

No. 2025-9153

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

Date: 02/25/2025

Subject Considered:

Joseph Jerard Franklin
Huntsville, Texas

Default Order
TDI Enforcement File No. 33036

General Remarks and Official Action Taken:

The subject of this default order is whether an adjuster all lines license should be issued to Joseph Jerard Franklin (Respondent). Respondent did not respond to a Notice of Allegations mailed 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 Allegations

1. On December 19, 2024, the department sent a Notice of Allegations, attached as Exhibit A, to Respondent.
2. The department sent the Notice of Allegations to Respondent's last known address provided in writing to the department, [REDACTED] Huntsville, Texas 77320.
3. Respondent received and waived an opportunity for a hearing because Respondent failed to send the department a written response to the Notice of Allegations within 20 days after the date the Notice of Allegations was mailed.

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Joseph Jerard Franklin

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4. The department's factual allegations set out in the attached Notice of Allegations are incorporated in this order as findings of fact.

Conclusions of Law

1. The commissioner has jurisdiction under 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 §§ 2001.003(1) and 2001.051-2001.178.
2. The commissioner has authority to dispose of this case informally under TEX. GOV'T CODE § 2001.056; TEX. INS. CODE § 82.055; and 28 TEX. ADMIN. CODE § 1.47.
3. The department provided proper notice to Respondent under TEX. GOV'T CODE §§ 2001.003(1), 2001.051, 2001.052, 2001.054, and 2001.056(4), and 28 TEX. ADMIN. CODE §§ 1.28, 1.47, and 19.906.
4. Based on Respondent's failure to send the department a written response to the Notice of Allegations, the department is entitled to disposition by default under 28 TEX. ADMIN. CODE § 1.47.
5. Respondent failed to show compliance with the law.
6. The department's factual and legal allegations set out in the attached Notice of Allegations are incorporated in this order and deemed admitted as true under 28 TEX. ADMIN. CODE § 1.47.

Order

It is ordered that Joseph Jerard Franklin's application is denied. A copy of this order will be provided to law enforcement or other appropriate administrative agencies for further investigation as may be warranted.

Signed by:

FC5D7EDDFB4F8...

Cassie Brown
Commissioner of Insurance

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Commissioner's Order

Joseph Jerard Franklin

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Prepared and reviewed by:

A handwritten signature in black ink that reads "Stephanie Andrews". The signature is written in a cursive style with a large initial 'S'.

Stephanie Andrews, Staff Attorney
Enforcement

Affidavit

STATE OF TEXAS §

§

COUNTY OF TRAVIS §

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

“My name is Roxanne Rodriguez, 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 Joseph Jerard Franklin. I have confirmed that:

- a. The last mailing address provided to the department in writing by Joseph Jerard Franklin is [REDACTED] Huntsville, Texas 77320.
- b. The file maintained by Enforcement contains a Notice of Allegations dated December 19, 2024, which was sent to Joseph Jerard Franklin.
- c. On December 19, 2024, the Notice of Allegations addressed to Joseph Jerard Franklin was mailed certified, return receipt requested, to his last known address.

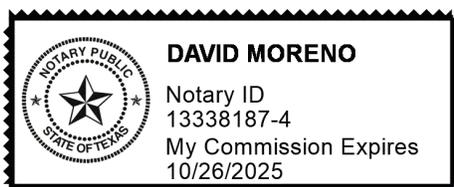
Copies of the first-class mail log and certified mail log maintained by Enforcement is attached as Exhibit B.”

Signed by:

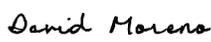
 39F8D342850340E...
 Affiant

SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 1/24/2025. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:

 455E4109E15D4CD...
 Notary Public State of Texas

2025-9153



PO Box 12030 | Austin, TX 78711 | 800-578-4677 | tdi.texas.gov

December 19, 2024

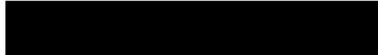
Joseph Jerard Franklin



Huntsville, Texas 77320

Via CM/RRR No.: 9214 8901 9403 8392 5988 59

Via First Class Mail



Via Email

**TDI ENFORCEMENT CASE NO. 33036
NOTICE OF ALLEGATIONS AGAINST JOSEPH JERARD FRANKLIN**

The Texas Department of Insurance (TDI) seeks to deny your license application. This Notice states the allegations against you and the relief sought by TDI.

YOUR WRITTEN RESPONSE IS REQUIRED WITHIN 20 DAYS

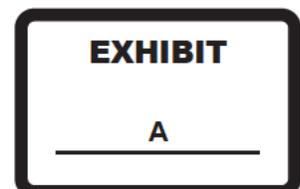
YOU HAVE THE RIGHT TO A HEARING AND ARE INVITED TO SHOW COMPLIANCE WITH THE LAW. To request a hearing, you must send a written response to TDI within 20 days of the date this Notice was mailed.

If you fail to send a written response by the deadline, *you waive your right to a hearing*, and TDI may seek disposition by default under 28 TEX. ADMIN. CODE § 1.47, TEX. INS. CODE § 82.055, and TEX. GOV'T. CODE § 2001.056.

If you fail to send a written response by the deadline, without further notice to you, the commissioner of insurance may issue a default order that admits the factual matters asserted, deems all allegations as true, and orders the relief recommended in this Notice.

You must send your written response by mail, fax, or email to:

Stephanie Andrews, Staff Attorney
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 490-1020 (Fax)
stephanie.andrews@tdi.texas.gov



Jurisdiction

The commissioner of insurance has jurisdiction over this matter under 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 § 1.502,¹ and TEX. GOV'T CODE §§ 2001.003(1) and 2001.051–2001.178.

Factual Allegations

License Application

1. On April 5, 2023, Joseph Jerard Franklin (Franklin), individual identification no. 2719869, submitted an application to TDI for an adjuster all lines license.
2. On July 26, 2023, the department proposed to deny Franklin's application based on his criminal history. Franklin appealed that decision and made a written request for hearing.

Criminal History

3. On July 7, 2008, Franklin was sentenced to 10 years confinement in the Texas Department of Criminal Justice (TDCJ) for the offense of Engage in Organized Criminal Activity, a felony, in case no. 19,638 in the 411th Judicial District Court of Polk County, Texas.
4. On January 7, 2014, Franklin was sentenced to 12 years confinement in TDCJ for the offense of Possession with Intent to Deliver a Controlled Substance, a felony, in case no. 22890 in the 258th Judicial District Court of Polk County, Texas.
5. On January 7, 2014, Franklin was sentenced to 12 years confinement in TDCJ for the offense of Possession with Intent to Deliver a Controlled Substance, a felony, in case no. 22891 in the 258th Judicial District Court of Polk County, Texas.
6. On March 14, 2014, Franklin was sentenced to 15 years confinement in TDCJ for the offense of Possession of a Controlled Substance Penalty Group 1 >=4G<200G

¹ All references to 28 TEX. ADMIN. CODE § 1.502 herein, are to the version of that rule pre-dating amendments adopted in Order 2023-8185, effective on and after September 26, 2023.

with Intent to Deliver – Enhancement, a felony, in cause no. CR29753 in the 75th Judicial District Court of Liberty County, Texas.

7. On March 14, 2014, Franklin was sentenced to 15 years confinement in TDCJ for the offense of Possession of a Controlled Substance Penalty Group 1 >=4G<200G with Intent to Deliver – Enhancement in cause no. CR29754 in the 75th Judicial District Court of Liberty County, Texas.
8. On March 14, 2014, Franklin was sentenced to one year confinement in TDCJ for the offense of Possession of Marijuana >4oz<5lbs, a state jail felony, in cause no. CR29755 in the 75th Judicial District Court of Liberty County, Texas.
9. On or about December 6, 2018, Franklin was released from confinement and placed on parole.
10. Franklin is on parole until approximately 2028.

Legal Allegations

1. Franklin committed acts for which a license may be denied pursuant to TEX. INS. CODE § 4005.101, as contemplated by TEX. INS. CODE § 4005.102.
2. Franklin willfully violated an insurance law of this state, in violation of TEX. INS. CODE § 4005.101(b)(1).
3. Franklin engaged in fraudulent or dishonest acts or practices, in violation of TEX. INS. CODE § 4005.101(b)(5).
4. Franklin has been convicted of a felony, in violation of TEX. INS. CODE § 4005.101(b)(8).
5. Franklin committed offenses that the department considers to be of such serious nature that they are of prime importance in determining fitness for licensure, as contemplated by 28 TEX. ADMIN. CODE §§ 1.502(e)(3) and 1.502(e)(4)(G).
6. Department guidelines, 28 TEX. ADMIN. CODE § 1.502(c)-(e), emphasize that TDI:
 - 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 an offense that directly relates to the duties and responsibilities of the licensed occupation;
- c. considers any felony involving moral turpitude or breach of fiduciary duty, to be of such serious nature that it is of prime importance when determining fitness for licensure, 28 TEX. ADMIN. CODE § 1.502(e)(3); and
- d. considers the offenses of Engaging in Organized Criminal Activity; Possession with Intent to Deliver a Controlled Substance; and Possession of a Controlled Substance Penalty Group 1 >=4G <200G with Intent to Deliver – Enhancement to be of such serious nature that they are of prime importance when determining fitness for licensure, 28 TEX. ADMIN. CODE §§ 1.502(e)(3) and 1.502(e)(4)(G).

Relief Sought

TDI seeks the following relief:

- 1. denial of your license application; and
- 2. imposition of any other just and appropriate relief to which the department may be entitled to by law, including any combination of the above actions.

Respectfully,



Stephanie Maugham Andrews
State Bar No. 24063672
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6346 (Direct)
(512) 490-1020 (Fax)
stephanie.andrews@tdi.texas.gov

cc: Leah Gillum, Deputy Commissioner, Fraud and Enforcement Division, MC: ENF

Ginger Loeffler, Litigation Director, Enforcement, MC: ENF
Administrative Review, MC: CO-AAL

CERTIFICATE OF SERVICE

I, Stephanie Andrews, certify that a true and correct copy of this *Notice of Allegations Against Joseph Jerard Franklin* was sent by the following methods on this 19th day of December, 2024 to:

Joseph Jerard Franklin



Huntsville, Texas 77320

Via CM/RRR No.: 9214 8901 9403 8392 5988 59

Via First Class Mail



Respondent Pro Se

Via Email

Stephanie Andrews

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: 12/19/2024

Shipped From:

Name: MC ENF D MORENO

Address: 1601 CONGRESS AVENUE SUITE 6 900

City: AUSTIN

State: TX ZIP+4® 78701

Type of Mail	Volume
Priority Mail Express®	
Priority Mail®	
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

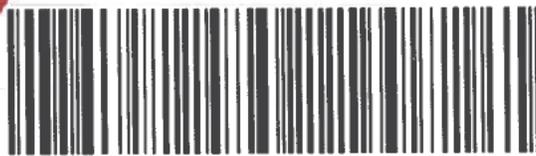
Note to RSS Clerk:

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

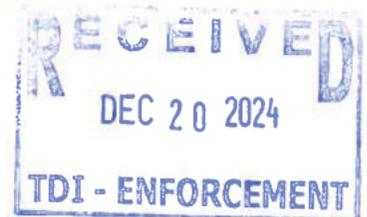
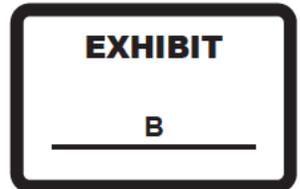
USPS EMPLOYEE: Please scan upon pickup or receipt of mail.
Leave form with customer or in customer's mail receptacle.



USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0057 8339 02



Andrews/33036



Firm Mailing Book For Accountable Mail

Name and Address of Sender
MC ENF D MORENO
TEXAS DEPARTMENT OF INSURANCE
1601 CONGRESS AVENUE, SUITE 6.900
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

USPS Tracking/Article Number

1. 9214 8901 9403 8392 5988 59

Andrews/33036

Addresssee (Name, Street, City, State, & ZIP Code™)
JOSEPH JERRARD FRANKLIN
[REDACTED]
HUNTSVILLE, TEXAS 77320

Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
0.97	4.85								2.62			

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

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

Adult Signature Required

Adult Signature Restricted Delivery

Restricted Delivery

Return Receipt

Signature Confirmation

Signature Confirmation Restricted Delivery

Special Handling

2025-9153

RECEIVED
DEC 20 2024
TDI - ENFORCEMENT



Total Number of Pieces Listed by Sender: 1
Total Number of Pieces Received at Post Office: 1

Postmaster, Per (Name of receiving employee)

Ytkanovic
Complete In Ink

Name and Address of Sender
 Texas Dept of Insurance
 Mail Code ENF
 1601 Congress Avenue, Suite 6.900
 Austin TX 78701
 David Moreno
 December 19, 2024

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
 First-Class Mail
 Priority Mail Express
 Registered Mail
 Return Receipt for Merchandise
 Signature Confirmation
 Signature Confirmation Restricted Delivery

Affix Stamp Here
 (If issued as an international certificate of mailing or for additional copies of this receipt), Postmark with Date of Receipt

USPS Tracking/Invoice Number
 Andrews/3036
 Address (Name, Street, City, State, & Zip Code)
 Joseph Jerard Franklin
 ██████████
 Huntsville, Texas 77320

Postage
 .69
 Handling Charge
 Actual Value if Registered
 Insured Value
 Due Sender if COD
 ASR Fee
 ASRD Fee
 RO Fee
 RR Fee
 SC Fee
 SCRD Fee
 SH Fee

RECEIVED
 DEC 20 2024
 FBI INFORMATION

CAPITOL STATION
 DEC 20 2024
 AUSTIN TX 78701



quadrant
 CORRECTION
 IMI
 \$002.00
 12/19/2024 ZIP 78701
 043M32206395
 US POSTAGE

Handling Charge-if Registered
 Adult Signature Required
 Adult Signature Restricted Delivery
 Restricted Delivery
 Return Receipt
 Signature Confirmation
 Signature Confirmation Restricted Delivery
 Special Handling

2025-9153

Total Number of Pieces
 Total Number of Pieces Received at Post Office
 (1)

Postmaster: Per Name of receiving employee
 Completed in Ink

Privacy Note: For more information on USPS privacy policies, visit usps.com/privacy-policy.

Firm Mailing Book For Accountable Mail