

No. 2025-9288

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

Date: 05/09/2025

Subject Considered:

Damian DeVahn-Lee Perry
Houston, Texas

Default Order
TDI Enforcement File No. 33838

General Remarks and Official Action Taken:

The subject of this default order is whether a general lines agent license should be issued to Damian DeVahn-Lee Perry (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 April 7, 2025, 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] Houston, TX 77002.
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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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 4054.051; 28 TEX. ADMIN. CODE § 1.502¹; TEX. OCC. CODE §§ 53.021-53.023; 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, and 1.47.
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 Damian DeVahn-Lee Perry'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:

FC5D7EDDFBB4F8

Cassie Brown
Commissioner of Insurance

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.

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Prepared and reviewed by:

Casey Dick

Casey Dick, Staff Attorney
Enforcement

Affidavit

STATE OF TEXAS §

§

COUNTY OF TRAVIS §

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

"My name is David Moreno and I am employed by the Texas Department of Insurance. I am of sound mind, capable of making this affidavit, and have personal knowledge of these facts which are true and correct.

I have reviewed TDI's records concerning Damian DeVahn-Lee Perry. I have confirmed that:

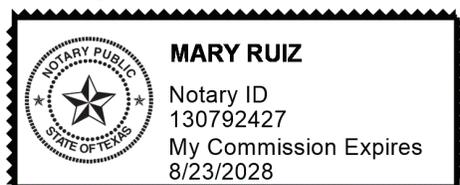
- a. The last mailing address provided to the department in writing by Damian DeVahn-Lee Perry is [REDACTED], Houston, TX 77002.
- b. The file maintained by Enforcement contains a Notice of Allegations dated April 7, 2025, which was sent to Damian DeVahn-Lee Perry.
- c. On April 7, 2025, the Notice of Allegations addressed to Damian DeVahn-Lee Perry was mailed first-class and certified, return receipt requested, to his last known address.

Copies of the first-class mail log and certified mail log maintained by Enforcement are attached as Exhibit B and Exhibit C, respectively."

Signed by:
David Moreno _____
E0592E565F204D0...
Affiant

SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 4/29/2025. This notarial act was an online notarization.

Notary Seal



Digital Certificate

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

2025-9288



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

April 7, 2025

Damian Devahn-Lee Perry
[REDACTED]
Houston, TX 77002

Via CM/RRR No. 9214 8901 9403 8308 7370 82
Via First Class Mail
Via Email: [REDACTED]

**TDI ENFORCEMENT CASE NO. 33838
NOTICE OF ALLEGATIONS AGAINST DAMIAN DEVAHN-LEE PERRY**

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

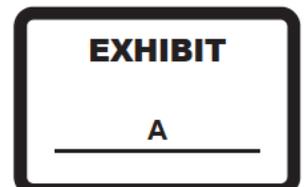
YOU HAVE THE RIGHT TO A HEARING AND ARE INVITED TO SHOW COMPLIANCE WITH THE LAW. To request a hearing, you must send a written response to TDI within 20 days of the date this Notice was mailed.

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:

Casey Dick, Staff Attorney
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 490-1020 (Fax)
casey.dick@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 4054.051; 28 TEX. ADMIN. CODE § 1.502;¹ TEX. OCC. CODE §§ 53.021-53.023; and TEX. GOV'T CODE §§ 2001.003(1) and 2001.051–2001.178.

Factual Allegations

License Application

1. On September 6, 2023, Damian Devahn-Lee Perry (Perry) applied to TDI for a general lines agent license with a life, accident, health, and HMO qualification.
2. On November 21, 2023, TDI proposed to deny Perry's application based on his criminal history. Perry appealed that decision and made a written request for a hearing.

Criminal History

3. On April 13, 2023, in the 337th District Court of Harris County, Texas, case number 174429801010, Perry pleaded guilty to second degree felony aggravated assault with a deadly weapon, namely a firearm, for an offense which occurred on September 26, 2021.
4. On the same day as his guilty plea, the court entered an order of deferred adjudication placing Perry on community supervision for five years and ordered Perry to pay \$290 in court costs and \$70 in reimbursement fees. Conditions of Perry's deferred adjudication also include: 80 hours of community service; eight hours of anger management classes; a written admonition on his ineligibility to possess firearms or ammunition; and a prohibition from having any contact with the victim of his offense in person, in writing, by telephone, via the internet, a third party, or any other means for any reason except as specifically permitted by the court.

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.

5. Perry is still on community supervision. He applied to TDI for the license only five months into his community supervision term.
6. Perry's community supervision is not scheduled to expire until April 12, 2028.

Legal Allegations

1. Perry was placed on deferred adjudication for an offense that directly relates to the duties and responsibilities of the licensed occupation, as contemplated in 28 TEX. ADMIN. CODE § 1.502(d) and (f).
2. Perry committed an offense TDI considers to be of such serious nature that it is of prime importance in determining fitness for licensure or authorization, as contemplated by 28 TEX. ADMIN. CODE § 1.502(e) and TEX. OCC. CODE §§ 53.021-53.023.
3. Perry committed a felony offense involving assault as contemplated by 28 TEX. ADMIN. CODE § 1.502(e)(4)(B).
4. Pursuant to TEX. OCC. CODE § 53.021(c)-(d), the commissioner may deny Perry's application and consider him to have been convicted of felony aggravated assault with a deadly weapon because:
 - a. he has not completed the period of supervision pursuant to TEX. OCC. CODE § 53.021(d)(1)(B)(i); and,
 - b. pursuant to TEX. OCC. CODE § 53.021(d)(2), TDI determined:
 - i. Perry poses a continued threat to public safety; or
 - ii. employment in the licensed occupation will create a situation in which he has the opportunity to repeat the prohibited conduct.
5. TDI guidelines, 28 TEX. ADMIN. CODE § 1.502(c)-(e), emphasize that TDI:
 - a. considers it very important that applicants be honest, trustworthy, and reliable;

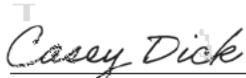
- b. may refuse to issue an original license if TDI determines that the applicant has committed an offense that directly relates to the duties and responsibilities of the licensed occupation; and
- c. considers any felony assault offense to be of such a serious nature that it is of prime importance when determining fitness for licensure.

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,



Casey Dick

State Bar No. 24132039

Texas Department of Insurance

Enforcement, MC ENF

P.O. Box 12030

Austin, Texas 78711-2030

(512) 676-6328 (Direct)

(512) 490-1020 (Fax)

Casey.Dick@tdi.texas.gov

cc: Leah Gillum, Deputy Commissioner, Fraud and Enforcement Division, MC: ENF
Rachel Cloyd, Litigation Director, Enforcement, MC: ENF
Administrative Review, MC: CO-AAL

CERTIFICATE OF SERVICE

I, Casey Dick, certify that a true and correct copy of this *Notice of Allegations Against Damian Devahn-Lee Perry* was sent by the following methods on this 7th day of April, 2025 to:

Damian Devahn-Lee Perry
[REDACTED]
Houston, TX 77002

Via CM/RRR No.: 9214 8901 9403 8308 7370 82
Via First Class Mail
Via Email: [REDACTED]

Casey Dick

Casey Dick



Firm Mailing Book For Accountable Mail

2025-9288

Name and Address of Sender
ENF M RUIZ
1601 CONGRESS AVENUE
STE 6.900
AUSTIN TX 78701

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

- 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

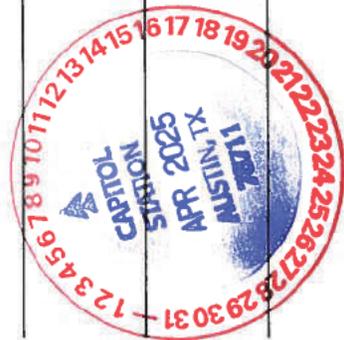
1. 9214 8901 9403 8308 7370 82

DICK/33838

Addressee (Name, Street, City, State, & ZIP Code™)

DAMIAN DEVAHN-LEE PERRY
[REDACTED]
HOUSTON, TX 77002

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
0.69	4.85	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



Total Number of Pieces Received at Post Office

1

Total Number of Pieces Listed by Sender

Postmaster: Per (Name of receiving employee)
Uybarro
Complete in Ink