

No. 2020-6526

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

Date: 10/28/2020

Subject Considered:

Michael Wren

[REDACTED]
Dallas, Texas 75231-7713

Default Order
SOAH Docket No. 454-21-0209
TDI Enforcement File No. 16106

General remarks and official action taken:

The subject of this default order is whether an adjuster license should be issued to Michael Wren (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 September 24, 2020, the department filed a Certificate of Service, attached as Exhibit A, with the State Office of Administrative Hearings, to show service of a Notice of Hearing, attached as Exhibit B, and an Original Petition, attached as Exhibit C, which were previously filed with the State Office of Administrative Hearings on September 23, 2020.
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.

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Commissioner's Order

Michael Wren

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3. The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, [REDACTED], [REDACTED], Dallas, Texas 75231. The Notice of Hearing and Original Petition were also sent by electronic mail to an address associated with Respondent.
4. Respondent failed to file a written response to the Notice of Hearing within 20 days of the date the Notice of Hearing and Original Petition were 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, 4101.051, TEX. GOV'T CODE §§ 2001.051-2001.178, 28 TEX. ADMIN. CODE § 1.502, and TEX. OCC. CODE §§ 53.021-53.023.¹
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.

¹ All citation to the Texas Occupations Code in this Original Petition refers to the law in effect prior to H.B. 1342 (86th R.S.), effective September 1, 2019. Section 14 of H.B. 1342 states: "The changes in law made by this Act apply only to an application for a license submitted on or after the effective date of this Act. An application for a license submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose."

2020-6526

Commissioner's Order

Michael Wren

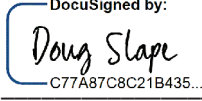
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Order

It is ordered that Michael Wren's application for an adjuster license is denied. A copy of this order will be provided to law enforcement and/or other appropriate administrative agencies for further investigation as may be warranted.

Commissioner of Insurance

By: 
C77A87C8C21B435...
Doug Slape
Chief Deputy Commissioner
TEX. GOV'T CODE § 601.002
Commissioner's Order No. 2018-5528

Prepared and reviewed by:



Anna Kalapach, Staff Attorney
Enforcement Division

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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 David Moreno. I have confirmed that:

- a. The last mailing address provided to the department in writing by Michael Wren is [REDACTED], Dallas, Texas 75231.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated September 23, 2020, and a separate Certificate of Service dated September 24, 2020, all of which were filed with the State Office of Administrative Hearings.
- c. On September 24, 2020, the Notice of Hearing and Original Petition addressed to Michael Wren were mailed certified, return receipt requested, to his last known address.

A copy of the certified mail log maintained by the Enforcement Division is attached as Exhibit D."

DocuSigned by:

David Moreno

1D09FCB51B54433...

Affiant

2020-6526

Commissioner's Order

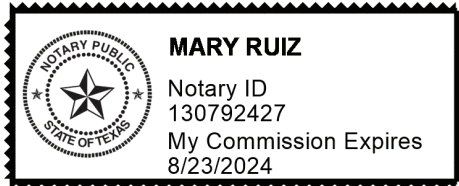
Michael Wren

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 10/19/2020. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:
Mary Ruiz
795DC4D59167489...
Notary Public State of Texas

2020-6526

ACCEPTED
454-21-0209
9/24/2020 12:48 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Donnie Roland, CLERK

SOAH DOCKET NO. 454-21-0209
TDI ENFORCEMENT FILE NO. 16106

FILED
454-21-0209
9/24/2020 12:17 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Donnie Roland, CLERK

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

MICHAEL WREN,

ADMINISTRATIVE HEARINGS

Respondent

CERTIFICATE OF SERVICE

I, Anna Kalapach, certify that a true and correct copy of the *Notice of Hearing dated September 23, 2020, and the Original Petition* were sent by the following methods, on this 24th day of September, 2020 to:

Michael Wren

CM/RRR : 9214 8901 9403 8321 7351 88

[Redacted]
Dallas, TX 75231

Via Email at: [Redacted]

Respondent Pro Se



Anna Kalapach
State Bar No. 24083290
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6326 (Direct)
(512) 490-1020 (Fax)
anna.kalapach@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

**Exhibit
A**

2020-6526

ACCEPTED
454-21-0209
9/23/2020 1:48 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Donnie Roland, CLERK

FILED
454-21-0209
9/23/2020 1:37 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Donnie Roland, CLERK

**SOAH DOCKET NO. 454-21-0209
TDI ENFORCEMENT FILE NO. 16106**

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

MICHAEL WREN,

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 **Thursday, December 17, 2020, 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, 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.

**Exhibit
B**

2020-6526

Notice of Hearing

Michael Wren

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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

2020-6526

Notice of Hearing

Michael Wren

SOAH Docket No. 454-21-0209

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- (3) Anna Kalapach, Staff Attorney
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 490-1020 (Fax)
anna.kalapach@tdi.texas.gov

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, click on the "E-Services" tab, then click the "eFiling" hyperlink, 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

Michael Wren

SOAH Docket No. 454-21-0209

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If you have any questions, please contact me at the address or telephone number shown below.

Respectfully Submitted,



Anna Kalapach
State Bar No. 24083290
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6326 (Direct)
(512) 490-1020 (Fax)
anna.kalapach@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

Michael Wren

SOAH Docket No. 454-21-0209

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CERTIFICATE OF SERVICE

I, Anna Kalapach, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by the following methods, on this 23rd day of September, 2020 to:

Michael Wren

[REDACTED]

Dallas, TX 75231

Respondent Pro Se

CM/RRR 9214 8901 9403 8321 6584 87

Via Email at: [REDACTED]

A Kalapach

Anna Kalapach

SOAH DOCKET NO. 454-_____
TDI ENFORCEMENT FILE NO. 16106

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

MICHAEL WREN,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

The Texas Department of Insurance seeks to deny Michael Wren’s license application. In support of this petition, the department 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, 4101.051, TEX. GOV’T CODE §§ 2001.051-2001.178, 28 TEX. ADMIN. CODE § 1.502, and TEX. OCC. CODE §§ 53.021-53.023.¹

Factual Allegations

License Application

1. On March 20, 2018, Michael Wren (“Wren”) submitted an application to the department for an adjuster license.

¹ All citation to the Texas Occupations Code in this Original Petition refers to the law in effect prior to H.B. 1342 (86th R.S.), effective September 1, 2019. Section 14 of H.B. 1342 states: “The changes in law made by this Act apply only to an application for a license submitted on or after the effective date of this Act. An application for a license submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.”

**Exhibit
C**

2020-6526

Original Petition

Michael Wren

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2. The department proposed to deny Wren's application on April 27, 2018, based on his criminal history. Wren appealed that decision and made a written request for a hearing.

Criminal History

3. On or about August 6, 1985, Wren knowingly and intentionally appropriated property valued at greater or equal to \$750, but less than \$20,000, a third degree felony. He was indicted by a grand jury for this offense on August 15, 1985, in case number F-85-89084-I, in the Criminal District Court No. 2 of Dallas County, Texas.
4. Wren pled guilty to the third degree felony Theft of Property on November 23, 1987, in case number F-85-89084-I. He was sentenced to five years confinement in the Texas Department of Corrections.
5. On or about August 6, 1985, Wren knowingly and intentionally made a report to a peace officer of an incident knowing that the incident did not occur, a Class B misdemeanor. Wren pled guilty to this offense on December 1, 1987, in case number MB8553635, in the County Criminal Court No. 7 of Dallas County, Texas.
6. Wren was convicted in case number MB8553635 of Making a False Report, a Class B misdemeanor, and sentenced to five days confinement in the Dallas County Jail.
7. On June 26, 1987, a grand jury indicted Wren for Aggravated Robbery, a first degree felony, in case number F-87-82861-NSI, in the Criminal District Court No. 2 of Dallas County, Texas. Indictment included that Wren, while in the course of committing theft of property, did then and there knowingly and intentionally threaten and place the complainant in fear of imminent bodily injury and death. Wren did then and there use and exhibit a deadly weapon, a hatchet.
8. Wren pled guilty to the Aggravated Robbery, a first degree felony, on November 23, 1987, in case number F-87-82861-NSI. He was sentenced to 15 years confinement in the Texas Department of Corrections and \$6,029.29 in restitution.
9. On December 1, 1987, Wren pled guilty to Possession of Marijuana in an amount of less than two ounces, a Class B misdemeanor, in case number MB8756261, in the Criminal Court No. 7 of Dallas County, Texas. Wren was convicted and sentenced to 10 days in the Dallas County Jail.

10. On February 18, 2015, Wren was indicted for Theft of Property of greater or equal to \$50, but less than \$500, a Class B misdemeanor, in case number MC15-51226-J, in the County Criminal Court No. 8 of Dallas County, Texas. Wren received deferred adjudication with three months community supervision on April 13, 2015.

Material Misstatement on License Application and Attempt to Obtain License by Misrepresentation

11. The application asked Wren, "Have you ever had adjudication deferred on any misdemeanor or felony charge or offense in Texas, in any other state or by the federal government?"
12. In the application Wren submitted on March 20, 2018, he answered "no" to that question, falsely stating that he had not received deferred adjudication and concealed his most recent 2015 offense of Theft of Property, as described above.

Legal Allegations

1. Wren has intentionally made a material misstatement in his license application, as contemplated by TEX. INS. CODE § 4005.101(b)(2).
2. Wren has attempted to obtain a license by fraud or misrepresentation, as contemplated by TEX. INS. CODE § 4005.101(b)(3).
3. Wren has engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).
4. Wren has been convicted of a felony, as contemplated by TEX. INS. CODE § 4005.101(b)(8) and TEX. OCC. CODE § 53.021(a).
5. Wren has committed felony and misdemeanor offenses and has engaged in fraudulent or dishonest activity that directly relate to the duties and responsibilities of the licensed occupation, as contemplated in 28 TEX. ADMIN. CODE § 1.502(d) and (f).

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Original Petition

Michael Wren

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6. Wren pled guilty to an offense and received deferred adjudication in 2015. The department may consider this offense a conviction, as contemplated by TEX. OCC. CODE § 53.021(d), due to the following:
 - a. Wren completed the period of supervision for the offense of Theft of Property less than five years before the date he applied for the license and
 - b. The department determined that Wren's employment as a licensed adjuster would create a situation in which he has an opportunity to repeat the prohibited act.
7. Wren 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)(1), (e)(4)(D), and (e)(4)(F), and TEX. OCC. CODE §§ 53.021 – 53.023.
8. 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 or misdemeanor that directly relates to the duties and responsibilities of the licensed occupation;
 - c. considers the offenses of Theft of Property, False Report to a Peace Officer, and Aggravated Robbery 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)(1);
 - d. considers the offense of Aggravated Robbery to be of such a serious nature that it is of prime importance when determining fitness for licensure. 28 TEX ADMIN. CODE § 1.502(e)(4)(D); and
 - e. considers the offense of Theft of Property to be of such a serious nature that it is of prime importance when determining fitness for licensure. 28 TEX ADMIN. CODE § 1.502(e)(4)(F).

9. Wren has been convicted of a felony involving dishonesty or breach of trust, as specified in 18 U.S.C. § 1033, and requiring written consent from the Commissioner of Insurance to engage or participate in the business of insurance.

Relief Sought

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

1. denying Michael Wren's license application;
2. denying consent to allow Michael Wren to engage or participate in the business of insurance under 18 U.S.C. § 1033; and
3. 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,



Anna Kalapach
State Bar No. 24083290
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6326 (Direct)
(512) 490-1020 (Fax)
anna.kalapach@tdi.texas.gov
ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE



Name and Address of Sender
 MC 110-1A D Moreno
 Texas Department of Insurance
 333 Guadalupe St
 Austin TX 78701

- Check type of mail or service
- Adult Signature Required
 - Adult Signature Restricted Delivery
 - Certified Mail
 - Certified Mail Restricted Delivery
 - Collect on Delivery (COD)
 - Insured Mail
 - Priority Mail
 - Priority Mail Express
 - Registered Mail
 - Return Receipt for Merchandise
 - Signature Confirmation
 - Signature Confirmation Restricted Delivery

Affix Stamp Here
 (for additional copies of this receipt).
 Postmark with Date of Receipt.

USPS Tracking/Article Number

1. 9214 8901 9403 8321 7351 88

MICHAEL WREN [REDACTED] DALLAS TX 75231

kalapach/16106

Postage (Extra Service) Fee

1.60 3.55

Handling Charge

Handling Charge - if Registered and over \$50,000 in value

Actual Value if Registered

Insured Value

Due Sender if COD

ASR Fee

Adult Signature Required

ASRD Fee

Adult Signature Restricted Delivery

RD Fee

Restricted Delivery

RR Fee

Return Receipt

SC Fee

Signature Confirmation

SCRD Fee

Signature Confirmation Restricted Delivery

SH Fee

Special Handling

2020-6526

Total Number of Pieces Listed by Sender

1

Total Number of Pieces Received at Post Office

Postmaster: Per (Name of receiving employee)



2020-6526



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: 09/24/2020

Shipped From:

Name: MC 110-1A D MORENO

Address: 333 GUADALUPE 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 0024 3274 27

kalapach/16106

2020-6526









Tracking History

Tracking #: 9214890194038321735188

Recipient: MICHAEL WREN



DALLAS TX 75231

| Date & Time | Event Type | Event | Event Location |
|------------------|---|---|--------------------|
| 09/24/2020 11:51 |  | PRE-SHIPMENT INFO SENT USPS AWAITS ITEM | AUSTIN, TX, 78701 |
| 09/25/2020 15:58 |  | PICKED UP | AUSTIN, TX, 78744 |
| 09/25/2020 22:07 |  | PROCESSED THROUGH USPS FACILITY | AUSTIN, TX, 78710 |
| 09/25/2020 22:58 |  | DEPART USPS FACILITY | AUSTIN, TX, 78710 |
| 09/26/2020 16:39 |  | PROCESSED THROUGH USPS FACILITY | COPPELL, TX, 75099 |
| 09/28/2020 22:29 |  | PROCESSED THROUGH USPS FACILITY | COPPELL, TX, 75099 |
| 09/29/2020 13:54 |  | PROCESSED THROUGH USPS FACILITY | DALLAS, TX, 75260 |
| 09/30/2020 12:37 |  | DELIVERED LEFT WITH INDIVIDUAL | DALLAS, TX, 75231 |