

No. **2025-9158**

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

**Date: 02/26/2025**

**Subject Considered:**

Texas Department of Insurance

v.

Jeffrey Taylor

SOAH Docket No. 454-24-19573.C

**General Remarks and Official Action Taken:**

The subject of this order is Jeffrey Taylor's application for an adjuster all lines license. This order denies Mr. Taylor'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. Taylor's application.

No party filed exceptions to the proposal for decision, but Enforcement staff filed a letter in lieu of exceptions, noting three typographical errors and requesting the inclusion of additional citations in proposed Conclusion of Law No. 1. The administrative law judge responded to the letter and issued a proposal for decision nunc pro tunc. A copy of the administrative law judge's response and the proposal for decision nunc pro tunc is attached as Exhibit A.

**Findings of Fact**

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

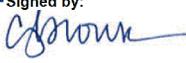
Commissioner's Order  
TDI v. Jeffrey Taylor  
SOAH Docket No. 454-24-19573.C  
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**Conclusions of Law**

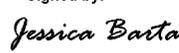
The proposed conclusions of law contained in Exhibit A are adopted and incorporated by reference into this order.

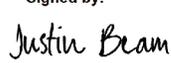
**Order**

It is ordered that Jeffrey Taylor's application for an adjuster all lines license is denied.

Signed by:   
FC5D7EDDFFBB4F8... \_\_\_\_\_  
Cassie Brown  
Commissioner of Insurance

Recommended and reviewed by:

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

Signed by:   
27ADF3DA5BAF4B7... \_\_\_\_\_  
Justin Beam, Chief Clerk

FILED **2025-9158**  
454-24-19573  
1/8/2025 8:35 AM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Amy Robles, CLERK

ACCEPTED  
454-24-19573  
1/8/2025 8:46:40 am  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Amy Robles, CLERK



# State Office of Administrative Hearings

Kristofer S. Monson  
Chief Administrative Law Judge

January 8, 2025

Victor Moya  
Attorney for Petitioner

VIA EFILE TEXAS

Jeffrey Taylor  
[REDACTED]  
Houston, TX 77073

VIA EFILE TEXAS  
and VIA REGULAR MAIL

[REDACTED]  
Bryan, TX 77802

**RE: SOAH Docket Number 454-24-19573.C; TDI No. 30490; *Texas Department of Insurance v. Jeffrey Taylor***

Dear Parties:

A Proposal for Decision (PFD) was issued in this case on December 9, 2024. Please be advised that the time period to file exceptions to the PFD has expired and neither party filed exceptions. However, on December 20, 2024, staff of the Texas Department of Insurance filed a Letter in Lieu of Exceptions, which notes three typographical errors in the PFD and requests inclusion of additional citations in Conclusions of Law 1. Mr. Jeffrey Taylor did not file a response.

The Administrative Law Judge **GRANTS** the request, issues a PFD Nunc Pro Tunc reflecting those corrections, and recommends the PFD Nunc Pro Tunc be

**2025-9158**

adopted. Because SOAH has concluded its involvement in the matter, the case is being returned to the **Texas Department of Insurance**.

ALJ Signature:



Dee Marlo Chico

Presiding Administrative Law Judge

CC: Service List

**BEFORE THE  
STATE OFFICE OF ADMINISTRATIVE  
HEARINGS**

—  
**TEXAS DEPARTMENT OF INSURANCE,  
PETITIONER**

**v.**

**JEFFREY TAYLOR,  
RESPONDENT**

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**PROPOSAL FOR DECISION NUNC PRO TUNC<sup>1</sup>**

Jeffrey Taylor (Respondent) applied to the Texas Department of Insurance (Department) for an adjuster all lines license. Department staff (Staff) seeks to deny licensure because of Respondent’s criminal history. After considering the evidence and applicable law, the Administrative Law Judge (ALJ) recommends Respondent’s license application be denied.

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<sup>1</sup> This Proposal for Decision Nunc Pro Tunc is issued to correct typographical errors in the first sentence of the fourth paragraph under the Analysis section (replaced “probation” with “parole”) and in Findings of Fact 14(a) (correcting the type of crime and the chapter in the Texas Penal Code) and includes additional citations in Conclusions of Law 1 that do not affect the substantive rights of the parties involved.

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

On September 24, 2024, ALJ Dee Marlo Chico with the State Office of Administrative Hearings (SOAH) convened a hearing by videoconference. Attorneys Victor Moya, III, and Stephanie Andrews represented Staff, and Respondent represented himself. The hearing concluded that day. The record closed on October 8, 2024, upon receipt of the transcript. Since notice and jurisdiction are not disputed, they are addressed solely in the Findings of Fact and Conclusions of Law.

**II. APPLICABLE LAW**

The Department is charged with regulating the business of insurance in the State of Texas.<sup>2</sup> The Department considers it very important that license holders and applicants are honest, trustworthy, and reliable.<sup>3</sup> Additionally, a person may not act as or represent that the person is an adjuster in Texas unless the person holds a license.<sup>4</sup> The Department may deny a license application if it determines an applicant has engaged in fraudulent or dishonest acts or practices or has been convicted of a felony that directly relates to the duties and responsibilities of the licensed occupation.<sup>5</sup>

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<sup>2</sup> Tex. Ins. Code § 31.002(1).

<sup>3</sup> 28 Tex. Admin. Code § 1.502(c). Section 1.502 was amended effective September 26, 2023. This Proposal for Decision cites to the version of the law that was in effect at the time Respondent submitted his application on June 24, 2022.

<sup>4</sup> Tex. Ins. Code § 4101.051.

<sup>5</sup> Tex. Ins. Code §§ 4005.101(b)(5), (b)(8), .102(1); Tex. Occ. Code § 53.021(a)(1); 28 Tex. Admin. Code § 1.502(d).

For applicants with criminal convictions, the Department considers the factors specified in Texas Occupations Code sections 53.022 and 53.023 in determining whether to grant, deny, suspend, or revoke a license or authorization.<sup>6</sup>

Texas Occupations Code section 53.022 sets forth factors the Department must consider when determining whether a criminal conviction directly relates to the duties and responsibilities of the licensed occupation, including: (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>7</sup>

The “directly relates” analysis must also take into account certain “guideline” crimes the Department “considers to be of such serious nature that they are of *prime importance* in determining fitness for licensure” and are also directly related to the occupations it licenses.<sup>8</sup> These crimes include, among others, “any felony involving

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<sup>6</sup> 28 Tex. Admin. Code § 1.502(h).

<sup>7</sup> Tex. Occ. Code § 53.022; *see also* 28 Tex. Admin. Code § 1.502(h)(1).

<sup>8</sup> 28 Tex. Admin. Code § 1.502(e) (emphasis added); *see* Tex. Occ. Code § 53.025.

moral turpitude or breach of fiduciary duty” or an offense with the essential elements of a robbery offense, as described by Texas Penal Code Chapter 29.”<sup>9</sup>

If the Department determines that an offense directly relates to the duties and responsibilities of the licensed occupation, it must then consider the following factors prescribed by Texas Occupations Code section 53.023 in determining whether to take any action against the licensee or applicant: (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>10</sup> Under its rules, the Department *shall not* issue a license or authorization if the criminal history directly relates to the duties and responsibilities of the licensed occupation, unless it finds these factors outweigh the serious nature of the criminal offense when viewed in light of the occupation being licensed.<sup>11</sup>

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<sup>9</sup> 28 Tex. Admin. Code § 1.502(e)(3), (e)(4)(D).

<sup>10</sup> Tex. Occ. Code § 53.023; *see also* 28 Tex. Admin. Code § 1.502(h)(2).

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

Each applicant has the responsibility, to the extent possible, to obtain and provide to the Department their evidence of fitness discussed above.<sup>12</sup> An applicant must also furnish proof to the Department that the applicant has: 1) maintained a record of steady employment; 2) supported the applicant's 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>13</sup>

Staff has the burden of proving its grounds for disciplinary action against Respondent. Respondent has the burden to prove his fitness to be licensed despite his criminal history. The standard of proof is by a preponderance of the evidence.<sup>14</sup>

### **III. EVIDENCE**

Staff offered twelve exhibits, which were admitted without objection, and the testimony of Lewis Wright. Respondent testified on his own behalf and did not offer any exhibits.

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<sup>12</sup> Tex. Occ. Code § 53.023(b); Tex. Admin. Code § 1.502(h)(3).

<sup>13</sup> 28 Tex. Admin. Code § 1.502(h)(2)(G).

<sup>14</sup> 1 Tex. Admin. Code § 155.427; *Granek v. Tex. St. Bd. of Med. Exam'rs*, 172 S.W.3d 761, 777 (Tex. App.—Austin 2005, no pet.).

**A. BACKGROUND**

The evidence regarding Respondent's criminal history and the filing of his application were not disputed. The documentary evidence<sup>15</sup> demonstrated the following:

**Criminal History.** On December 9, 1988, Respondent was arrested for the felony charge of aggravated robbery where he "intentionally and knowingly threatened and placed the [c]omplainant in fear of imminent bodily injury and death, by using and exhibiting a deadly weapon," a firearm, in the course of committing theft of the complainant's property.<sup>16</sup> On March 27, 1989, Respondent pleaded guilty in the 185th District Court of Harris County, Texas to the felony offense of aggravated robbery. The court, in Cause No. 517409, sentenced Respondent to five years of confinement.<sup>17</sup>

On April 14, 1999, in Cause No. 803725 in the 230th District Court of Harris County, Texas, the jury found Respondent guilty of first-degree aggravated robbery, which he committed on September 20, 1993.<sup>18</sup> Respondent was sentenced to fifty years confinement and a \$10,000 fine.<sup>19</sup> Respondent has been on parole since

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<sup>15</sup> See Staff Exs. 4-7.

<sup>16</sup> Staff Ex. 4 at TDI 0037.

<sup>17</sup> Staff Ex. 4 at TDI 0042.

<sup>18</sup> Staff Ex. 5 at TDI 0047.

<sup>19</sup> Staff Ex. 5 at TDI 0047. The Court of Criminal Appeals of Texas affirmed the trial court's judgment. Staff Ex. 6.

October 18, 2019 and is scheduled to be discharged from parole on September 20, 2043.<sup>20</sup>

**License application.** On June 24, 2022, Respondent submitted an application for an adjuster all lines license to the Department.<sup>21</sup> The Department proposed to deny Respondent's license application, which Respondent appealed. On September 8, 2022, the Department acknowledge receipt of it<sup>22</sup> and referred the case to SOAH, over twenty months later on June 3, 2024.

**Respondent's Supporting Documents.** In support of his application, Respondent submitted the following information: a resume,<sup>23</sup> military discharge paperwork;<sup>24</sup> six letters of support;<sup>25</sup> proof of rehabilitative efforts through education and training; and his statements.

While his parents' divorce was the catalyst, Respondent explained in his statement that it was his uncle who was the impetus for his life of crime and drugs that ultimately led to his conviction. His uncle, who was a few years his senior,

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<sup>20</sup> Staff Ex. 7 at TDI 0089, 0110.

<sup>21</sup> Staff Ex. 7 at TDI 0110-119.

<sup>22</sup> Staff Ex. 7 at TDI 0056. In the Original Petition, Staff noted the Department proposed to deny Respondent's license application on September 8, 2022. Staff Ex. 1 at TDI005 ¶2. However, the only document in evidence dated September 8, 2022, is the Department's letter to Respondent informing him of its receipt of his request for hearing, which would be conducted by SOAH. *Id.*

<sup>23</sup> Staff Ex. 7.

<sup>24</sup> Staff Ex. 7 at TDI 0098. Respondent was given an honorable discharge as a private in the United States Army, and the listed reason for separation was "[u]nsatisfactory performance." *Id.*

<sup>25</sup> Of the six, one letter was illegible. Staff Ex. 7 at TDI 0092.

became his biggest influence. He taught Respondent to sell and use drugs, smoke cigarettes, and drink alcohol at the age of eight. As a teenager, Respondent smoked daily, was dependent on marijuana, made many bad decisions, and had many bad associates. However, upon introspection during his incarceration for his second felony, he “was disgusted with what he saw.”<sup>26</sup> Respondent emphasized how he took the initiative—with the help of God—to rehabilitate himself by obtaining college degrees, gaining membership in Toastmasters International, learning new skills (e.g., leather crafting, playing the drums), mentoring younger men to change their life perspective, and developing work ethics.<sup>27</sup> He continued to rely on God upon his release and participates, when he can, in Prison Ministry.<sup>28</sup>

Regarding the September 20, 1993 incident, Respondent explained in his statement that an associate (Associate) took him to a trailer to exchange drugs for a gun. After the exchange, he waited outside, unloaded the pistol, and placed the pistol in his right pocket and the magazine in his left pocket. After growing impatient waiting on Associate, Respondent knocked on the door, entered the trailer, and encountered the buyer begging for help because Associate had slit his throat and continued to hold him from behind. Horrified, scared, and in shock, Respondent said he ran outside to get the car. Before reaching the vehicle,<sup>29</sup> the buyer “burst out of the trailer door” with Associate pursuing him with a knife. Associate continued to stab buyer even after he collapsed. Although he has “been shot at and in prison riots

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<sup>26</sup> Staff Ex. 7 at TDI 0094.

<sup>27</sup> Staff Ex. 7 at TDI 0094.

<sup>28</sup> Staff Ex. 7 at TDI 0094.

<sup>29</sup> Staff Ex. 7 at TDI 0095.

with violent pandemonium on all sides,” Respondent said he was not as scared as he was that night. He “deeply regrets” being present and involved with someone losing their life.<sup>30</sup> However, he questions how he can move forward and progress when it appears to him that his denial is based on a 30-year-old conviction stemming from the 1993 incident.<sup>31</sup> Respondent noted all his letters of support indicate he will be a “great claims adjuster.”

Respondent’s rehabilitative efforts included completing the following courses: Voyager 26 Lesson Short Course and Bridges to Life Program at Jester III Unit on September 6, 2017,<sup>32</sup> and November 24, 2015,<sup>33</sup> respectively; Marriage and Parenting at Ramsey Unit on May 22, 2015;<sup>34</sup> 42 hours of job readiness workshop through the Bridges to Life program on June 21, 2019;<sup>35</sup> and an on-the-job training program in the trade area of furniture upholsterer on November 29, 2012 from the Windham School District.<sup>36</sup> He also graduated from Alvin Community College with a Certificate of Management course of study on December 12, 2020,<sup>37</sup> and Central Texas College with an Associate Degree in General Studies on August 10, 2001.<sup>38</sup>

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<sup>30</sup> Staff Ex. 7 at TDI 0096.

<sup>31</sup> Staff Ex. 7 at 0057, -58.

<sup>32</sup> Staff Ex. 7 at TDI 0102, -105.

<sup>33</sup> Staff Ex. 7 at TDI 0108.

<sup>34</sup> Staff Ex. 7 at TDI 0106.

<sup>35</sup> Staff Ex. 7 at TDI 0109.

<sup>36</sup> Staff Ex. 7 at TDI 0107.

<sup>37</sup> Staff Ex. 7 at TDI 0103.

<sup>38</sup> Staff Ex. 7 at TDI 0104.

Respondent submitted letters of support from: (1) the chairman of the Children of the Incarcerated Alliance—who has known him for 11 years including the time Respondent was incarcerated;<sup>39</sup> (2) Respondent’s parole officer, who indicated Respondent has had no new violations of the law;<sup>40</sup> (3) Respondent’s previous supervisor at Aggieland Chevrolet who had worked with him for almost two years and offered to rehire him after Respondent’s release but stated Respondent declined because he had “claims adjusting aspirations;”<sup>41</sup> (4) a friend of two years who first met him while purchasing a vehicle from Respondent;<sup>42</sup> and (5) the Administration Program Manager for the City of Houston Community Reentry Network Program and My Brother’s Keeper Redirect program who first met Respondent in 2018.<sup>43</sup> Each were aware of Respondent’s incarceration. The Administration Program Manager believed Respondent’s “wrongful actions represent an aberration he will never repeat.”<sup>44</sup> The chairman of the Children of the Incarcerated Alliance noted some of Respondent’s rehabilitative efforts while in prison and spoke of Respondent’s “proactive and productive path after release.”<sup>45</sup> Respondent’s prior supervisor at Aggieland Chevrolet mentioned how Respondent

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<sup>39</sup> Staff Ex. 7 at TDI 0088, -97.

<sup>40</sup> Staff Ex. 7 at TDI 0089, -110.

<sup>41</sup> Staff Ex. 7 at TDI 0090.

<sup>42</sup> Staff Ex. 7 at TDI 0091, -100.

<sup>43</sup> Staff Ex. 7 at TDI 0093, -101.

<sup>44</sup> Staff Ex. 7 at TDI 0093, -101.

<sup>45</sup> Staff Ex. 7 at TDI 0088, -97.

does not carry himself as someone who had been incarcerated. Each extolled Respondent as a man with integrity, honesty, and a good moral character.

**B. MR. WRIGHT'S TESTIMONY**

Mr. Wright has worked for the Department for 17 years. He has also served as an underwriter, manager of claims examiner for an insurance carrier, and insurance agent. He has held a general lines license with the life, accident, and health qualification and the property and casualty qualification. He currently serves as an administrative review liaison to the Department's Enforcement Division where he reviews applications that may be of concern to the Department during licensure.

Mr. Wright testified that it is imperative individuals who are licensed be honest, trustworthy, and reliable. When the Department issues a license, it conveys to the public that the individual will be trustworthy and has a minimal amount of competency in the insurance business. The license also grants the applicant the authority to act as a representative in the insurance industry and/or of the insurance carriers. Moreover, the Department's mission is to protect Texas consumers from wrongdoing in insurance transactions. The mechanisms used to deliver and purchase the products and the claims processes related to loss settlement are complex and frequently involve numerous individuals or entities and large cash flows. Thus, a lot of trust is placed on a licensee to act in an honest fashion, to not expose Texas consumers to misconduct, and to be trustworthy, reliable, and transparent in his or her transactions.

Specifically, for licensed all lines adjusters, the policy's asset is ultimately under the authority of the adjuster to distribute. Their primary duty is to be a representative of the insurance company during the loss/settlement process of a claim made against an insurance policy. The adjuster gathers sensitive information related to a loss; appraises any damage as a result of any covered loss, which may require the adjuster to be in the consumer's home; and makes a recommendation to an insurance carrier related to amounts to be paid and parties to be paid as a result of their adjusting of a claim.

Mr. Wright testified that applicants are not automatically barred from licensure if they have a criminal record. The administrative review staff evaluates applications on a case-by-case basis. Their process includes questions on the application designed to elicit information that would be key determinants in an applicant's fitness for licensure, evaluation of the responses on the application, solicitation of additional information regarding any concerns on the application, and analysis of all the information before making a recommendation. While there is no way the Department can absolutely ensure protection from wrongdoings from individuals granted a license, Mr. Wright explained that the Department's process is designed to detect indicators of whether an individual will be honest, trustworthy, and reliable and to prevent individuals who may be a risk for the public from receiving the authorities granted by the license.

The Department considered everything submitted in Respondent's application before making a recommendation. Mr. Wright and the Administrative Review Staff reviewed the letters of recommendation that spoke on behalf of

supporting a favorable licensing decision. They evaluated Respondent’s work history, which is mostly subsequent to his incarceration, from his resume; Respondent’s personal statement that provided a description of the second felony robbery offense from his point of view; and Respondent’s educational certificates related to his rehabilitation efforts while incarcerated and afterwards. However, Mr. Wright testified none of Respondent’s evidence outweighed the nature, severity, and length of his criminal history. Respondent’s two felony convictions for aggravated robbery are grounds for denial of licensure because they were felony convictions. The second offense occurred approximately three years after the first offense while Respondent was on parole. And, of concern to the Department, Respondent will remain on parole until 2043. While the Department feels that a 30-year span of time is a significant amount of time since the last criminal offense, they had to consider everything when making a recommendation. They proposed denial of Respondent’s licensure as an adjuster at this time.

**C. RESPONDENT’S TESTIMONY**

Respondent refutes the Department’s allegation about his dishonesty—he has always been honest—and disagrees that the Department’s review process can determine whether a person has rehabilitated. Although he cannot change the past, Respondent said he has changed his future while he focuses on how he can better his and other peoples’ lives.

Respondent testified he was 23 years old when he committed his first offense and 29 years old when he committed the second, his last, offense. He explained that he had a “criminal mind” until 1993 when “things changed,” and he is “not that

person anymore,” nor will he be that person again. He no longer associates with criminals and is drug-free.

Regarding his convictions for aggravated robbery, Respondent asserts that the weapon in both incidents were unloaded. In the first offense, he only exhibited an unloaded weapon since he had no intention of harming anyone. No one got hurt. Instead, he robbed a business to supply his habit, got caught, and went to prison. In the second offense, Respondent admitted to having a weapon, but the weapon’s clip was in one pocket while the unloaded weapon was in another pocket. Additionally, his second conviction in 1999 was for aggravated robbery that happened 31 years ago in 1993. Respondent said he was taken by an associate from the streets to exchange drugs for a weapon. The transaction happened, but his associate killed a man outside his presence. Respondent testified he was initially convicted of a life sentence in 1995, but it was reversed, and he got a second trial where he was convicted for 50 years for perjured testimony.<sup>46</sup> Upon his release from custody, he was placed on a monitor for two years and will be on parole supervision until 2043.

Respondent testified he has paid all or is not delinquent in his outstanding court costs, provision fees, and restitutions as it is part of his parole conditions. He expressed remorse over his crimes and has worked hard to rehabilitate himself. His rehabilitative efforts include—from the state—obtaining a Mental Health Peer Specialist Certification and working on a Recovery Peer Specialist Certification. He

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<sup>46</sup> The Court of Criminal Appeals affirmed the trial court’s judgment of fifty years in prison and a \$10,000 fine on September 12, 2007. Staff Ex. 6.

also is working on two national recovery specialists and re-entry certifications from the National Association for Alcoholism and Drug Abuse Counselors.

Respondent revealed that his passion is working in drug addiction recovery. Respondent currently works with the homeless, particularly in the reentry capacity, at Keep Enriching Youth Success (KEYS) of Houston. This organization, he explained, works with people who are incarcerated by training them and helping them with life skills and jobs. He also worked on re-entry at his prior job at Alvin Community College. Before his incarceration, he had a career in car sales. Upon his release, he returned to the car business and held a series of “little bitty jobs” because it was hard for him to obtain employment with his criminal history.

As a car salesman and while working in KEYS, Respondent said he receives “all kinds of information” from people that can be used to commit fraud or other crime. This information, he claims, is basically the same information given in the claims process. And he has not used the information for ill. Because of that, Respondent asserts he is very capable of being a “very good” claims adjuster.

As far as his license application is concerned, Respondent admitted to no longer wanting to become a claims adjuster. He has moved past that career because his work in reentry allows him to make a difference in peoples’ lives and in the recidivism rate. But he appealed the Department’s determination because of the efforts he undertook to become an adjuster.

**IV. ANALYSIS**

The ALJ agrees with Respondent that a crime does not necessarily define a person and that a person can be rehabilitated. However, the ALJ is bound by the law applicable to this case.

It is undisputed that Respondent has two felony convictions of aggravated robbery. Pursuant to Texas Insurance Code section 4005.101(b)(5) and (b)(8), the Department may deny Respondent's license application because he has engaged in fraudulent or dishonest acts or practices and has been convicted of two felonies. Also, because the Department determined that any felony involving moral turpitude, breach of fiduciary duty, or has the essential elements of a robbery offense, as described by Texas Penal Code chapter 29, are of such serious nature that it is of prime importance in determining fitness for licensure and directly relates to the duties and responsibilities of the licensed occupation, the Department may deny Respondent's license application pursuant to Texas Insurance Code sections 4005.101(b)(5) and (b)(8) and 28 Texas Administrative Code sections 1.502(e)(3) and (e)(4)(D).

The next step to consider is whether Respondent should be denied a license pursuant to Texas Occupations Code section 53.023(a). The evidence showed Respondent pled guilty to his first felony offense and was found guilty by a jury in his second felony offense, which he committed when he was 23 and 29 years old, respectively. His offenses cannot be considered youthful indiscretion. Although much time has elapsed since Respondent's last crime, he has 19 years of parole left to serve as of the date of the hearing and was only released from prison in October

2019. Given the nature and severity of his crime, this is not an extensive amount of time.

However, mitigating these factors are Respondent's record of steady employment; evidence of his rehabilitative efforts through education and training; his compliance with the terms of his parole; and the five letters of recommendation, which speak highly of his work ethic, strides he has made in his rehabilitation, and his character despite knowledge of his incarceration. There is also no evidence of any other criminal activity but the aggravated robberies. He has also paid all or is not delinquent in his payment of outstanding court costs, provision fees, and restitutions. Respondent also explained that he learned from his experiences and explained why he should be trusted with consumers' personal information, properties, and monies.

Before denying a license based on a person's criminal history, the Department will first consider whether the factors specified in Texas Occupations Code sections 53.022 and 53.023 outweigh the serious nature of the conduct when considering the occupation being licensed. These factors are the same ones considered above when evaluating Respondent's felony offenses. As Mr. Wright testified, an all lines adjuster license requires honest, trustworthy, and reliable applicants. Not only did Respondent admit to committing perjury, but he did not explain the inconsistency in his testimony (carrying an unloaded weapon in the commission of the crime) and written statement (unloading the weapon after the exchange of drugs and weapons) to the Department regarding the 1993 aggravated robbery.

The ALJ finds, on balance, that the evidence supports Staff’s proposal to deny Respondent’s application at this time. Respondent committed crimes of such serious nature that they resulted in five years and fifty years of incarceration, respectively, and a \$10,000 fine for the second offense. Although Respondent has addressed the root cause of his behavior and continues to rehabilitate himself so the Department can trust him to serve the public, Respondent remains on parole. He has been on parole since October 2019 and has maintained a record of good conduct. At this point, however, Respondent has not established a long enough record of good behavior since his release. Moreover, he has not yet fully discharged the sentence for his offense. Accordingly, the ALJ concludes that the mitigating factors do not outweigh the seriousness of the criminal offense, and Respondent has not shown his fitness for licensure at this time. Thus, the Department should not issue Respondent an adjuster all lines license.

**V. FINDINGS OF FACT**

1. On December 9, 1988, Jeffrey Taylor (Respondent) was arrested for the felony charge of aggravated robbery. He intentionally and knowingly threatened and placed “the [c]omplainant in fear of imminent bodily injury and death, by using and exhibiting a deadly weapon,” a firearm, in the course of committing theft of the complainant’s property. On March 27, 1989, Respondent pled guilty in the 185th District Court of Harris County, Texas to the felony offense of aggravated robbery. The court, in Cause No. 517409, sentenced Respondent to five years of confinement.
2. On April 14, 1999, in Cause No. 803725 in the 230 District Court of Harris County, Texas, the jury found Respondent guilty of first-degree aggravated robbery, which he committed on September 20, 1993. Respondent was sentenced to fifty years confinement and a \$10,000 fine. Respondent has been on parole since October 18, 2019, and is scheduled to be discharged from parole on September 20, 2043.

3. Respondent's offenses were not youthful indiscretions. Respondent was 23 years old when he committed the first felony offense of aggravated robbery. Respondent committed the second, most recent, felony offense of aggravated robbery when he was 29 years old and while on parole for his first offense.
4. Respondent's offenses are serious in nature.
5. On June 24, 2022, Respondent applied for an adjuster all lines license from the Texas Department of Insurance (Department).
6. The Department proposed to deny Respondent's license application, which Respondent appealed. Department staff (Staff) referred the case to the State Office of Administrative Hearings (SOAH) on June 3, 2024.
7. Staff mailed Respondent a Notice of Hearing and an Amended Notice of Hearing on June 6 and September 16, 2024, respectively, regarding the September 24, 2024 hearing on the merits. The notices provided 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 incorporated by reference the factual matters asserted in the complaint or petition filed with the state agency.
8. On September 24, 2024, SOAH Administrative Law Judge Dee Marlo Chico convened a hearing by videoconference. Attorneys Victor Moya, III, and Stephani Andrews represented Staff, and Respondent represented himself. The hearing concluded that day. The record closed on October 8, 2024, upon receipt of the transcript.
9. Respondent was on drugs beginning at eight years old and committed crimes to support his drug addiction. Respondent no longer associates with criminals, is drug-free, and has maintained a record of good conduct since his release on parole.
10. Respondent has paid all or is not delinquent in his payment of outstanding court costs, provision fees, and restitutions. As of the date of the hearing, Respondent has complied with the terms of his parole.

11. Respondent expressed remorse over his criminal history and has worked hard to rehabilitate himself through education and training.
12. Respondent's five letters of recommendation spoke highly of his work ethic, strides he has made in his rehabilitation, and his character despite knowledge of his criminal history. They each extolled Respondent as a man with integrity, honesty, and a good moral character and supported a favorable licensing decision.
13. Respondent has maintained a record of steady employment.
14. The felony crime of aggravated robbery
  - a. involves moral turpitude, breach of fiduciary duty, or an offense with the essential elements of a felony offense of aggravated robbery, as described by Texas Penal Code chapter 29.
  - b. is a serious crime that the Department considers to be of prime importance in determining licensure.
  - c. is directly related to the duties and responsibilities of the licensed occupation.
15. Respondent is not fit for licensure by the Department at this time.

**VI. CONCLUSIONS OF LAW**

1. The Department has jurisdiction over this matter. Tex. Ins. Code §§ 82.051-.055, 4001.002, .105; 4005.101-.102, 4101.051; Tex. Occ. Code §§ 53.021-.023; Tex. Gov't Code §§ 2001.051-.178; 28 Tex. Admin. Code § 1.502.
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. Respondent received timely and sufficient notice of hearing. Tex. Gov't Code ch. 2001; Tex. Ins. Code § 4005.104(b).

4. Staff had the burden of proving its grounds for denying Respondent's application, and Respondent had the burden of proving his fitness to be licensed despite his criminal history. The standard of proof is by a preponderance of the evidence. 1 Tex. Admin. Code § 155.427; Tex. Occ. Code § 53.023; *Granek v. Tex. St. Bd. of Med. Exam'rs*, 172 S.W.3d 761, 777 (Tex. App.—Austin 2005, no pet.).
5. The Department considers the factors listed in Texas Occupations Code sections 53.022 and 53.023 in determining whether to suspend or revoke a license despite a criminal offense or fraudulent or dishonest conduct and shall not issue a license unless the mitigating factors outweigh the serious nature of the criminal offense or fraudulent or dishonest conduct when viewed in the light of the occupation being licensed. 28 Tex. Admin. Code § 1.502(f), (h).
6. The Department may deny licensure to an applicant who committed an offense that directly relates to the duties and responsibilities of the licensed occupation. Tex. Occ. Code § 53.021(a)(1); Tex. Ins. Code §§ 4005.101(b)(5), (b)(8), .102(1); 28 Tex. Admin. Code § 1.502(d).
7. Respondent's offenses are the type that the Department considers to be of such a serious nature that it is of prime importance in determining fitness for licensure. 28 Tex. Admin Code § 1.502(e)(3), (e)(4)(D).
8. Respondent was convicted of two felonies involving moral turpitude, breach of fiduciary duty, or an offense with the essential elements of a robbery offense, as described by Texas Penal Code Chapter 29. 28 Tex. Admin. Code § 1.502(e)(3), (e)(4)(D).
9. Respondent engaged in fraudulent or dishonest acts or practices or has been convicted of a felony that directly relates to the duties and responsibilities of the licensed occupation. Tex. Ins. Code §§ 4005.101(b)(5), (b)(8), .102(1); Tex. Occ. Code § 53.021(a); 28 Tex. Admin. Code § 1.502(d).
10. The mitigating factors do not outweigh the seriousness of Respondent's criminal offenses, and he has not shown his fitness for licensure despite his criminal history. Tex. Occ. Code §§ 53.022-.023; 28 Tex. Admin. Code § 1.502(f).

11. The Department should deny Respondent's application for an adjuster all lines license.

**Signed January 8, 2025**

ALJ Signature:

A handwritten signature in blue ink that reads "DMChico". The signature is written in a cursive, stylized font. Below the signature is a horizontal line.

Dee Marlo Chico

Presiding Administrative Law Judge

**2025-9158**

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Associated Case Party: TDI

Name	BarNumber	Email	TimestampSubmitted	Status
Ginger Loeffler		Ginger.Loeffler@tdi.texas.gov	1/8/2025 8:35:17 AM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	1/8/2025 8:35:17 AM	SENT
Victor Moya		Victor.Moya@tdi.texas.gov	1/8/2025 8:35:17 AM	SENT

Associated Case Party: chief clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	1/8/2025 8:35:17 AM	SENT

Associated Case Party: JeffreyTaylor

Name	BarNumber	Email	TimestampSubmitted	Status
Jeffrey Taylor		[REDACTED]	1/8/2025 8:35:17 AM	SENT