

No. 2023-8161

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

**Date: 8/31/2023**

**Subject Considered:**

Texas Department of Insurance v.  
Jermon Joseph Robertson

SOAH Docket No. 454-23-06822.C

**General Remarks and Official Action Taken:**

The subject of this order is Jermon Joseph Robertson's application for a general lines agent license with a life, accident, and health qualification. This order denies Mr. Robertson's application.

**Background**

After proper notice was given, the above-styled case was heard by an administrative law judge for the State Office of Administrative Hearings. The administrative law judge made and filed a proposal for decision containing a recommendation that the Texas Department of Insurance (TDI) deny Mr. Robertson's application. A copy of the proposal for decision is attached as Exhibit A.

Enforcement staff for TDI filed exceptions to the administrative law judge's proposal for decision. Mr. Robertson did not file a reply to the exceptions.

In response to the exceptions, the administrative law judge recommended revising a paragraph in the proposal for decision. A copy of the administrative law judge's response to exceptions is attached as Exhibit B.

**Findings of Fact**

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

COMMISSIONER'S ORDER  
TDI v. Jermon Joseph Robertson  
SOAH Docket No. 454-23-06822.C  
Page 2 of 2

**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 Jermon Joseph Robertson's application for a general lines agent license with a life, accident, and health qualification is denied.

DocuSigned by:  
  
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Cassie Brown  
Commissioner of Insurance

Recommended and reviewed by:

DocuSigned by:  
  
5DAC5618BBC74D4... \_\_\_\_\_  
Jessica Barta, General Counsel

DocuSigned by:  
  
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Justin Beam, Assistant General Counsel

**BEFORE THE  
STATE OFFICE OF ADMINISTRATIVE  
HEARINGS**

—  
**TEXAS DEPARTMENT OF INSURANCE,  
PETITIONER**

**v.**

**JERMON JOSEPH ROBERTSON,  
RESPONDENT**

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**PROPOSAL FOR DECISION**

The staff (Staff) of the Texas Department of Insurance (Department) seeks to deny the application of Jermon Joseph Robertson for a general lines agent license based on his criminal history. After considering the evidence and applicable law, the Administrative Law Judge (ALJ) recommends that the Department deny Mr. Robertson's license application.

**I. NOTICE, JURISDICTION, AND PROCEDURAL HISTORY**

There were no contested issues of jurisdiction or notice, so those matters are addressed solely in the findings of fact and conclusions of law below. The hearing was held via Zoom videoconference on April 11, 2023, before ALJ Linda Brite of the State Office of Administrative Hearings (SOAH). Attorney Nancy Williams represented Staff. Mr. Robertson appeared and represented himself. The hearing concluded that day, and the record closed on April 26, 2023, when the court reporter’s transcript was filed with SOAH.<sup>1</sup>

**II. APPLICABLE LAW**

The Department considers it very important that license holders and applicants be honest, trustworthy, and reliable<sup>2</sup> and will evaluate an applicant’s criminal history and other conduct to determine whether the applicant possesses those qualities. The Department may deny a license application on several grounds, including if the applicant has been convicted of a felony or has been convicted of an offense that directly relates to the duties and responsibilities of the licensed occupation.<sup>3</sup>

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<sup>1</sup> Order No. 3, issued April 19, 2023, mistakenly deemed the record closed, but the transcript had not been submitted to SOAH yet. The actual record close date is April 26, 2023.

<sup>2</sup> 28 Tex. Admin. Code § 1.502(c).

<sup>3</sup> Tex. Ins. Code § 4005.101(b)(8); Tex. Occ. Code § 53.021(a)(1); *see also* 28 Tex. Admin. Code § 1.502(d) (authorizing the Department to refuse to issue a license if it determines the applicant has committed a felony or misdemeanor, or has engaged in fraudulent or dishonest activity that directly relates to the duties and responsibilities of the licensed occupation).

In determining whether to deny an application based on a person’s criminal history, the Department considers the factors specified in Texas Occupations Code §§ 53.022 and 53.023.<sup>4</sup> Texas Occupations Code § 53.022 sets forth the following factors, which address whether a criminal conviction directly relates to the duties and responsibilities of the licensed occupation:

- (1) the nature and seriousness of the crime;
- (2) the relationship of the crime to the purposes for requiring a license to engage in the occupation;
- (3) the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved;
- (4) the relationship of the crime to the ability or capacity required to perform the duties and discharge the responsibilities of the licensed occupation; and
- (5) any correlation between the elements of the crime and the duties and responsibilities of the licensed occupation.<sup>5</sup>

To guide its decision-making when considering an applicant’s criminal history, the Department has identified certain crimes it considers to be of such a serious nature that they are of prime importance in determining fitness for licensure. These crimes include, among others: any offense for which fraud, dishonesty, or deceit is an essential element; a robbery offense under Texas Penal Code chapter 29; and a theft offense under Texas Penal Code chapter 31.<sup>6</sup> Crimes the Department has

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<sup>4</sup> 28 Tex. Admin. Code § 1.502(h).

<sup>5</sup> *See also* 28 Tex. Admin. Code § 1.502(h)(1).

<sup>6</sup> 28 Tex. Admin. Code § 1.502(e)(1), (4)(D), (F).

determined to be of prime importance are directly related to the occupations it licenses.<sup>7</sup>

After determining a criminal offense directly relates to the occupation, the Department considers the additional factors set forth in Texas Occupations Code § 53.023(a):

- (1) the extent and nature of the person's past criminal activity;
- (2) the age of the person when the crime was committed;
- (3) the amount of time that has elapsed since the person's last criminal activity;
- (4) the conduct and work activity of the person before and after the criminal activity;
- (5) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or after release;
- (6) evidence of the person's compliance with any conditions of community supervision, parole, or mandatory supervision; and
- (7) other evidence of the person's fitness, including letters of recommendation.<sup>8</sup>

It is the applicant's responsibility, to the extent possible, to obtain and provide to the Department the applicant's evidence of fitness discussed above.<sup>9</sup> Additionally, an applicant must furnish proof to the Department that the applicant has: (1) maintained a record of steady employment; (2) supported the applicant's

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<sup>7</sup> 28 Tex. Admin. Code § 1.502(e); *see also* Tex. Occ. Code § 53.025.

<sup>8</sup> *See also* 28 Tex. Admin. Code § 1.502(h)(2).

<sup>9</sup> 28 Tex. Admin. Code § 1.502(h)(3); Tex. Occ. Code § 53.023(b).

dependents, where applicable; (3) otherwise maintained a record of good conduct; and (4) paid all outstanding court costs, supervision fees, fines, and restitution ordered in any criminal case in which the applicant has been convicted.<sup>10</sup> The Department cannot issue a license unless, when viewed in light of the occupation being licensed, the mitigating factors outweigh the serious nature of the criminal offenses.<sup>11</sup>

In this proceeding, Staff has the burden of proving its grounds for denying Mr. Robertson’s license application, while Mr. Robertson has the burden to prove his fitness to be licensed despite his criminal history.<sup>12</sup> The standard of proof is by a preponderance of the evidence.<sup>13</sup>

### **III. EVIDENCE**

At the hearing, Staff had one exhibit, Staff Exhibit A, admitted into evidence, and presented the testimony of Lewis Weldon Wright, IV. Respondent had six exhibits, Respondent Exhibits A through F, admitted into evidence and testified on his own behalf.

#### **A. MR. ROBERTSON’S CRIMINAL HISTORY**

Staff presented evidence of Mr. Robertson’s criminal history, as follows:

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<sup>10</sup> 28 Tex. Admin. Code § 1.502(h)(2)(G).

<sup>11</sup> 28 Tex. Admin. Code § 1.502(f).

<sup>12</sup> 1 Tex. Admin. Code § 155.427.

<sup>13</sup> *Granek v. Tex. St. Bd. of Med. Examn’rs*, 172 S.W.3d 761, 777 (Tex. App.—Austin 2005, no pet.).

- On October 8, 2009, Mr. Robertson was convicted of resisting arrest in Harris County Criminal Court at Law No. 8, cause number 1633106, and was sentenced to five days in county jail.<sup>14</sup>
- On February 15, 2012, Mr. Robertson was convicted of theft in Harris County Criminal Court at Law No. 2, cause number 1810036, and was sentenced to 30 days in county jail.<sup>15</sup>
- On November 20, 2012, Mr. Robertson entered a guilty plea to Robbery – Bodily Injury, a second-degree felony offense, in the 180th District Court of Harris County, cause number 1366198. Mr. Robertson was placed on a two-year community supervision probationary period with deferred adjudication.<sup>16</sup>
- On August 18, 2014, Mr. Robertson was adjudicated guilty of the Robbery – Bodily Injury offense after his probation was revoked for committing various violations, including: perpetrating additional criminal offenses while on probation, failing to report to his probation officer, failing to submit to drug testing, and failing to complete the required anti-theft course. Mr. Robertson was sentenced to five years of incarceration.<sup>17</sup>
- On September 12, 2014, Mr. Robertson was convicted of evading arrest in cause number 1911970, Harris County Court at Law No. 2, and was sentenced to 30 days county jail to run concurrently.<sup>18</sup>
- On September 12, 2014, Mr. Robertson was convicted of failure to identify/providing false information to a peace officer in cause number 1911969, Harris County Criminal Court at Law No. 2, and was sentenced to 30 days in county jail to run concurrently. The offense was

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<sup>14</sup> Staff Ex. A at 11-13.

<sup>15</sup> Staff Ex. A at 15-17.

<sup>16</sup> Staff Ex. A at 36-41.

<sup>17</sup> Staff Ex. A at 34-35.

<sup>18</sup> Staff Ex. A at 18-20.

described as, “Jermon Joseph Robertson unlawfully and intentionally gave a false and fictitious name to a peace officer ... who had lawfully detained [him], and [he] was a fugitive from justice, to-wit, a person for whom a valid, unexecuted arrest warrant had been issued.”<sup>19</sup>

- On November 5, 2015, Mr. Robertson was released from custody to parole.<sup>20</sup>
- On May 10, 2017, while still on parole, Mr. Robertson pleaded guilty to Assault of a Family Member, a misdemeanor offense, in the 232nd District Court of Harris County, cause number 1526769, and was sentenced to one year in county jail.<sup>21</sup>
- Mr. Robertson was discharged from parole on December 11, 2018.<sup>22</sup>

**B. TESTIMONY OF LEWIS WELDON WRIGHT, IV**

Mr. Wright has been employed by the Department for 15 years and is the Administrative Review Liaison to the Enforcement Division.<sup>23</sup> Mr. Robertson submitted an electronic application for licensure on December 1, 2020. He applied for a general lines license with life, accident, and health qualification.<sup>24</sup> The primary duties of this license include providing insurance products to the Texas market related to life insurance, accident insurance, and health insurance. An agent

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<sup>19</sup> Staff Ex. A at 21-23.

<sup>20</sup> Staff Ex. A at 46-47.

<sup>21</sup> Staff Ex. A at 24-26.

<sup>22</sup> Staff Ex. A at 46-47.

<sup>23</sup> Transcript (Tr.) at 20-21.

<sup>24</sup> Tr. at 28-29.

represents an insurance carrier during the insurance transaction and explains conditions related to coverage.<sup>25</sup>

Mr. Wright noted that Mr. Robertson’s convictions include multiple offenses specifically enumerated in 28 Texas Administrative Code § 1.502 as “of prime importance” in determining fitness for licensure, including: failure to identify/providing false information to a peace officer, which includes elements of fraud, dishonesty, or deceit; Robbery – Bodily Injury; and theft.<sup>26</sup> According to Mr. Wright, Mr. Robertson’s criminal history includes multiple offenses involving deception, dishonesty, and deceit.<sup>27</sup> Mr. Wright explained that in the insurance industry, many financial crimes share similar types of conduct, and the Department is tasked with protecting Texas consumers from this conduct.<sup>28</sup>

Mr. Wright stated that the Department considered the one felony and five misdemeanors in Mr. Robertson’s criminal history and recommended denial of Mr. Robertson’s license application.<sup>29</sup>

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<sup>25</sup> Tr. at 29.

<sup>26</sup> Tr. at 33, 38, 41.

<sup>27</sup> Tr. at 33-34, 38, 41.

<sup>28</sup> Tr. at 39.

<sup>29</sup> Tr. 42, 47.

**C. TESTIMONY OF JERMON JOSEPH ROBERTSON**

In describing the robbery offense, Mr. Robertson stated that he was stealing six music albums from Target, and a Loss Prevention (LP) officer chased him out of the store and grabbed his jacket. Mr. Robertson jumped over a red fixture and the LP officer dove on top of Mr. Robertson. According to Mr. Robertson, he was trying to get away and unintentionally bruised the LP officer. Mr. Robertson was on probation at that time.<sup>30</sup>

With respect to the failure-to-identify offense, Mr. Robertson said he made an honest mistake trying to get away. According to Mr. Robertson, an officer stopped him, and he fled.<sup>31</sup> Mr. Robertson testified that he has not used any drugs since his probation failure in which his urinalysis was reported “dirty.”<sup>32</sup> He is single, has no children, and has family he takes care of.<sup>33</sup> Mr. Robertson wishes to change and move forward in the right direction.<sup>34</sup>

Mr. Robertson testified that he was 19 to 24 years old at the time of the offenses.<sup>35</sup> He has been working as a sales representative with ADT security for

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<sup>30</sup> Tr. at 12-13.

<sup>31</sup> Tr. at 15-16.

<sup>32</sup> Tr. at 14.

<sup>33</sup> Tr. at 58.

<sup>34</sup> Tr. at 53.

<sup>35</sup> Tr. at 54.

approximately 1 year and 9 months.<sup>36</sup> His role involves interacting with clients, including businesses and residents.<sup>37</sup>

Mr. Robertson's exhibits included a May 2017 Certificate of Improvement and Certificate for Participation for G.E.D. studies from the Adult Education Program of Houston Community College,<sup>38</sup> an undated Certificate of Excellence from Florida Career College Houston Campus,<sup>39</sup> an August 2021 Certificate of Completion for the ADT Existing Customer Training Program,<sup>40</sup> and a November 2021 Certificate of Formation for CODUDS LLC in the State of Mississippi.<sup>41</sup> With regard to CODUDs LLC, Mr. Robertson said he started this small business, which was open for about a year, but it did not go as planned.<sup>42</sup>

Maurita Henderson wrote a recommendation letter, describing Mr. Robertson as hardworking, honest, and "determined to help individuals protect their family's financial assets." She is aware of Mr. Robertson's criminal history.<sup>43</sup> Mr. Robertson described Maurita as a coach and a mentor.<sup>44</sup>

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<sup>36</sup> Tr. at 55.

<sup>37</sup> Tr. at 59.

<sup>38</sup> Robertson Exs. B, D.

<sup>39</sup> Robertson Ex. C.

<sup>40</sup> Robertson Ex. E.

<sup>41</sup> Robertson Ex. F.

<sup>42</sup> Tr. at 54.

<sup>43</sup> Staff Ex. A at 33.

<sup>44</sup> Tr. at 61.

Joseph Green, CPA of InVida Financial Network, wrote a recommendation letter on Mr. Robertson’s behalf. Mr. Green noted Mr. Robertson’s professionalism, “strong desire to achieve,” enthusiasm, and commitment. He described Mr. Robertson as a “quick study” and coachable. Mr. Green acknowledged Mr. Robertson’s criminal history as “youthful transgressions.”<sup>45</sup> Mr. Robertson testified that InVida Financial Network is prepared to hire him if he gets his license.<sup>46</sup>

#### **IV. ANALYSIS AND RECOMMENDATION**

The Department may deny a license application on several grounds, including if the applicant has been convicted of a felony or has been convicted of an offense that directly relates to the duties and responsibilities of the licensed occupation.<sup>47</sup> In determining whether to deny an application based on a person’s criminal history, the Department considers the factors specified in Texas Occupations Code §§ 53.022 and 53.023, as set out above.<sup>48</sup>

Mr. Robertson has been convicted of a 2012 theft offense, a 2012 second-degree felony offense of Robbery – Bodily Injury, and 2014 offense for failure to identify/providing false information to a peace officer. These three offenses are

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<sup>45</sup> Staff Ex. A at 32.

<sup>46</sup> Tr. at 61.

<sup>47</sup> Tex. Ins. Code § 4005.101(b)(8); Tex. Occ. Code § 53.021(a)(1); *see also* 28 Tex. Admin. Code § 1.502(d) (authorizing the Department to refuse to issue a license if it determines the applicant has committed a felony or misdemeanor, or has engaged in fraudulent or dishonest activity that directly relates to the duties and responsibilities of the licensed occupation).

<sup>48</sup> 28 Tex. Admin. Code § 1.502(h).

directly related to the occupation of a general lines agent and are considered crimes of prime importance by the Department, pursuant to 28 Texas Administrative Code § 1.502.<sup>49</sup> Accordingly, the Department cannot issue Mr. Robertson a license unless, when viewed in light of the occupation being licensed, his mitigating factors outweigh the serious nature of his criminal offenses.<sup>50</sup>

Turning to the factors in Texas Occupations Code § 53.023, the evidence established that:

- Mr. Robertson has also been convicted of evading arrest and assault of a family member;
- Mr. Robertson was approximately 19 to 24 years old at the time he committed the offenses;
- Mr. Robertson was released from custody in 2015, and his last offense was approximately six years ago in 2017;
- Mr. Robertson has worked with ADT Security Services as a sales representative for approximately 1 year and 9 months;
- He has taken GED classes and explored work opportunities since his release; and
- Letters of support describe Mr. Robertson as enthusiastic, hardworking, and professional.<sup>51</sup>

The ALJ commends Mr. Robertson for seeking rewarding work to better himself. However, the evidence Mr. Robertson provided is not sufficient to

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<sup>49</sup> 28 Tex. Admin. Code § 1.502(e); *see also* Tex. Occ. Code §§ 53.022, .025.

<sup>50</sup> 28 Tex. Admin. Code § 1.502(f).

<sup>51</sup> Tex. Occ. Code § 53.03; *see also* 28 Tex. Admin. Code § 1.502(h)(2).

overcome the nature, seriousness, and extent of his criminal history.<sup>52</sup> This period of good conduct of approximately six years is noteworthy but does not overcome his extensive criminal history. The theft, robbery, and failure-to-identify offenses are crimes of prime importance and crimes that relate to the duties and responsibilities of an insurance agent, presenting information to carriers and consumers from which they will make financial decisions.

On balance, the evidence of Mr. Robertson's current fitness for licensure is outweighed by the serious and extensive nature of his criminal history, and its implications for his ability to carry out the duties and responsibilities of a Department licensee. More time with good conduct is needed for Mr. Robertson to demonstrate his fitness for licensure. Accordingly, the ALJ concludes that Mr. Robertson has not shown his current fitness for licensure, and his application for a general lines agent license should be denied at this time.

## **V. FINDINGS OF FACT**

1. On December 1, 2020, Jermon Joseph Robertson applied to the Texas Department of Insurance (Department) for a general lines agent license with a life, accident, and health qualification.
2. On October 27, 2021, the staff (Staff) of the Department proposed to deny Mr. Robertson's application for a general lines agent license based on his criminal history.
3. Mr. Robertson timely requested a hearing to challenge the denial.

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<sup>52</sup> 28 Tex. Admin. Code § 1.502(f).

4. On December 7, 2022, Staff issued a notice of hearing on the denial of Mr. Robertson's application.
5. The notice of hearing 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 incorporates by reference the factual matters asserted in the complaint or petition filed with the state agency.
6. The hearing was held via Zoom videoconference on April 11, 2023, before Administrative Law Judge Linda Brite of the State Office of Administrative Hearings (SOAH). Attorney Nancy Williams represented Staff. Mr. Robertson appeared and represented himself. The hearing concluded that day, and the record closed on April 26, 2023, when the court reporter's transcript was filed with SOAH.
7. On October 8, 2009, Mr. Robertson was convicted of resisting arrest in Harris County Criminal Court at Law No. 8, cause number 1633106, and was sentenced to five days in county jail.
8. On February 15, 2012, Mr. Robertson was convicted of theft in Harris County Criminal Court at Law No. 2, cause number 1810036, and was sentenced to 30 days in county jail.
9. On November 20, 2012, Mr. Robertson entered a guilty plea to Robbery – Bodily Injury, a second-degree felony offense, in the 180th District Court of Harris County, cause number 1366198. Mr. Robertson was placed on a two-year community supervision probationary period with deferred adjudication.
10. On August 18, 2014, Mr. Robertson was adjudicated guilty of the Robbery – Bodily Injury offense after his probation was revoked for committing various violations, including: perpetrating additional criminal offenses while on probation, failing to report to his probation officer, failing to submit to drug testing, and failing to complete the required anti-theft course. Mr. Robertson was sentenced to five years of incarceration.

11. On September 12, 2014, Mr. Robertson was convicted of evading arrest in cause number 1911970, Harris County Court at Law No. 2, and was sentenced to 30 days county jail to run concurrently.
12. On September 12, 2014, Mr. Robertson was convicted of failure to identify/providing false information to a peace officer in cause number 1911969, Harris County Criminal Court at Law No. 2, and was sentenced to 30 days in county jail to run concurrently.
13. On November 5, 2015, Mr. Robertson was released from custody to parole.
14. On May 10, 2017, while still on parole, Mr. Robertson pleaded guilty to Assault of a Family Member, a misdemeanor offense, in the 232nd District Court of Harris County, cause number 1526769, and was sentenced to one year in county jail.
15. Mr. Robertson was discharged from parole on December 11, 2018.
16. The offenses of theft, robbery, and failure to identify involve deception, dishonesty, and deceit.
17. Mr. Robertson has been convicted of two misdemeanors (Failure to Identify and Theft) and one felony (Robbery) which qualify as crimes of prime importance when determining fitness for licensure.
18. Licensure of Mr. Robertson in the insurance industry would create a situation in which he would have an opportunity to repeat the prohibited conduct.
19. Mr. Robertson's criminal offenses were committed when he was 19 to 24 years old.
20. Approximately six years has elapsed since Mr. Robertson's last offense, the Assault on a Family Member offense.
21. Mr. Robertson has had steady employment as a sales representative since his release.
22. Mr. Robertson took GED classes after his release.

23. Mr. Robertson provided two letters of recommendation that spoke highly of his work ethic, enthusiasm, and professionalism.

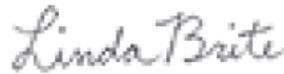
## **VI. CONCLUSIONS OF LAW**

1. The Department has jurisdiction over this matter. Tex. Ins. Code §§ 4001.002, .105, 4005.101.
2. SOAH has authority to hear this matter and issue a proposal for decision with findings of fact and conclusions of law. Tex. Gov't Code ch. 2003; Tex. Ins. Code § 4005.104.
3. Mr. Robertson received timely and sufficient notice of the hearing. Tex. Gov't Code §§ 2001.051-.052.; Tex. Ins. Code § 4005.104(b).
4. Staff had the burden of proving its basis for denying Mr. Robertson's license application, while Mr. Robertson had the burden to prove his fitness to be licensed despite the criminal history or fraudulent or dishonest conduct. The standard of proof is by a preponderance of the evidence. 1 Tex. Admin. Code § 155.427; *Granek v. Tex. St. Bd. of Med. Examn'rs*, 172 S.W.3d 761, 777 (Tex. App.—Austin 2005, no pet.).
5. The Department has determined that certain crimes are of such a serious nature that they are of prime importance in determining fitness for licensure. These crimes include any offense for which fraud, dishonesty, or deceit is an essential element; a robbery offense under Texas Penal Code chapter 29; and a theft offense under Texas Penal Code chapter 31. 28 Tex. Admin. Code § 1.502(e)(1), (4)(D), (F).
6. The Department may deny Mr. Robertson's license application because he has been convicted of a felony. Tex. Ins. Code § 4005.101(b)(8); 28 Tex. Admin. Code § 1.502(d).
7. The Department may deny Mr. Robertson's license application because he has been convicted of an offense that directly relates to the duties and responsibilities of the licensed occupation. Tex. Occ. Code § 53.021(a)(1); 28 Tex. Admin. Code § 1.502(d).

8. The Department will consider the factors listed in Texas Occupations Code §§ 53.022 and 53.023 in determining whether to issue a license to an applicant despite a criminal offense, and will not issue a license unless the mitigating factors outweigh the serious nature of the criminal offense when viewed in the light of the occupation being licensed. 28 Tex. Admin. Code § 1.502(f), (h).
9. The mitigating factors do not outweigh the seriousness of Mr. Robertson's criminal offenses, and he has not shown his fitness for licensure. Tex. Occ. Code §§ 53.022-.023; 28 Tex. Admin. Code § 1.502(f), (h).
10. The Department should deny Mr. Robertson's application for a license.

**Signed May 23, 2023**

ALJ Signature:



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Linda Brite

Presiding Administrative Law Judge

**2023-8161**

**Automated Certificate of eService**

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Associated Case Party: JermonJosephRobertson

Name	BarNumber	Email	TimestampSubmitted	Status
Jermon Joseph Robertson		[REDACTED]	5/23/2023 4:35:48 PM	SENT

Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	5/23/2023 4:35:48 PM	SENT

Associated Case Party: Texas Department of Insurance

Name	BarNumber	Email	TimestampSubmitted	Status
Whitney Fraser		Whitney.Fraser@tdi.texas.gov	5/23/2023 4:35:48 PM	SENT
Nancy Williams		Nancy.Williams@tdi.texas.gov	5/23/2023 4:35:48 PM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	5/23/2023 4:35:48 PM	SENT

2023-8161

**Exhibit B**

# State Office of Administrative Hearings

Kristofer S. Monson  
Chief Administrative Law Judge

June 12, 2023

FILED  
454-23-06822  
6/12/2023 3:09 PM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Pegah Nasrollahzadeh, CLERK

Whitney Fraser  
Nancy Williams  
Jermon Robertson

ACCEPTED  
454-23-06822  
6/12/2023 3:17:44 pm  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Pegah Nasrollahzadeh, CLERK

VIA EFILE TEXAS

**RE: Docket Number 454-23-06822.C; Texas Department of Insurance  
No. 28618; Texas Department of Insurance v. Jermon Joseph  
Robertson**

Dear Parties:

On May 23, 2023, I issued the Proposal for Decision (PFD) in this case. The staff (Staff) of the Texas Department of Insurance (Department) timely filed exceptions. Jermon Joseph Robertson did not file exceptions or responses to exceptions.

Staff's exceptions requested clarification of the conviction dates versus the offense dates in the Analysis and Recommendation section of the PFD. The ALJ agrees that Staff's recommended change should be incorporated into the PFD, as follows: on page 11 of the PFD, the first sentence of second paragraph of the Analysis and Recommendation section should be changed to, "Mr. Robertson has a 2012 conviction for theft, a 2012 conviction for second-degree felony Robbery-Bodily Injury, and a 2014 conviction for failure to identify/providing false information to a peace officer."

**2023-8161**

Exceptions Letter

June 12, 2023

Page 2 of 2

ALJ Signature:

*Linda Brite*

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Linda Brite,

Presiding Administrative Law Judge

CC: Service List

**2023-8161**

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Status as of 6/12/2023 3:18 PM CST

Associated Case Party: JermonJosephRobertson

Name	BarNumber	Email	TimestampSubmitted	Status
Jermon Joseph Robertson		[REDACTED]	6/12/2023 3:09:36 PM	SENT

Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	6/12/2023 3:09:36 PM	SENT

Associated Case Party: Texas Department of Insurance

Name	BarNumber	Email	TimestampSubmitted	Status
Whitney Fraser		Whitney.Fraser@tdi.texas.gov	6/12/2023 3:09:36 PM	SENT
Nancy Williams		Nancy.Williams@tdi.texas.gov	6/12/2023 3:09:36 PM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	6/12/2023 3:09:36 PM	SENT