

No. **4523**

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

Date: JUN 21 2016

Subject Considered:

JOSHUA W. ALLRED
1201 Clubhouse Court
Southlake, Texas 76092

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 10397

General remarks and official action taken:

The commissioner of insurance considers whether a general lines property and casualty license should be issued to Joshua W. Allred.

WAIVER

Allred acknowledges that the Texas Insurance Code and other applicable laws provide certain rights. Allred waives all of these rights in consideration of the entry of this consent order.

FINDINGS OF FACT

The commissioner makes the following findings of fact:

1. On September 15, 2015, Allred applied for a general lines property and casualty license to be issued by the Texas Department of Insurance. The department proposed to deny his license application based on his criminal history, and Allred made a written request for a hearing.
2. On October 16, 1997, Allred was ordered to serve 24 months community supervision for the offense of driving while intoxicated, a class B misdemeanor, in cause no. 0639047 in the County Criminal Court No. 7 of Tarrant County, Texas. On May 26, 1999, Allred was revoked from community supervision and sentenced to 90 days confinement.
3. On October 16, 1997, Allred received deferred adjudication for the offense of attempted assault causing bodily injury, a class B misdemeanor, in cause no. 0659448 in the County Criminal Court No. 7 of Tarrant County, Texas. Allred was ordered to serve 12 months community supervision.

4. On May 26, 1999, Allred was ordered to serve 90 days confinement and pay a \$750 fine for the offense of driving while intoxicated subsequent offense, a class A misdemeanor, in cause no. 0708991 in the County Criminal Court No. 7 of Tarrant County, Texas.
5. On February 22, 2000, Allred was ordered to serve 90 days confinement and pay an \$850 fine for the offense of driving while intoxicated subsequent offense, a class A misdemeanor, in cause no. 0743006 in the County Criminal Court No. 7 of Tarrant County, Texas.
6. On October 22, 2001, Allred was ordered to serve 10 years community supervision for the offense of driving while intoxicated third or more, a third degree felony, in cause no. 0797132D in the 371st District Court of Tarrant County, Texas. On January 30, 2002, Allred was revoked from community supervision and sentenced to two years confinement.
7. On January 4, 2002, Allred was ordered to serve 10 days confinement for the offense of theft of property by check greater than or equal to \$20, but less than \$500, a class B misdemeanor, in cause no. 0776710 in the County Criminal Court No. 7 of Tarrant County, Texas.
8. On April 14, 2008, Allred was ordered to serve 180 days confinement for the offense of possession of controlled substance penalty group one, less than one gram, a state jail felony, in cause no. 1102380D in the Criminal District Court No. 2 of Tarrant County, Texas.
9. On August 7, 2009, Allred was sentenced to five years confinement for the offense of driving while intoxicated third or more, a third degree felony, in cause no. 35,808 in the 66th District Court of Hill County, Texas.
10. On May 9, 2012, Allred was arrested for the offenses of tamper/fabricate physical evidence and possession of a controlled substance of one gram or more, but less than four grams, namely: methamphetamine, both third degree felonies. On March 28, 2013, Allred was sentenced to seven years confinement for these offenses in cause nos. 1281790D and 1281787D in the 213th District Court of Tarrant County, Texas. On January 2, 2015, Allred was released from prison to parole. Allred remains on parole until May 9, 2019.
11. On October 13, 2000, Allred applied for a limited lines agent license. The department issued a limited lines agent license to Allred on November 10, 2000. Allred held this license until November 10, 2002, when the license was inactivated for failure to renew.
12. On March 6, 2003, Allred applied for a general lines agent license. The department issued a general lines agent license to Allred on June 2, 2003. Allred held this license until June 2, 2009, when the license was inactivated for failure to renew.

13. Allred has cooperated with TDI in its investigation of his criminal background. Allred provided mitigating evidence to support his fitness for licensure as follows:
 - a. he is in full compliance with all of his parole rules and conditions, he is on low supervision, and he is current on his fees;
 - b. he served in the United States Navy from 1991 until 1995;
 - c. he was previously licensed by the department from November 10, 2000, through November 10, 2002, and June 2, 2003, through June 2, 2009, without any complaints or disciplinary action during his licensure;
 - d. he successfully completed an in-prison DWI recovery program and a substance abuse counseling program after his release;
 - e. he has been continuously employed at Tri-State Dealer Services in N. Richland Hills, Texas, since January 2015, where he provides clerical support and oversees day-to-day operations;
 - f. he attends Gateway Church weekly and is a member of the prayer team;
 - g. he attends Alcoholics Anonymous meetings three times per week;
 - h. he recently received his four-year sobriety chip from Alcoholics Anonymous; and
 - i. he has submitted nine letters of recommendation, including letters from licensed insurance agents, business owners, and other well-respected members of the community who are aware of his past conduct and consistently refer to him as honest, hardworking, and having a strong work ethic.

14. Due to Allred's criminal background, the department needs an opportunity to monitor his insurance activities to ensure he demonstrates the ability, capability, and fitness required to perform and discharge the responsibilities of a licensed general lines property and casualty agent.

CONCLUSIONS OF LAW

The commissioner makes the following conclusions of law:

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4001.102, 4001.105, 4005.101-4005.103, and 4051.051; TEX. GOV'T CODE §§ 2001.051-2001.178; 28 TEX. ADMIN. CODE § 1.502; and TEX. OCC. CODE §§ 53.021-53.023.
2. The commissioner has the authority to dispose of this case informally pursuant to the provisions of TEX. GOV'T CODE § 2001.056, 28 TEX. ADMIN. CODE § 1.47, and TEX. INS. CODE § 82.055.
3. Allred committed an act for which a license may be denied, as contemplated by TEX. INS. CODE §§ 4001.105 and 4005.101.
4. Pursuant to 28 TEX. ADMIN. CODE § 1.502(f), the commissioner has determined that the factors in TEX. OCC. CODE §§ 53.022-53.023 outweigh the serious nature of Allred's criminal convictions.

The commissioner of insurance orders that a general lines property and casualty license is granted to Joshua Allred. The commissioner further orders that the general lines property and casualty license is suspended for four years or until his criminal supervision in cause nos. 1281790D and 1281787D is discharged, whichever period is longer. The suspension is probated.

Beginning from the date of this order and continuing through the probation period, Allred must provide written notice of his criminal record to any appointing company, agency, or sponsor. Allred must provide the department with a copy of the notification within 30 days of the appointment or sponsorship to the Texas Department of Insurance, Attn: Catherine Bell or her successor, Enforcement Section, Mail Code 110-1A, P.O. Box 149104, Austin, Texas 78714-9104.

Beginning from the date of this order and continuing through the probation period, Allred must file a written report, on or before the 15th day of each month, with the Texas Department of Insurance, Attn: Catherine Bell or her successor, Enforcement Section, Mail Code 110-1A, P.O. Box 149104, Austin, Texas 78714-9104. The reports must include the following information:

- a. Allred's current mailing address and telephone number;
- b. the name, mailing address, and telephone number of Allred's employer, and if Allred is self-employed, a statement that he is self-employed and the name, mailing address, and telephone number of his business;
- c. the name and address of any insurer which has appointed Allred as a general lines property and casualty agent;
- d. the name and address of any insurer which has canceled Allred's appointment as a general lines property and casualty agent; and
- e. a copy of any and all contracts Allred has entered into with an insurer, broker, managing general agent, managing general agency, or any person or entity in the business of insurance.

In addition to the information required above, Allred must include the following additional information in his written reports for the months of February and August each year:

- a. a letter, statement, or similar document from the supervising parole officer, parole office, or other court official which evidences his compliance with the rules and conditions of parole in cause nos. 1281790D and 1281787D; and
- b. proof of a clean urinalysis, at Allred's expense, administered by a certified drug testing center or lab.

Allred shall submit a certified copy of any order modifying, discharging, terminating, or revoking his parole in cause nos. 1281790D and 1281787D within 15 days after the order is signed to the Texas Department of Insurance, Attn: Catherine Bell or her successor, Enforcement Section, Mail Code 110-1A, P.O. Box 149104, Austin, Texas 78714-9104.

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COMMISSIONER'S ORDER

Joshua W. Allred

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Allred must notify the department immediately of the following:

- a. any charges or indictments filed against him for a misdemeanor or felony during the period he is required to file reports, excluding traffic offenses and Class C misdemeanors;
- b. any state or regulatory actions taken against him including formal and informal actions;
- c. any change in his employment or his residence; and
- d. any complaint made against Allred concerning his performance as an insurance agent, as well as a written explanation detailing the steps taken to resolve it.



David C. Mattax
Commissioner of Insurance

APPROVED AS TO FORM AND CONTENT:



Elissa Mazza
Staff Attorney
Compliance Division, Enforcement Section
Texas Department of Insurance

Affidavit

STATE OF TEXAS

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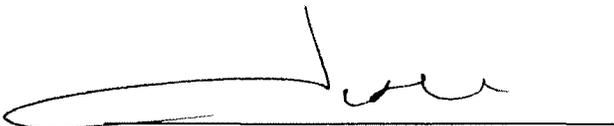
COUNTY OF Tarrant

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

“My name is Joshua W. Allred. I am of sound mind, capable of making this statement, and have personal knowledge of these facts which are true and correct.

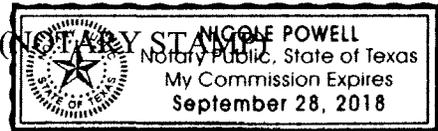
I waive rights provided by the Texas Insurance Code and other applicable law and acknowledge the jurisdiction of the commissioner.

I have knowingly and voluntarily entered into this consent order and agree with and consent to the issuance and service of the same by the commissioner of insurance of the state of Texas.”



Affiant

SWORN TO AND SUBSCRIBED before me on this 2 day of JUNE 2016, 2016.



Nicole Powell
Signature of Notary Public