

No. 2025-9079

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

Date: 01/15/2025

Subject Considered:

Texas Department of Insurance

v.

Michael S. Wolfe Sr.

SOAH Docket No. 454-25-00907.C

General Remarks and Official Action Taken:

The subject of this order is Michael S. Wolfe Sr.'s general lines agent license with a life, accident, health, and HMO qualification. This order revokes Mr. Wolfe's license.

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. Wolfe did not respond to the motion.

An administrative law judge for the State Office of Administrative Hearings (SOAH) granted the motion for 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. Wolfe's license. A copy of the proposal for decision is attached as Exhibit A.¹

¹ SOAH issued an initial proposal for decision with Mr. Wolfe's name misspelled as "Wolf" in the case style. SOAH subsequently issued a corrected proposal for decision, and it is the corrected proposal for decision that is attached as Exhibit A.

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Findings of Fact

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

Conclusions of Law

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

Order

It is ordered that Mr. Wolfe's general lines agent license with a life, accident, health, and HMO qualification is revoked.

Signed by:

FC5D7EDDFFB84F8... _____
Cassie Brown
Commissioner of Insurance

Recommended and reviewed by:

Signed by:

5DAC5618BBC74D4... _____
Jessica Barta, General Counsel

Signed by:

27ADF3DA5BAF4B7... _____
Justin Beam, Chief Clerk

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**TEXAS DEPARTMENT OF INSURANCE,
PETITIONER
v.
MICHAEL S WOLFE SR.,
RESPONDENT**

PROPOSAL FOR DECISION ON SUMMARY DISPOSITION

The staff (Staff) of the Texas Department of Insurance (TDI) requests a finding that Respondent Michael S. Wolfe, Sr.'s general lines agent license was revoked by operation of law upon his imprisonment following a felony conviction. Staff filed a Motion for Summary Disposition (Motion) with attached summary disposition evidence in support of its request. Respondent did not file a response to the Motion. After considering the Motion and summary disposition evidence, the Administrative Law Judge (ALJ) finds that Respondent was imprisoned following a felony conviction and that TDI must revoke Respondent's license pursuant to Section 53.021(b) of the Texas Occupations Code. There is, therefore, no genuine

issue of material fact to be determined, and Staff is entitled to summary disposition as a matter of law. Staff's Motion is **GRANTED**, and the hearing set for **December 4, 2024**, is **CANCELED**. The record in this case closes upon the issuance of this Proposal for Decision.

I. NOTICE, JURISDICTION, AND PROCEDURAL HISTORY

On September 13, 2024, Staff filed its Original Petition against Respondent at the State Office of Administrative Hearings (SOAH), and timely filed its Motion on October 10, 2024.¹ Respondent was served with the Motion via certified mail at his mailing address of record with TDI and at his current mailing address at the Texas Department of Criminal Justice Diboll Unit in Diboll, Texas. Respondent did not file a response.²

II. SUMMARY DISPOSITION EVIDENCE

The summary disposition evidence establishes the following relevant facts:

- Respondent, individual identification number 1718773, holds a general lines agent license with a life, accident, health and HMO qualification originally issued by TDI on March 13, 2017.³
- On February 15, 2024, Respondent was convicted after pleading guilty to a first degree felony, Misapplication of Fiduciary Property Greater Than \$300,000, Texas Penal Code Section 32.45(c)(7), in Cause No. 22-07-18213 in the 506th District Court of Waller County, Texas.

¹ The Motion was filed more than thirty (30) days prior to the hearing scheduled for December 4, 2024. *See* 1 Tex. Admin. Code § 155.505(b)(1).

² The 15-day period for a response to Staff's Motion has expired. *See* 1 Tex. Admin. Code § 155.505(b)(2).

³ Staff Ex. 1.

Respondent was sentenced to six years' imprisonment in the Correctional Institutions Division of the Texas Department of Criminal Justice.⁴

- Respondent is currently incarcerated at Diboll Priv Unit in Diboll, Texas. His projected release date is November 20, 2026.⁵

III. APPLICABLE LAW

Summary disposition of a contested case may be granted, in full or in part, without the necessity of a hearing on the merits 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 a matter of law on all or some of the issues expressly set out in the motion.⁶

Texas Occupations Code Section 53.021(b) states that “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.” Staff has the burden of proving by a preponderance of the evidence that Respondent’s license should be revoked.”⁷

⁴ Staff Ex. 2.

⁵ Staff Ex. 4.

⁶ 1 Tex. Admin. Code § 155.505(a).

⁷ 1 Tex. Admin. Code § 155.427; *Granek v. Tex. State Bd. of Med. Exam’rs*, 172 S.W.3d 761, 777 (Tex. App.—Austin 2005, no pet.).

IV. ANALYSIS

The undisputed summary disposition evidence shows that Respondent was imprisoned following a felony conviction. Texas Occupations Code Section 53.021(b) requires that a licensing agency revoke a license under these circumstances. Therefore, as a matter of law, Respondent's license is subject to mandatory revocation by operation of law, and the ALJ does not have discretion to recommend otherwise. Consequently, the ALJ finds that Respondent's license is subject to mandatory revocation.

V. FINDINGS OF FACT

1. Michael S. Wolfe (Respondent), individual identification number 1718773, holds a general lines agent license with a life, accident, health and HMO qualification originally issued by the Texas Department of Insurance (TDI) on March 13, 2017.
2. On February 15, 2024, Respondent was convicted of a first degree felony, Misapplication of Fiduciary Property Greater Than \$300,000, Texas Penal Code Section 32.45(c)(7), in Cause No. 22-07-18213 in the 506th District Court of Waller County, Texas. Respondent was sentenced to six years' imprisonment in the Correctional Institutions Division of the Texas Department of Criminal Justice.
3. Respondent is currently incarcerated at Diboll Priv Unit in Diboll, Texas. His projected release date is November 20, 2026.
4. On September 13, 2024, staff (Staff) for TDI filed an Original Petition with the State Office of Administrative Hearings (SOAH) seeking to revoke Respondent's license and requesting a hearing on the merits.
5. On September 30, 2024, SOAH Administrative Law Judge (ALJ) Amy Wright issued SOAH Order No. 1 scheduling the hearing on the merits for December 4, 2024.

6. Staff filed and served Respondent with a notice of hearing on October 8, 2024.
7. 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.
8. Staff filed a Motion for Summary Disposition with supporting evidence (Motion) on October 10, 2024.
9. The Motion was served on Respondent at his mailing address of record with TDI and his address of incarceration.
10. Respondent did not respond to the Motion.

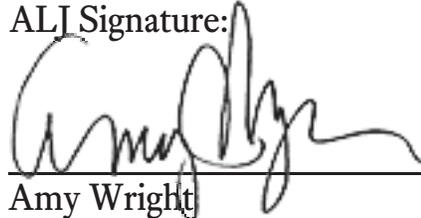
VI. CONCLUSIONS OF LAW

1. The Commissioner of Insurance has jurisdiction over this matter pursuant to Texas Insurance Code Sections 82.003, .051; 4001.002; 4005.101(b)(8), .102(2)(A).
2. SOAH has jurisdiction to hear this matter and issue a proposal for decision with findings of fact and conclusions of law. Tex. Gov't Code ch. 2003.
3. Staff's Motion was timely, complete, and properly served on Respondent pursuant to 1 Texas Administrative Code Section 155.505.
4. Summary disposition shall be granted 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 a matter of law on the issues expressly set out in the motion. 1 Tex. Admin. Code § 155.505(a).
5. Because there is no genuine issue of material fact, summary disposition is appropriate. 1 Tex. Admin. Code § 155.505.

6. TDI is required to revoke Respondent's license pursuant to Texas Occupations Code section 53.021(b) because he is incarcerated following a felony conviction.

Signed November 22, 2024.

ALJ Signature:

A handwritten signature in black ink, appearing to read 'Amy Wright', written over a horizontal line.

Amy Wright

Presiding Administrative Law Judge