

No. 2025-9430

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

Date: 07/29/2025

Subject Considered:

Texas Department of Insurance

v.

Shuntocqua Shine

SOAH Docket No. 454-25-00225.C

General Remarks and Official Action Taken:

The subject of this order is Shuntocqua Shine's applications for an adjuster all lines license and a life agent license. This order denies Ms. Shine's applications and also denies consent for Ms. Shine to engage or participate in the business of insurance.

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 TDI deny Ms. Shine's applications and deny consent for her to engage or participate in the business of insurance. A copy of the proposal for decision 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.

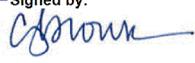
COMMISSIONER'S ORDER
TDI v. Shuntocqua Shine
SOAH Docket No. 454-25-00225.C
Page 2 of 2

Conclusions of Law

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

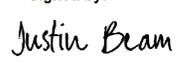
Order

It is ordered that Shuntocqua Shine's applications for an adjuster all lines license and a life agent license are denied, and Shuntocqua Shine is denied consent to engage or participate in the business of insurance.

Signed by: 
FC5D7EDDFB4F8... _____
Cassie Brown
Commissioner of Insurance

Recommended and reviewed by:

Signed by: 
5DAC5618BBC74D4... _____
Jessica Barta, General Counsel

Signed by: 
27ADF3DA5BAF4B7... _____
Justin Beam, Chief Clerk

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

—
**TEXAS DEPARTMENT OF INSURANCE,
PETITIONER**

v.

**SHUNTOCQUA SHINE,
RESPONDENT**

PROPOSAL FOR DECISION

The staff (Staff) of the Texas Department of Insurance (Department) seeks to deny the applications of Shuntocqua Shine for an Adjuster All Lines license and a Life Agent license based on her criminal history. After considering the evidence and applicable law, the Administrative Law Judge (ALJ) recommends that the Department deny Ms. Shine's license applications.

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 December 11, 2024, before ALJ Linda Brite of the State Office of Administrative Hearings (SOAH). Attorney Casey Dick represented Staff. Ms. Shine appeared and represented herself. The hearing concluded that day, and the record closed on December 20, 2024, when the court reporter’s transcript was submitted to SOAH.

II. APPLICABLE LAW

To act as an insurance agent in this state, a person must hold a license issued by the Department.¹ The Department may deny a license application on several grounds, including if the applicant has engaged in fraudulent or dishonest acts or practices, 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.²

In determining whether to deny an application based on a person’s criminal history, the Department considers the factors specified in Texas Occupations Code sections 53.022 and 53.023.³ Texas Occupations Code section 53.022 sets forth the

¹ Tex. Ins. Code §§ 101.102, 4001.051.

² Tex. Ins. Code § 4005.101(b)(5), (8); Tex. Occ. Code § 53.021(a)(1); *see also* 28 Tex. Admin. Code § 1.502(d). Some provisions of the Texas Administrative Code have been amended since the time of the applications. All citations in this Proposal for Decision are to the substantive provisions in effect at the time of the applications.

³ 28 Tex. Admin. Code § 1.502(h).

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.

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 directly related to the duties and responsibilities of the license occupation or are of prime importance in determining fitness for licensure.⁴ These crimes include, among others: any offense for which fraud, dishonesty, or deceit is an essential element; any felony involving moral turpitude; or an offense with the essential elements of an offense against the person.⁵

⁴ 28 Tex. Admin. Code § 1.502(e).

⁵ 28 Tex. Admin. Code § 1.502(e)(1), (3), (4)(H).

After determining a criminal offense directly relates to the occupation, the Department considers the additional factors set forth in Texas Occupations Code section 53.023(a) and 28 Texas Administrative Code section 1.502(h)(1):

- (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;
- (7) other evidence of the person's fitness, including letters of recommendation; and
- (8) records of steady employment, supporting dependents, otherwise maintaining good conduct, and payment of outstanding court costs, supervision fees, fines, and restitution as may have been ordered in all criminal cases for which applicant has been convicted.

Any individual who has been convicted of any criminal felony involving dishonesty or a breach of trust may engage or participate in the business of insurance if the person has the written consent the Department.⁶

⁶ 18 U.S.C. § 1033(e)(2).

Staff has the burden of producing evidence to show that Ms. Shine’s application should be denied because she has a criminal history that supports denial of the license.⁷ Once Staff produces such evidence, the burden shifts to Ms. Shine to show that she is fit for a license despite her criminal history.⁸ The standard of proof is by a preponderance of the evidence.⁹

III. EVIDENCE

At the hearing, Staff had seven exhibits¹⁰ admitted into evidence and presented the testimony of Tenika Young. Ms. Shine testified on her own behalf and offered no exhibits.

A. BACKGROUND

On May 7, 2023, Ms. Shine filed an application for Adjuster All Lines license with the Department. On June 22, 2023, Ms. Shine filed an application for a Life Agent license with the Department. On June 23 and August 8, 2023, the Department

⁷ 1 Tex. Admin. Code § 155.427.

⁸ Tex. Occ. Code § 53.023(b).

⁹ *Granek v. Tex. State Bd. of Med. Exam’rs*, 172 S.W.3d 761, 777 (Tex. App.—Austin 2005, no pet.).

¹⁰ Staff Ex. 1 (Notice of Hearing); Staff Ex. 2 (Licensing Division application file); Staff Ex. 3 (Criminal Records from the United States District Court, Northern District of Texas, Dallas Division); Staff Ex. 4 (Request for Dismissal from the State of Texas 292nd Judicial District Court of Dallas County, Texas); Staff Ex. 5 (Information Request to Respondent 9/15/2023); Staff Ex. 6 (Respondent’s responses 10/3/2023); and Staff Ex. 7 (Texas State Board of Pharmacy licensing records).

proposed to deny the applications based on Ms. Shine's criminal history.¹¹ Ms. Shine timely appealed the proposed denial.¹²

B. MS. SHINE'S CRIMINAL HISTORY

Staff presented evidence of Ms. Shine's criminal history, as follows:

- On November 18, 2013, Ms. Shine and 10 other co-conspirators were indicted for several felony offenses in case number 3:14-CR-451-B, in the United States District Court for the Northern District of Texas, Dallas Division. The indictment states that an individual named Patrick D. Lenard ran a violent drug trafficking operation, and that Ms. Shine was a conspirator in that operation by: agreeing to help Mr. Lenard locate the victim for \$10,000 in consideration; utilizing a cellphone to perform reconnaissance to further the conspiracy; helping her co-conspirators capture their victim by driving them to the victim's location and ramming the victim with her vehicle to incapacitate him; ordering co-conspirators to search the victim for money; driving the victim against his will to an apartment where he was beaten; and washing and cleaning the vehicle in an attempt to hide evidence of the kidnapping.¹³
- Ms. Shine was specifically charged with four counts, all felonies:
 - count one – conspiracy to commit kidnapping along with four other co-conspirators;
 - count two – using, carrying, and brandishing a firearm during or in relation to a crime of violence along with four other co-conspirators;

¹¹ Staff Ex. 2 at 24, 28.

¹² Staff Ex. 2 at 22.

¹³ Staff Ex. 3 at 68-96.

- count three – kidnapping along with four other co-conspirators; and
- count four – conspiracy to possess with an intent to distribute a controlled substance along with 10 other co-conspirators.¹⁴
- On January 19, 2015, Ms. Shine pleaded guilty in case number 3:14-CR-451-B to count one of the indictment: conspiracy to commit kidnapping, a federal felony. To support this guilty plea, Ms. Shine and her attorney signed a “factual resume” detailing her role in the kidnapping. Ms. Shine attested that she: agreed to help Mr. Lenard locate the victim for financial consideration; utilized instrumentalities of interstate commerce to locate and apprehend the victim; struck the victim twice with her vehicle to incapacitate him; drove the victim against his will to an apartment; and washed the vehicle to remove evidence of the assault and kidnapping.¹⁵
- On March 17, 2016, Ms. Shine was convicted and sentenced in case number 3:14-CR-451-B to a 70-month prison sentence to be followed by two years of supervision after release from prison, and a \$100 penalty. Counts two, three, and four against Ms. Shine were dismissed.¹⁶
- On April 28, 2016, the 292nd Judicial District Court of Dallas County, Texas dismissed case number F1262408 following the federal conviction.¹⁷
- On February 18, 2023, the United States District Court Northern District of Texas released Ms. Shine from court supervision.¹⁸

¹⁴ Staff Ex. 3 at 72-88.

¹⁵ Staff Ex. 3 at 98-104.

¹⁶ Staff Ex. 3 at 112-16.

¹⁷ Staff Ex. 4 at 120.

¹⁸ Staff Ex. 6 at 141.

C. TESTIMONY OF TENIKA YOUNG

Ms. Young is a manager in the administrative review department and has worked for the Department for 15 years.

In a letter to the Department, Ms. Shine wrote, “As a result of my cooperation and honesty, the State of Texas dismissed the aggravated kidnapping charge against me. After the charges were dismissed, at some point, the federal government gained jurisdiction over the case.”¹⁹ However, the District Attorney’s motion to dismiss the case from the Dallas County District Court includes the following reasons for dismissal: (1) Ms. Shine was convicted in the federal case and sentenced to 70 months in prison and transferred to that facility; (2) the costs of returning Defendant to Dallas to stand trial; and (3) any sentence imposed in the Texas case would not in all probability increase the time she is presently serving.²⁰ Ms. Young testified that the timeline does not line up with how Ms. Shine described it, which implicates her trustworthiness. Ms. Young opined that the Ms. Shine’s letters did not take accountability for her actions, which again implicates her trustworthiness.

According to Ms. Young, Ms. Shine was 33 years old at the time of the offense, so it was not a youthful event. Ms. Shine’s community supervision ended on February 17, 2023, and she applied for licensure less than three months later.²¹ As such, there was not much time to show rehabilitation.

¹⁹ Staff Ex. 2 at 48.

²⁰ Staff Ex. 4 at 120.

²¹ Staff Ex. 2 at 39.

Ms. Young expressed concern that Ms. Shine listed periods of employment during which she was actually imprisoned.²² Ms. Shine also indicated she was a certified pharmacy technician and held an all-line adjuster certificate.²³ However, her pharmacy technician license expired in 2009.²⁴

D. EVIDENCE OF SHUNTOCQUA SHINE

Ms. Shine testified that she is remorseful. She worked in the trucking industry before and after her incarceration. She stated that she earned many certificates in prison. Ms. Shine testified that she has two full-time jobs as a dispatcher and trainer in the trucking industry.

Ms. Shine testified that the criminal offense occurred in 2012, when she was 31 years old.²⁵ When the federal indictment occurred, she was 33 years old.²⁶ Ms. Shine stated that she owned a convenience store and it “led to people having access to [her].”²⁷ She indicated that the criminal offense was no more than an hour of her life.²⁸ According to Ms. Shine, she is a product of her environment and

²² Staff Ex. 2 at 54 (“No Limit Truck Driving School, 09/2020 – Present” and “Shinetime Transport, 06/2009 – Present”).

²³ Staff Ex. 2 at 54.

²⁴ Staff Ex. 7.

²⁵ Tr. at 41.

²⁶ Tr. at 41.

²⁷ Tr. at 35.

²⁸ Tr. at 37.

neighborhood.²⁹ Ms. Shine testified that she accepted accountability the day the crime happened and she was fully aware she was making a wrong decision.³⁰ In a letter to the Department, Ms. Shine described the incident as a “result of poor decision making, and wrong place wrong time scenario.”³¹

Ms. Shine currently has 24-year-old twins, a 23-year-old, and a 14-year old.³² While she was incarcerated, the older children mostly took care of themselves, while the youngest daughter went to live with her father.³³

The exhibits show that Ms. Shine participated in volunteer activities and completed an all-lines adjuster course and CDL training.³⁴ Ms. Shine submitted letters of recommendation from David Wells, Kalecia Polk-Lyons, and Jamarle Stafford. They commended her integrity, energy, intelligence, dedication, and work ethic.³⁵ Ms. Polk-Lyons’s letter mentioned Ms. Shine’s incarceration and that Ms. Shine “made a mistake, and has owned up to her past mistakes.”³⁶ The other letters did not mention Ms. Shine’s criminal history.

²⁹ Tr. at 38.

³⁰ Tr. at 39.

³¹ Staff Ex. 2 at 46.

³² Tr. at 42.

³³ Tr. at 41.

³⁴ Staff Ex. 2 at 44-45, 55-56, 136.

³⁵ Staff Ex. 2 at 50-53.

³⁶ Staff Ex. 2 at 51.

IV. ANALYSIS AND RECOMMENDATION

The Department may deny a license application on several grounds, including if the applicant has engaged in dishonest acts or practices, been convicted of a felony, or has been convicted of an offense that directly relates to the duties and responsibilities of the licensed occupation.³⁷ In determining whether to deny an application based on a person's criminal history, the Department considers the factors specified in Texas Occupations Code sections 53.022 and 53.023, as set out above.³⁸

It is undisputed that Ms. Shine has been convicted Conspiracy to Commit Kidnapping, a federal felony under 18 United States Code (U.S.C.) section 1201(c) (18 U.S.C. section 1201(a)(1) and (2)). Under federal law, a person commits kidnapping if that person conspires to unlawfully seize, confine, inveigle, decoy, kidnap, abduct, or carry away and hold for ransom or reward or otherwise any person, when the person is willfully transported in interstate commerce or any such act against the person is done within the jurisdiction of the United States.³⁹ A person commits Conspiracy to Commit Kidnapping if she conspires to kidnap and does any overt act to affect the object of the conspiracy.⁴⁰

³⁷ Tex. Ins. Code § 4005.101(b)(5), (8); Tex. Occ. Code § 53.021(a)(1); *see also* 28 Tex. Admin. Code § 1.502(d), (e) (authorizing the Department to refuse to issue a license if it determines the applicant has committed an offense for which fraud, dishonesty, or deceit is an essential element; or a felony offense involving moral turpitude).

³⁸ 28 Tex. Admin. Code § 1.502(h).

³⁹ 18 U.S.C. § 1201(a)(1), (2).

⁴⁰ 18 U.S.C. § 1201(c).

In the factual resume, Ms. Shine stipulated that she agreed to locate the victim for financial consideration, struck the victim twice with her vehicle to incapacitate him, drove the victim against his will to an apartment, and washed the vehicle to remove evidence of the assault and kidnapping.⁴¹ Accordingly, Ms. Shine committed a felony offense and engaged in fraudulent or dishonest activity that directly relates to the duties and responsibilities of the license occupation.⁴² Ms. Shine’s felony offense also involved moral turpitude,⁴³ so it is considered directly related to the licensed occupation and of prime importance in determining fitness for licensure.⁴⁴ Therefore, the Department cannot issue Ms. Shine a license unless, when viewed in light of the occupation being licensed, her mitigating factors outweigh the serious nature of her criminal offense.⁴⁵

Turning to the factors in Texas Occupations Code section 53.023, the evidence shows:

- no other criminal history was established;
- Ms. Shine was approximately 31 years old at the time she committed the offense;

⁴¹ Staff Ex. 3 at 100-03.

⁴² 28 Tex. Admin. Code § 1.502(d), (f).

⁴³ See *Escobedo v. State*, 202 S.W.3d 844, 848 (Tex.App.—Waco 2006, pet. ref’d) (“Moral turpitude encompasses crimes involving: (1) ‘dishonesty, fraud, deceit, misrepresentation, or deliberate violence;’ (2) matters of ‘personal morality;’ (3) conduct committed ‘knowingly contrary to justice, honesty, principle, or good morals;’ (4) ‘baseness, vileness, or depravity;’ (5) conduct ‘immoral in itself, regardless of whether it is punishable by law,’ in that the ‘doing of the act itself, and not its prohibition by statute, fixes the moral turpitude;’ or (6) ‘immoral conduct’ that is ‘willful, flagrant, or shameless, and which shows a moral indifference to the opinion of the good and respectable members of the community.’” (internal citations omitted)).

⁴⁴ 28 Tex. Admin. Code § 1.502(e)(3).

⁴⁵ 28 Tex. Admin. Code § 1.502(f).

- Ms. Shine was released from community supervision on February 18, 2023;
- Ms. Shine has worked in the trucking industry before and after her incarceration;
- Ms. Shine has participated in volunteer activities;
- Ms. Shine completed an all-lines adjuster course and CDL training; and
- letters of support commend her integrity, energy, intelligence, dedication, and work ethic.⁴⁶

The ALJ commends Ms. Shine for maintaining steady employment and completing courses since her incarceration. However, the evidence Ms. Shine provided is not sufficient to overcome the nature and seriousness of her criminal history.⁴⁷ The period of good conduct since her release from community supervision is noteworthy but does not overcome her serious criminal offense. On balance, the evidence of Ms. Shine's current fitness for licensure is outweighed by the serious nature of her criminal history, and its implications for her ability to carry out the duties and responsibilities of a Department licensee. Accordingly, the ALJ concludes that Ms. Shine has not shown her current fitness for licensure, and her applications for an Adjuster All Lines license and Life Agent license should be denied.

Considering Ms. Shine washed the vehicle to eliminate evidence of her crime, the criminal felony also involved dishonesty. As such, Ms. Shine must have the written consent of the Department before engaging or participating in the business

⁴⁶ Tex. Occ. Code § 53.023; *see also* 28 Tex. Admin. Code § 1.502(h)(2).

⁴⁷ 28 Tex. Admin. Code § 1.502(f).

of insurance.⁴⁸ The ALJ recommends denial of consent to allow Ms. Shine to engage or participate in the business of insurance.

V. FINDINGS OF FACT

1. On May 7, 2023, Shuntocqua Shine applied to the Texas Department of Insurance (Department) for an Adjuster All Lines license.
2. On June 22, 2023, Ms. Shine applied to the Department for a Life Agent license.
3. On June 26, 2023, the staff (Staff) of the Department proposed to deny Ms. Shine's application for an adjuster all-lines license based on her criminal history.
4. On August 1, 2023, the staff (Staff) of the Department proposed to deny Ms. Shine's application for a life agent license based on her criminal history.
5. Ms. Shine timely requested a hearing to challenge the denials.
6. On September 9, 2024, Staff issued a notice of hearing on the denial of Ms. Shine's applications.
7. 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 incorporated by reference the factual matters asserted in the complaint or petition filed with the state agency.
8. The hearing was held via Zoom videoconference on December 11, 2024, before Administrative Law Judge Linda Brite of the State Office of Administrative Hearings (SOAH). Attorney Casey Dick represented Staff. Ms. Shine appeared and represented herself. The hearing concluded that day,

⁴⁸ 18 U.S.C. § 1033(e).

and the record closed on December 20, 2024, when the court reporter's transcript was submitted to SOAH.

9. On January 19, 2015, Ms. Shine pleaded guilty in case number 3:14-CR-451-B, in the United States District Court for the Northern District of Texas, Dallas Division, to conspiracy to commit kidnapping, a federal felony. To support this guilty plea, Ms. Shine and her attorney signed a "factual resume" detailing her role in the kidnapping. Ms. Shine attested that she: agreed to help someone locate the victim for financial consideration; utilized instrumentalities of interstate commerce to locate and apprehend the victim; struck the victim twice with her vehicle to incapacitate him; drove the victim against his will to an apartment; and washed the vehicle to remove evidence of the assault and kidnapping.
10. On March 17, 2016, Ms. Shine was convicted and sentenced in case number 3:14-CR-451-B to a 70-month prison sentence to be followed by two years of supervision after release from prison, and a \$100 penalty.
11. On February 18, 2023, Ms. Shine was released from court supervision.
12. Ms. Shine's felony offense involved dishonesty and moral turpitude.
13. Ms. Shine was approximately 31 years old at the time of the offense.
14. Ms. Shine was released from community supervision on February 18, 2023.
15. No other criminal history was established.
16. Ms. Shine has worked in the trucking industry before and after her incarceration.
17. Ms. Shine works two full-time jobs as a dispatcher and trainer in the trucking industry.
18. Ms. Shine has participated in volunteer activities.
19. Ms. Shine completed an all-lines adjuster course and CDL training.
20. Ms. Shine's letters of recommendation commend her integrity, energy, intelligence, dedication, and work ethic.

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. Ms. Shine 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 Ms. Shine's license application, while Ms. Shine had the burden to prove her 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; Tex. Occ. Code § 53.023(b); *Granek v. Tex. State Bd. of Med. Exam'rs*, 172 S.W.3d 761, 777 (Tex. App.—Austin 2005, no pet.).
5. The Department may deny Ms. Shine's license application because she has been convicted of a felony. Tex. Ins. Code § 4005.101(b)(8); 28 Tex. Admin. Code § 1.502(d).
6. The Department may deny Ms. Shine's license application because she 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).
7. The Department considers the factors listed in Texas Occupations Code sections 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).
8. The mitigating factors do not outweigh the seriousness of Ms. Shine's criminal offense, and she has not shown her fitness for licensure. Tex. Occ. Code §§ 53.022-.023; 28 Tex. Admin. Code § 1.502(f), (h).

9. Any individual who has been convicted of any criminal felony involving dishonesty or a breach of trust may engage or participate in the business of insurance if the person has the written consent the Department. 18 U.S.C. § 1033(e).
10. The Department should deny Ms. Shine's applications for licensure.
11. The Department should deny consent for Ms. Shine to engage or participate in the business of insurance.

Signed February 11, 2025

ALJ Signature:



Linda Brite

Presiding Administrative Law Judge