

No. 2021-6762

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

**Date:** 04/01/2021

**Subject Considered:**

Tyrone T. Johnson  
[REDACTED]  
Texarkana, Texas 75503-4916

Default Order  
SOAH Docket No. 454-21-1142  
TDI Enforcement File No. 24567

**General remarks and official action taken:**

The subject of this default order is whether an Adjuster All Lines license should be issued to Tyrone T. Johnson (Respondent). Respondent did not respond to a Notice of Hearing filed by the Texas Department of Insurance. This order denies Respondent's license application.

The following findings of fact and conclusions of law are adopted:

**Findings of Fact**

Failure to Respond to Notice of Hearing

1. On January 25, 2021, the department filed a Notice of Hearing, attached as Exhibit A, and an Original Petition, attached as Exhibit B, with the State Office of Administrative Hearings.
2. The department's factual allegations set out in the attached Notice of Hearing and Original Petition are incorporated in this order as findings of fact.
3. The department sent the Notice of Hearing and Original Petition via certified mail to Respondent's last known address provided in writing to the department, [REDACTED]

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Commissioner's Order

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██████████, Texarkana, Texas 75503-4916. The Notice of Hearing and Original Petition were also sent by electronic mail.

4. On March 1, 2021, an additional copy of the Notice of Hearing and Original Petition was sent to the Respondent's last known address via regular, first-class mail and email.
5. Respondent failed to file a written response to the Notice of Hearing within 20 days of either the date the Notice of Hearing and Original Petition were certified mailed or regular mailed.

### Conclusions of Law

1. The commissioner has jurisdiction pursuant to Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, and 4101.051; TEX. OCC. CODE §§ 53.021-53.023; 28 TEX. ADMIN. CODE § 1.502; and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has authority to dispose of this case informally pursuant to TEX. GOV'T CODE § 2001.056; TEX. INS. CODE § 82.055; and 28 TEX. ADMIN. CODE §§ 1.47, 1.88, and 1.89.
3. The department provided proper notice of the hearing pursuant to TEX. GOV'T CODE §§ 2001.051, 2001.052, and 2001.054, and 28 TEX. ADMIN. CODE §§ 1.28, 1.88, 1.89, and 19.906.
4. Based on Respondent's failure to file a written response to the Notice of Hearing, the department is entitled to disposition by default pursuant to 28 TEX. ADMIN. CODE §§ 1.88 and 1.89.
5. The department's factual and legal allegations set out in the attached Notice of Hearing and Original Petition are incorporated in this order and deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.



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## Affidavit

**STATE OF TEXAS** §

§

**COUNTY OF TRAVIS** §

Before me, the undersigned authority, personally appeared David Moreno, who, being by me duly sworn, deposed as follows:

"My name is David Moreno and I am employed by the Texas Department of Insurance. I am of sound mind, capable of making this affidavit, and have personal knowledge of these facts which are true and correct.

I have reviewed TDI's records concerning Tyrone T. Johnson. I have confirmed that:

- a. The last mailing address provided to the department in writing by Tyrone T. Johnson is [REDACTED], Texarkana, Texas 75503-4916.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated January 25, 2021, which were filed with the State Office of Administrative Hearings.
- c. On January 25, 2021, the Notice of Hearing and Original Petition addressed to Tyrone T. Johnson were mailed certified, return receipt requested, to his last known address.
- d. On March 1, 2021, the Notice of Hearing and Original Petition addressed to Tyrone T. Johnson were mailed first-class to his last known address.

Copies of the certified mail log and first-class mail log maintained by the Enforcement Division are attached as Exhibit C and Exhibit D, respectively."

DocuSigned by:  
  
122AD7C4A8AF42B... \_\_\_\_\_  
Affiant

# 2021-6762

Commissioner's Order

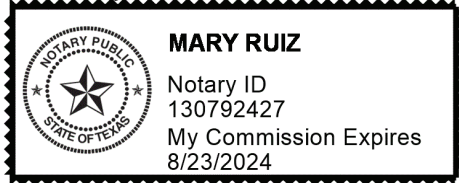
Tyrone T Johnson

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 3/25/2021. This notarial act was an online notarization.

## Notary Seal



## Digital Certificate

DocuSigned by:

*Mary Ruiz*

795DC4D59167489...

Notary Public State of Texas

**2021-6762**

ACCEPTED  
582-20-3433  
01/25/2021 10:19 AM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Donnie Roland, CLERK

FILED  
454-21-1142  
1/25/2021 10:22 AM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Donnie Roland, CLERK

**SOAH DOCKET NO. 454-21-1142  
TDI ENFORCEMENT FILE NO. 24567**

**TEXAS DEPARTMENT OF INSURANCE,**

**Petitioner**

**v.**

**TYRONE T JOHNSON,**

**Respondent**

**BEFORE THE STATE OFFICE**

**OF**

**ADMINISTRATIVE HEARINGS**

**NOTICE OF HEARING**

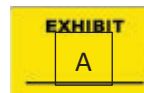
The Texas Department of Insurance seeks to deny your license application. This Notice of Hearing and the Original Petition, which is attached and incorporated for all purposes, states the allegations against you and the relief sought by the Department.

A public hearing will be held before an Administrative Law Judge on **Monday, April 12, 2021, at 9:00 a.m.** The hearing will take place via videoconference using a videoconference platform controlled by the State Office of Administrative Hearings, unless otherwise ordered to proceed in another manner by the Administrative Law Judge.

The hearing shall be conducted pursuant to TEX. GOV'T CODE, ch. 2001 and 1 TEX. ADMIN. CODE, ch. 155. Unless otherwise directed by the Administrative Law Judge, the hearing shall continue from day to day in the offices of the State Office of Administrative Hearings until concluded. You have the right to appear at this hearing and to be represented by an attorney.

**Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at [www.soah.texas.gov](http://www.soah.texas.gov), or in printed format upon request to SOAH.**

**YOU MUST FILE A WRITTEN RESPONSE TO THE NOTICE OF HEARING WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN 20 DAYS OF THE DATE THE NOTICE OF HEARING WAS MAILED. FAILURE TO FILE A WRITTEN RESPONSE BY THIS DEADLINE SHALL ENTITLE TDI TO SEEK DISPOSITION BY DEFAULT PURSUANT TO 1 TEX. ADMIN. CODE § 155.501 AND 28 TEX. ADMIN. CODE §§ 1.88 AND 1.89.**



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**IF YOU FAIL TO FILE A WRITTEN RESPONSE, THE SCHEDULED HEARING CAN BE CANCELED AND WITHOUT FURTHER NOTICE TO YOU THE COMMISSIONER OF INSURANCE CAN ISSUE AN ORDER IN WHICH THE ALLEGATIONS IN THE NOTICE OF HEARING ARE DEEMED ADMITTED AS TRUE AND THE RELIEF SOUGHT IN THE NOTICE OF HEARING, INCLUDING DENIAL OF YOUR LICENSE APPLICATION, IS GRANTED BY DEFAULT.**

**IF YOU FILE A WRITTEN RESPONSE BUT THEN FAIL TO APPEAR ON THE DAY AND TIME SET FOR HEARING, WITHOUT FURTHER NOTICE TO YOU, THE COMMISSIONER OF INSURANCE CAN ISSUE AN ORDER IN WHICH THE ALLEGATIONS IN THE NOTICE OF HEARING ARE DEEMED ADMITTED AS TRUE AND THE RELIEF SOUGHT IN THE NOTICE OF HEARING, INCLUDING DENIAL OF YOUR LICENSE APPLICATION, IS GRANTED BY DEFAULT.**

In accord with 28 TEX. ADMIN. CODE § 1.90(e) and 1 TEX. ADMIN. CODE §§ 155.101 and 155.103, you should send copies of your written response to:

- (1) Docketing Division  
State Office of Administrative Hearings  
300 West 15th Street, Room 504  
P.O. Box 13025  
Austin, Texas 78711-3025  
(512) 322-2061 (Fax);
- (2) Chief Clerk  
Texas Department of Insurance  
P.O. Box 149104, MC112-2A  
Austin, Texas 78714-9104  
(512) 490-1064 (Fax)  
chiefclerk@tdi.texas.gov; and
- (3) Kaycee Crisp, Staff Attorney  
Texas Department of Insurance  
Enforcement Division, MC110-1A  
P.O. Box 149104  
Austin, Texas 78714-9104  
(512) 490-1020 (Fax)  
kaycee.crisp@tdi.texas.gov

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### **Receiving Documents**

The State Office of Administrative Hearings (SOAH) offers you the ability to receive service of orders and other documents issued by SOAH through email instead of by mail or fax. If you want to receive SOAH-issued documents by email, go to SOAH's website, [www.soah.texas.gov](http://www.soah.texas.gov), click on the "E-Services" tab, then click the hyperlink "Request Service by Email (only for use by self-represented litigants)," and follow the instructions.

NOTE: A request to receive SOAH-issued documents by email does not change the procedures you must follow to file documents with SOAH. The rules for filing documents and providing copies to all other parties in the case are described in SOAH's Procedural Rules, which are available on SOAH's website. Click the "Agency" tab, then click "Administrative Rules and Laws" to view SOAH's Procedural Rules.

### **Important Security Notice**

**ALL VISITORS TO THE WILLIAM P. CLEMENTS BUILDING WITHOUT AN AGENCY OR DPS ISSUED ID CARD MUST PROVIDE THE BUILDING SECURITY OFFICER WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS DOCKET NUMBER AND RECEIVE A VISITOR'S PASS IN ORDER TO BE ALLOWED ACCESS TO THE HEARING ROOM. INDIVIDUALS SHOULD ALLOW ADDITIONAL TIME TO GO THROUGH THE SECURITY PROCESS.**



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Notice of Hearing  
Tyrone T Johnson  
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If you have any questions, please contact me at the address or telephone number shown below.

Respectfully Submitted,



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Kaycee Crisp  
State Bar No. 24057368  
Texas Department of Insurance  
Enforcement Division, MC110-1A  
P.O. Box 149104  
Austin, Texas 78714-9104  
(512) 676-6327 (Direct)  
(512) 490-1020 (Fax)  
kaycee.crisp@tdi.texas.gov

ATTORNEY FOR THE PETITIONER  
TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

cc: Leah Gillum, Deputy Commissioner, Enforcement Division, MC-110-1A  
Rachel Cloyd, Litigation Director, Enforcement Division, MC-110-1A  
Administrative Review, MC107-1A

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Notice of Hearing

Tyrone T Johnson

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**CERTIFICATE OF SERVICE**

I, Kaycee Crisp, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by certified mail, return receipt requested, on this 25th day of January, 2021 to:

Tyrone T Johnson

[REDACTED]

Texarkana, TX 75503-4916

*Respondent Pro Se*

Via CM/RRR No.:

9214 8901 9403 8330 4746 96

Via email:

[REDACTED]



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Kaycee Crisp

454-21-1142

**SOAH DOCKET NO. 454-\_\_\_\_\_**  
**TDI ENFORCEMENT FILE NO. 24567**

**TEXAS DEPARTMENT OF INSURANCE,**

**Petitioner**

**v.**

**TYRONE T. JOHNSON,**

**Respondent**

**BEFORE THE STATE OFFICE**

**OF**

**ADMINISTRATIVE HEARINGS**

**ORIGINAL PETITION**

The Texas Department of Insurance (TDI) seeks to deny Tyrone T. Johnson's license application. In support of this petition, TDI makes the following allegations upon information and belief:

**Jurisdiction**

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 4101.051, TEX. GOV'T CODE §§ 2001.051-2001.178, 28 TEX. ADMIN. CODE § 1.502; and TEX. OCC. CODE §§ 53.021-53.023.

**Factual Allegations**

License Application

1. On February 17, 2019, Tyrone T. Johnson (Johnson) submitted an application for an Adjuster All Lines License.
2. On March 4, 2020, TDI proposed to deny Johnson's application based upon his criminal history.
3. On April 3, 2020, Johnson appealed TDI's decision and requested a hearing.

Criminal History

4. In November 1998, Johnson was indicted for Felony Possession of Marijuana in an amount of more than five pounds and less than four ounces in Kaufman County Texas. Johnson pleaded guilty to the charge and on May 19, 1999, was placed on deferred adjudication and sentenced to four years of community supervision.
5. On March 12, 2001, Johnson was charged with Felony Possession of Cocaine with the Intent to Distribute and Felony Possession of Marijuana with the Intent to Distribute in the Parish of Webster, Louisiana.
6. On May 14, 2001, the Parish of Webster, Louisiana issued a warrant for Johnson's arrest due to a failure to appear in court. A bond forfeiture order concerning Johnson's bond was entered on June 15, 2001.
7. On July 30, 2001, Johnson was charged with and pleaded guilty to Felony Possession of Marijuana with the Intent to Distribute in Louisiana. Johnson was convicted and sentenced to five years of probation.
8. On September 21, 2001, the State of Louisiana Department of Public Safety and Corrections issued a warrant for Johnson's arrest due to his failure to abide by the terms of his probation. Specifically, the warrant stated that Johnson violated the conditions of his probation in a material respect by failing to obey the instructions of the court.
9. On July 23, 2007, the State of Louisiana Department of Public Safety and Corrections ruled Johnson's 2001 sentence had been unsatisfactorily discharged.
10. On April 29, 2009, Johnson was indicted for Felony Possession of Marijuana in an amount less than 50 pounds and more than five pounds in Titus County, Texas. Johnson pleaded guilty to the charge.
11. On August 4, 2009, Johnson was convicted and sentenced to five years confinement with the Texas Department of Criminal Justice; however, the sentence was probated for five years. Johnson was also charged a \$1500 fine and ordered to pay \$140 in restitution.

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Original Petition  
Tyrone T. Johnson  
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12. In December 2009, Johnson was indicted for Felony Possession of Marijuana in an amount less than 50 pounds but more than five pounds in Smith County, Texas. Johnson pleaded guilty to the charge.
13. On November 29, 2010, Johnson was convicted and sentenced to two years confinement with the Texas Department of Criminal Justice.
14. On May 17, 2013, Johnson was charged with Felony Possession with Intent to Distribute Schedule III Controlled Dangerous Substances and Possession with Intent to Distribute Schedule IV Controlled Dangerous Substances in the Parish of Bienville, Louisiana.
15. On May 21, 2013, Johnson was convicted of both felony charges. Johnson was sentenced to ten years confinement with the Louisiana Department of Corrections for each charge, to run consecutively to each other.
16. Johnson was released on parole on August 29, 2018, and was ordered to remain within the limits of the Minden, Louisiana District Probation and Parole Office until April 12, 2033, or until other action was taken by the Parole Committee. He remains on parole at this time.

### Dishonest Conduct

17. Johnson's Certificate of Parole indicates the residence address he is required to report to is: [REDACTED], Minden, LA 71055.
18. The terms of Johnson's parole require compliance with Louisiana R.S. 15:574.4.2 which mandates residing at the address listed in the Certificate of Parole, unless Johnson obtains written permission from his probation and parole officer prior to moving from that address and prior to leaving the state of Louisiana.
19. The license application Johnson submitted to TDI indicates his mailing address is: [REDACTED] Texarkana, Texas 75503.
20. Johnson is residing outside of the limits of the Minden District Probation and Parole Office, outside of the state of Louisiana, and not at an address specified in the terms of his parole.

21. Upon information and belief, Johnson is violating the terms of his parole.

**Legal Allegations**

1. Johnson has been convicted of multiple felonies pursuant to TEX. INS. CODE § 4005.101(b)(8) and TEX. OCC. CODE § 53.021(a)(1).
2. Johnson has committed felony offenses that directly relate to the duties and responsibilities of the licensed occupation, as contemplated in 28 TEX. ADMIN. CODE § 1.502(d) and (f).
3. Johnson committed offenses that the department considers to be of such a serious nature that they are of prime importance in determining fitness for licensure, as contemplated by 28 TEX ADMIN. CODE § 1.502(e)(4)(G), and TEX. OCC. CODE §§ 53.021 – 53.023.
4. Department guidelines, 28 TEX ADMIN. CODE § 1.502(c)-(e), emphasize that the department:
  - a. considers it very important that applicants be honest, trustworthy, and reliable;
  - b. may refuse to issue an original license if the department determines that the applicant has committed a felony that directly relates to the duties and responsibilities of the licensed occupation;
  - c. considers these offenses to be of such a serious nature that they are of prime importance when determining fitness for licensure. 28 TEX ADMIN. CODE § 1.502(e)(4)(G):
    - i. Felony Possession of Marijuana with Intent to Distribute;
    - ii. Felony Possession with Intent to Distribute Schedule III Controlled Dangerous Substances; and
    - iii. Felony Possession with Intent to Distribute Schedule IV Controlled Dangerous Substances
5. By violating the terms of his parole, Johnson has engaged in dishonest acts or practices in violation of TEX. INS. CODE § 4005.101(b)(5).

**Relief Sought**

If one or more of the above allegations is found to be true, TDI asks the Administrative Law Judge to enter a Proposal for Decision recommending that the Commissioner of Insurance issue an order:

1. denying Johnson's license application and
2. imposing any other just and appropriate relief to which the department may be entitled to by law, including any combination of the above actions.

Respectfully Submitted,



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Kaycee Crisp  
State Bar No. 24057368  
Texas Department of Insurance  
Enforcement Division, MC110-1A  
P.O. Box 149104  
Austin, Texas 78714-9104  
(512) 676-6327 (Direct)  
(512) 490-1020 (Fax)  
Kaycee.Crisp@tdi.texas.gov

ATTORNEY FOR THE PETITIONER  
TEXAS DEPARTMENT OF INSURANCE

2021-6762



# Shipment Confirmation Acceptance Notice

## A. Mailer Action

**Note to Mailer:** The labels and volume associated to this form online, must match the labeled packages being presented to the USPS® employee with this form.

Shipment Date: 01/25/2021

Shipped From:

Name: MC 110-1A M RUIZ

Address: 333 GUADALIPE ST

City: AUSTIN

State: TX ZIP+4® 78701

Type of Mail	Volume
Priority Mail Express®	
Priority Mail®	0
First-Class Package Service®	
Returns	
International*	
Other	1
Total	1

\*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

## B. USPS Action

Note to RSS Clerk:

1. Home screen > Mailing/Shipping > More
2. Select Shipment Confirm
3. Scan or enter the barcode/label number from PS Form 5630
4. Confirm the volume count message by selecting Yes or No
5. Select Pay and End Visit to complete transaction

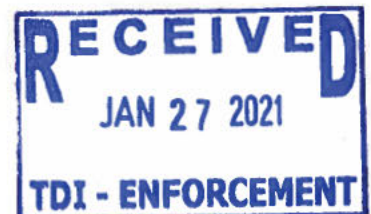
USPS EMPLOYEE: Please scan upon pickup or receipt of mail.  
Leave form with customer or in customer's mail receptacle.

USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0026 5256 92

CRISP/24567



EXHIBIT

C





