 TAC § 155.505(a).

**III. FINDINGS OF FACT**

1. Michael David Ryerson, holds a general lines agent license number 1938027, with a life, accident, and health qualification, issued by the Texas Department of Insurance (Department) on July 31, 2018.
2. On or about March 7, 2019, Mr. Ryerson pled guilty to Indecency with a Child, Sexual Contact, a second degree felony, in Cause Number 79392 in the 27th District Court of Bell County, Texas. Mr. Ryerson was sentenced to five years confinement within the TDJC.
3. On or about March 7, 2019, Mr. Ryerson pled guilty to Indecency with a Child, Sexual Contact, a second degree felony, in Cause Number 79393 in the 27th District Court of Bell County, Texas. Mr. Ryerson was sentenced to five years confinement within the TDJC.
4. Mr. Ryerson is currently incarcerated following his felony convictions.
5. On June 24, 2020, the Department's staff (Staff) filed a notice of hearing to revoke Mr. Ryerson'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. Ryerson at both his residential address of record with the Department and at his current address in prison at the TDCJ's Daniel Unit in Snyder, Texas.
10. Mr. Ryerson 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. Ryerson 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. Ryerson's license pursuant to Texas Occupations Code § 53.021(b).

**SIGNED September 25, 2020.**



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