

No. **2025-9680**

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

Date: 12/17/2025

Subject Considered:

Texas Department of Insurance

v.

Bobby Brown

SOAH Docket No. 454-25-16902.C

General Remarks and Official Action Taken:

The subject of this order is Bobby Brown's application for an adjuster all lines license. This order denies Mr. Brown'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 deny Mr. Brown's application. A copy of the proposal for decision is attached as Exhibit A.

Texas Department of Insurance Enforcement staff filed exceptions to the administrative law judge's proposal for decision. Mr. Brown did not file a reply to the exceptions.

In response to the exceptions, the administrative law judge did not recommend revising the proposal for decision. A copy of the administrative law judge's response to exceptions is attached as Exhibit B.

Findings of Fact

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

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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 Bobby Brown's application for an adjuster all lines license is denied.

Signed by:

FC5D7EDDFEBB4F8...
Cassie Brown
Commissioner of Insurance

Recommended and reviewed by:

Signed by:

5DAC5618BBC74D4...
Jessica Barta, General Counsel

Signed by:

5026FD92CD734A7...
Nash Noal, Attorney

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

—
**TEXAS DEPARTMENT OF INSURANCE,
PETITIONER**

v.

**BOBBY BROWN,
RESPONDENT**

PROPOSAL FOR DECISION

The staff (Staff) of the Texas Department of Insurance (Department) seeks to deny the application of Bobby Brown for an Adjuster All Lines license based on his criminal history. After considering the evidence and the applicable law, the Administrative Law Judge (ALJ) recommends the Department deny Mr. Brown's license application.

I. NOTICE, JURISDICTION, AND PROCEDURAL HISTORY

Notice and jurisdiction were not disputed and will be addressed principally in the Findings of Fact and Conclusions of Law below. The hearing on the merits was

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convened on June 17, 2025, before State Office of Administrative Hearings (SOAH) ALJ Shelly M. Doggett. Attorney Kaycee Crisp represented Staff and Mr. Brown represented himself. The hearing concluded that same day, and the recording closed on July 1, 2025, when Staff filed the hearing transcript and admitted exhibits with SOAH.

II. DISCUSSION

A. BACKGROUND

Mr. Brown filed an application for an Adjuster All Lines license with the Department on July 29, 2024.¹ Based on the answers Mr. Brown provided to application questions, the Department asked him for more information.² In response, Mr. Brown provided copies of court records, narrative statements, letters of recommendation, and information about his work history.³ On September 3, 2024, the Department proposed to deny his application.⁴ Mr. Brown timely requested a hearing before SOAH to contest the denial.⁵

¹ Staff Ex. 2 at 80.

² Staff Ex. 2 at 78-79.

³ Staff Ex. 2 at 28-77.

⁴ Staff Ex. 2 at 24.

⁵ Staff Ex. 2 at 22-23. Staff requested additional information from Mr. Brown in correspondence dated October 22, 2024, to which Mr. Brown responded by providing letters of recommendation, certificates and letters regarding courses he had completed, and additional information regarding his work duties. Staff Exs. 3-4.

B. APPLICABLE LAW

The Department considers it very important that license holders and applicants are honest, trustworthy, and reliable.⁶ Consequently, the Department will evaluate an applicant's criminal history and other conduct to determine whether the applicant possesses those qualities. The Department may deny a license application on several grounds, including if the applicant has been convicted of a felony⁷ or of an offense directly related to the duties and responsibilities of the licensed occupation.⁸

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 53.023.⁹ 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;

⁶ 28 Tex. Admin. Code § 1.502(c).

⁷ Tex. Ins. Code § 4005.101(b)(8).

⁸ Tex. Occ. Code § 53.021(a)(1); *see also* 28 Tex. Admin. Code § 1.502(d)(1), (f).

⁹ 28 Tex. Admin. Code § 1.502(e).

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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.¹⁰

The “directly relates” analysis must also take into account certain guideline crimes that the Department “considers to be of such serious nature that they are directly related to the duties and responsibilities of the licensed occupation or are of prime importance in determining fitness for licensure. . . .”¹¹ These crimes include, among others, “any offense with the essential elements of . . . an intoxication assault or manslaughter offense, as described by Penal Code §49.07 or §49.08.”¹² Crimes the Department has determined to be of prime importance are directly related to the occupations it licenses.¹³

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, which bear upon an applicant’s fitness for licensure despite criminal history, in making its ultimate licensing determination:

¹⁰ Tex. Occ. Code § 53.022.

¹¹ 28 Tex. Admin. Code § 1.502(f); *see* Tex. Occ. Code § 53.025.

¹² 28 Tex. Admin. Code § 1.502(f)(4)(R). Intoxication assault occurs when a person, by accident or mistake, causes serious bodily injury to another due to their intoxication while operating a motor vehicle in a public place. Tex. Penal Code § 49.07(a)(1). Intoxication manslaughter occurs when a person operates a motor vehicle in a public place while intoxicated and, by reason of that intoxication, causes the death of another by accident or mistake. Tex. Penal Code § 49.08(a).

¹³ 28 Tex. Admin. Code § 1.502(f); *see also* Tex. Occ. Code § 53.025.

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.¹⁴

It is the responsibility of the applicant, to the extent possible, to obtain and provide to the Department the applicant's evidence of fitness discussed above.¹⁵ Staff has the burden of proving its grounds for denying Mr. Brown's application, while Mr. Brown has the burden to prove his fitness to be licensed despite his criminal history.¹⁶ The standard of proof is by a preponderance of the evidence.¹⁷

III. EVIDENCE

Staff offered Exhibits 1-8, which were admitted, and presented testimony from Lewis Weldon Wright, IV. The ALJ also took judicial notice of statutes and

¹⁴ Tex. Occ. Code § 53.023; *see also* 28 Tex. Admin. Code § 1.502(e).

¹⁵ Tex. Occ. Code § 53.023(b).

¹⁶ 1 Tex. Admin. Code § 155.427.

¹⁷ *Granek v. Tex. State Bd. of Med. Exam'rs*, 172 S.W.3d 761, 777 (Tex. App.—Austin 2005, no pet.).

regulations marked as Staff Exhibits A-E. Mr. Brown testified on his own behalf and offered Respondent Exhibits 1-9, which were admitted.¹⁸

A. MR. BROWN’S CRIMINAL HISTORY

Although Mr. Brown disagrees with some of the underlying allegations, Staff presented evidence that he has the following criminal history, which Mr. Brown did not dispute:

- a. On August 29, 2014, Mr. Brown pleaded guilty to one Class B misdemeanor count of driving while license invalid with previous conviction or suspension, or without financial responsibility, in Cause No. 1943975 in the County Criminal Court at Law No. 9 of Harris County. He was convicted and sentenced to three days’ confinement in county jail and ordered to pay a \$100 fine and \$237 in court costs. The offense occurred on or around February 6, 2014.¹⁹
- b. On November 14, 2023, Mr. Brown pleaded guilty to one second-degree felony count of intoxication manslaughter with vehicle, a deadly weapon, in Cause No. 171787801010 in the 339th District Court of Harris County. The offense occurred on April 7, 2021. Mr. Brown was convicted and sentenced to 10 years’ confinement with the Texas Department of Criminal Justice (TDCJ), which was suspended, and Mr. Brown was placed on community supervision for the same period of time. Mr. Brown’s conditions of community supervision included, among other things: 180 days’ confinement in county jail; a two-year suspension of his driver’s license; requirements to complete alcohol/drug education programs, DWI Victim Impact Panel (VIP) programs, and 600 hours in the Harris County Community Service Restitution Program; prohibitions against using, consuming, or possessing alcoholic beverages and illegal or non-prescribed prescription drugs; drug and alcohol monitoring/sampling; maintaining

¹⁸ Mr. Brown’s exhibits consisted of documents already incorporated in Staff’s exhibits but were admitted separately for his ease of reference at the hearing.

¹⁹ Staff Ex. 8 at 212-14; *see also* Staff Ex. 8 at 203-11.

full-time employment; electronic monitoring for 114 months and observing an evening curfew; and a requirement to write letters of apology to the family of the deceased victim.²⁰

- c. On November 14, 2023, Mr. Brown pleaded guilty to two third-degree felony counts of intoxicated assault causing serious bodily injury with a vehicle, a deadly weapon, in Cause Nos. 171787901010 and 171788101010 in the 339th District Court of Harris County. The offenses occurred on April 7, 2021. Mr. Brown was convicted and was sentenced to 10 years' confinement with the TDCJ, which was suspended, and Mr. Brown was placed on community supervision for the same amount of time. His sentence was to run concurrently with his sentence in Cause No. 171787801010, and his community supervision terms were largely the same as, or already covered by, the community supervision terms for the intoxication manslaughter conviction.²¹

B. TESTIMONY OF MR. WRIGHT

Mr. Wright has worked for the Department for 18 years and currently serves in the Department's Agent and Adjuster Licensing Division as the Administrative Review Liaison to the Enforcement Division. His primary duty is acting as a conduit for communication between the Licensing and Enforcement Divisions regarding applications of concern based on responses to questions or background checks. Before joining the Department, Mr. Wright worked in the insurance industry as a claims manager, underwriter, and licensed insurance agent.²²

²⁰ Staff Ex. 5 at 124-36; *see also* Staff Ex. 5 at 104-23.

²¹ Staff Ex. 6 at 157-69; Staff Ex. 7 at 190-202; *see also* Staff Ex. 6 at 137-56; Staff Ex. 7 at 170-89. Mr. Brown was also ordered to write apology notes to the family and victims of the intoxicated assault with a vehicle, one of whom suffered a "serious brain injury." Staff Ex. 6 at 165-66; Staff Ex. 7 at 198-99.

²² Transcript (Tr.) at 23-25.

According to Mr. Wright, holding a license issued by the Department conveys that the agency has done due diligence in researching the applicant and screening for misconduct or criminal history, and deemed the applicant honest, trustworthy, and reliable in performing duties of authority granted under the license.²³ He opined that Texas consumers need protection because the insurance industry deals with legal contracts and conditions, exclusions, complex products, and complex funding mechanisms that can confuse the average consumer.²⁴ In addition, he noted that consumers' personal assets are affected by the industry and that the public needs to be able to trust license holders.²⁵

Mr. Wright stated that the Department receives approximately 200,000 licensing applications each year, and approximately 10,000-15,000 every month.²⁶ Each application is reviewed for completeness and may be referred to the Administrative Review Team if there are concerns regarding responses to questions or with background check results.²⁷ Once an application has been referred to the Administrative Review Team, the team contacts the applicant, identifies the concern, and requests additional information. In cases where the concern involves criminal history, the notification will request court documents relating to the criminal offenses, a personal statement, letters of rehabilitation or reference, and any evidence

²³ Tr. at 29.

²⁴ Tr. at 29-30.

²⁵ Tr. at 30.

²⁶ Tr. at 26.

²⁷ Tr. at 26-27.

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an application may want to present in support of a favorable licensing decision.²⁸ Once the administrative review is complete and the criminal history has been analyzed, the team will make a recommendation on the licensure application.²⁹

Mr. Wright was familiar with Mr. Brown's July 29, 2024 application for licensure because it underwent administrative review. He stated that the duties of an adjuster with all lines of insurance—the license Mr. Brown applied for—include representing insurance companies whenever a claim occurs by gathering information relating to losses, assessing damage or loss consequences that may have occurred, making a determination based on policy language and applicable deductibles, and documenting the loss settlement process between the insurance company and consumer.³⁰ Mr. Brown's application was sent to the Administrative Review Team and underwent additional analysis based on his criminal history and background check. Mr. Wright stated that the Department proposed to deny the application due to the severe nature and recent occurrence of Mr. Brown's criminal history, which were not outweighed by evidence of rehabilitation.³¹

During his testimony, Mr. Wright outlined Mr. Brown's criminal history, as previously summarized.³² Regarding the August 2014 conviction, which was reportedly for driving with a suspended license and without insurance, Mr. Wright

²⁸ Tr. at 27-28.

²⁹ Tr. at 28.

³⁰ Tr. at 31-32, 33.

³¹ Tr. at 33.

³² See Tr. at 33-40; Staff Exs. 5-8.

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said he took into account this was a Class B misdemeanor when considering the nature and severity of the crime.³³ As for Mr. Brown's three November 2023 convictions for intoxication manslaughter and intoxicated assault causing severe bodily injury, Mr. Wright noted that the sentences were imposed concurrently and that Mr. Brown will remain on community supervision through 2033.³⁴ He further testified that these offenses were considered crimes of prime importance under the Department's rules when determining fitness for licensure.³⁵ Notable to Mr. Wright, the nature of the intoxication manslaughter crime involved Mr. Brown making decisions and engaging in conduct that resulted in the loss of a life, making it one of the most severe and consequential offenses.³⁶

Mr. Brown did, according to Mr. Wright, submit evidence concerning rehabilitation, including letters of reference, a resume, certificates, and personal statements that were considered by the Department.³⁷ The three letters of reference, Mr. Wright noted, were all formatted the same way with the text center justified, suggesting they may have been produced on the same device.³⁸ Nevertheless, Mr. Wright indicated that the letters were attributed to different authors, including one colleague or employer and two potential personal references, and that the letters

³³ Tr. at 34-35.

³⁴ Tr. at 36-40.

³⁵ Tr. at 40.

³⁶ Tr. at 40.

³⁷ Tr. at 41-47; Staff Ex. 2 at 28-32, 77; Staff Ex. 4. Mr. Brown also submitted receipts showing payments of various fees. Staff Ex. 2 at 75-76.

³⁸ Tr. at 41-42.

discuss the authors' interactions with Mr. Brown without acknowledging or indicating any awareness of his criminal history.³⁹

The resume, meanwhile, demonstrated to Mr. Wright that Mr. Brown has maintained a record of steady employment.⁴⁰ It also indicated that he was currently employed with ADT Solar, which employed one of the authors of the reference letters.⁴¹ Mr. Wright also found it noteworthy that Mr. Brown had obtained a "TWIC" card certification, though he did not define TWIC or address the certification's significance.⁴²

As for two personal statements prepared by Mr. Brown regarding his criminal history, Mr. Wright testified that the statements indicated Mr. Brown pleaded guilty to the intoxication manslaughter and assault offenses based on advice from his attorney and as a matter of expediency, not because he was intoxicated.⁴³ Mr. Brown wrote in one statement that his blood alcohol samples were excluded and not admissible as evidence, and that it was "not proven" in court he was intoxicated.⁴⁴ Mr. Brown also described the crash, in which one person was killed and three others were injured, as a "tragic car accident."⁴⁵ Based on these letters, Mr. Wright

³⁹ Tr. at 41-42; *see* Staff Ex. 2 at 28-30.

⁴⁰ Tr. at 42-43; *see* Staff Ex. 2 at 31-32.

⁴¹ Tr. at 43; Staff Ex. 2 at 28, 31.

⁴² Tr. at 43.

⁴³ Tr. at 43-45; Staff Ex. 2 at 77; Staff Ex. 4 at 101-02.

⁴⁴ Staff Ex. 2 at 77.

⁴⁵ Staff Ex. 2 at 77; *see also* Staff Ex. 4 at 101.

understood Mr. Brown to claim that intoxication was not the cause of the car accident.⁴⁶ Mr. Wright stated that the Department evaluated other material received from Mr. Brown, including certificates showing he had completed various programs and courses, though Mr. Wright believed that at least some of these were required under the terms of Mr. Brown's community supervision.⁴⁷

Upon reviewing all the information provided with the application and the applicable factors, Mr. Wright concluded that Mr. Brown's license should be denied. He opined that the evidence of rehabilitation did not outweigh the Department's concerns as to the nature of severity of Mr. Brown's offenses. While the evidence indicated that Mr. Brown was on his way to completing the requirements of community supervision, Mr. Wright did not see any evidence of rehabilitation beyond the court-ordered terms. He further noted the Department's concerns with the recency and extreme severity of the offenses.⁴⁸

C. TESTIMONY OF MR. BROWN

Mr. Brown testified that his convictions for intoxication manslaughter and intoxicated assault stemmed from an April 7, 2021 car crash, which he described as a tragic accident that resulted in the death of one person and injuries to several others traveling in the same vehicle.⁴⁹

⁴⁶ Tr. at 44-45.

⁴⁷ Tr. at 45.

⁴⁸ Tr. at 46-47.

⁴⁹ Tr. at 56.

He noted that one of his personal statements submitted in support of his application conveyed to the Department that the car crash had been an accident.⁵⁰ The statement indicated that, while he was subject to a criminal case as a result of the crash, Mr. Brown's blood alcohol test results were excluded as evidence due to collection and handling errors;⁵¹ consequently, his blood alcohol content was "not proven in a court of law."⁵² Nevertheless, Respondent conceded that he pleaded guilty to the intoxication offenses based on advice from his counsel, given the remaining evidence and circumstances surrounding the case. He further testified that he pleaded guilty to move forward with his life and take accountability for his involvement in the accident.⁵³ Both in his personal statement and at the hearing, Mr. Brown expressed remorse for the "tragic accident" and "tragic events," acknowledging the impact on the victims and their families, to whom he wrote apology letters.⁵⁴ At other points, Respondent said that the car crash was an accident caused by "unforeseen circumstances" with "fault on both sides."⁵⁵

Mr. Brown further testified that Shani Todd, the author of one of his reference letters, was his colleague at ADT Solar.⁵⁶ He stated that Ms. Todd currently holds an insurance adjuster license from the Department, and that her providing a reference

⁵⁰ Tr. at 56-57; Respondent Ex. 1; Staff Ex. 4 at 101-02.

⁵¹ Tr. at 56; Respondent Ex. 1.

⁵² Tr. at 56-58, 62; *see also* Respondent Ex. 1.

⁵³ Tr. at 56-58; Respondent Ex. 1.

⁵⁴ Tr. at 60, 62, 73; Respondent Ex. 1.

⁵⁵ Tr. at 60, 62.

⁵⁶ Tr. at 60-61; Respondent Ex. 5.

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letter suggests she believes he is a good fit for licensure.⁵⁷ Certificates submitted in support of his application, meanwhile, relate to classes he completed under the terms of his community supervision, though Mr. Brown stated he was happy to have done them because they demonstrate how seriously he is taking the situation.⁵⁸ In addition, Mr. Brown highlighted his work history, noting that he has always maintained steady employment.⁵⁹

Mr. Brown stressed that he is a good and trustworthy person. Notwithstanding his history and challenges, he stated he is on track to overcome his mistakes.⁶⁰ He described his commitment to complying with the terms of his probation, actively participating in required rehabilitation or counseling programs, and a willingness to apply for remote positions or other desk jobs that do not require him to drive.⁶¹ He also said he would be willing to begin with a probationary license to demonstrate that he is trustworthy, though he conceded on cross-examination that the license he applied for would allow him to work any adjuster position with no restrictions as far as working remotely or not driving.⁶²

⁵⁷ Tr. at 61; Respondent Ex. 5.

⁵⁸ Tr. at 62.

⁵⁹ Tr. at 68-69.

⁶⁰ Tr. at 22, 62.

⁶¹ Tr. at 62-63; Respondent Ex. 1.

⁶² Tr. at 59-60, 64-65.

**D. EVIDENCE OF WORK HISTORY, RECOMMENDATION LETTERS,
AND ADDITIONAL TRAININGS OR CERTIFICATIONS**

Mr. Brown provided a resume showing he has been consistently employed since September 2007.⁶³ He has worked as an administration coordinator and account manager, a reprographic specialist, a utility coordinator, and, most recently, a finance/contract verification project manager for ADT Solar.⁶⁴

In addition, Mr. Brown provided three letters of recommendation to the Department in support of his application:

1. Miriam Hill, whose association with Mr. Brown was not identified, stated that she believed him qualified and suitable to obtain an All Lines Adjuster's license. She described his analytical skills as exemplary and said he had a proven track record of efficiently managing and resolving claims with a high degree of accuracy and with fair and balanced outcomes. She also lauded his professionalism and empathy when working with clients and colleagues and said he had strong communication skills that allowed him to clearly explain complex information. She reported that his dedication to professional development was evident from his efforts to stay current with industry standards and regulations, as well as his determination to excel in the field of insurance adjusting.⁶⁵
2. Ms. Todd, a colleague from ADT Solar, provided a letter recommending Mr. Brown for an All Lines Adjuster's license. She reported working with him for four years and witnessing his exceptional problem solving and customer service skills as well as his adaptability

⁶³ Staff Ex. 2 at 31-32. His resume shows he was unemployed for only two months since September 2007.

⁶⁴ Staff Ex. 2 at 31-32.

⁶⁵ Respondent Ex. 4; Tr. at 61; Staff Ex. 2 at 29.

and technical proficiency. She indicated he has consistently demonstrated an outstanding ability to analyze and resolve complex issues, a critical skill for insurance adjusters, and ensured clients received accurate and fair assessments. She also noted that Mr. Brown has exhibited professionalism and integrity, handling sensitive information ethically and with discretion. In addition, she praised his interpersonal and communications skills in dealing with clients, colleagues, and others. She stated that she believed he would bring the same level of dedication and professionalism as he had in his work with ADT Solar.⁶⁶

3. Jaquette Hudson, whose association with Mr. Brown was not provided, wrote a letter recommending Mr. Brown for his Adjuster license. She stated that he has consistently demonstrated a strong aptitude for the detailed and analytical work required of an insurance adjuster, noting his ability to evaluate and synthesize complex information. She also highlighted his commitment to professional and ethical conduct, stating he adheres to the highest standards of confidentiality and fairness, and navigates situations with transparent communication. In addition, she discussed his excellence in communicating with and managing the expectations of clients. Finally, she stated that Mr. Brown was dedicated to remaining informed and updated on the evolving trends and regulations in the insurance field.⁶⁷

Regarding his additional documentation, Mr. Brown provided certificates and letters showing he completed 40 hours of a Texas All-lines Adjuster pre-licensing course with Claims Adjuster Academy in July 2024;⁶⁸ a Workers' Compensation Claims Handling Certification Course with Claims Adjuster Academy in

⁶⁶ Respondent Ex. 5; Staff Ex. 2 at 28.

⁶⁷ Staff Ex. 2 at 30.

⁶⁸ Respondent Ex. 2; Staff Ex. 4 at 93.

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August 2024;⁶⁹ a two-hour VIP session in August 2024;⁷⁰ a VIP Adaptive Skills Counseling Services program in September 2024;⁷¹ all VIP requirements;⁷² and 500 hours of community service between June and October 2024 with the Southeast Region of the League of Women Voters of the United States.⁷³

IV. ANALYSIS

Under chapter 53 of the Texas Occupations Code, the Department may deny Mr. Brown's license application because of his convictions for intoxication manslaughter and intoxicated assault, which are felony counts directly related and of prime importance to the occupation of an insurance adjuster.⁷⁴ Pursuant to 28 Texas Administrative Code section 1.502, the Department will consider the factors listed in Texas Occupations Code sections 53.022 and 53.023, set out above, in determining whether to grant Mr. Brown's license application.

Mr. Brown's three felony convictions were all for extremely serious offenses that resulted in the death or serious bodily injury of others. Mr. Brown committed the offenses four years ago, when he was approximately 33 years old—an adult.⁷⁵ He submitted his license application just three years after the crimes, and less than a year

⁶⁹ Respondent Ex. 3 Staff Ex. 4 at 100.

⁷⁰ Respondent Ex. 6; Staff Ex. 4 at 92.

⁷¹ Respondent Ex. 7; Staff Ex. 4 at 103.

⁷² Respondent Ex. 8; Staff Ex. 4 at 94.

⁷³ Respondent Ex. 9; Staff Ex. 4 at 95-96.

⁷⁴ Tex. Ins. Code § 4005.101(b)(8); Tex. Occ. Code § 53.021(a)(1); 28 Tex. Admin. Code § 1.502(d)(1), (f)(4)(R).

⁷⁵ Mr. Brown was born in 1988 and the offenses occurred in November 2021. *See* Respondent Ex. 6.

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after being convicted and placed on community supervision. Moreover, Mr. Brown will remain on community supervision until 2033. The remainder of his criminal history consists of a single misdemeanor conviction when he was in his 20s for driving without a valid license and insurance, which the Department apparently did not consider in making its decision to deny his application.⁷⁶

The nature, seriousness, and recency of Mr. Brown's felony offenses, which are directly related to the licensed occupation, necessitated the presentation of substantial mitigating evidence that would demonstrate his fitness for licensure notwithstanding his convictions. Mr. Brown made strides towards, but fell short of, that showing. He has had a consistent work history both before and after the crash and his convictions, and also provided several letters of recommendation in support of his licensure. These letters, like his work history, suggest that Mr. Brown has a strong work ethic and desire to develop his professional skills, though none of the references acknowledge or address his criminal history.

Moreover, while the preponderant evidence shows that Mr. Brown is in compliance with the terms of his community supervision, which will last for another eight years, his purported rehabilitation evidence consists almost entirely of actions and trainings mandated by the terms of that community supervision. Perhaps most troubling, Mr. Brown refused to acknowledge that his actions—specifically, drinking and driving—played any role in the collision at issue. Instead, he consistently argued

⁷⁶ Because the Department did not base its decision on this conviction, the ALJ does not consider or analyze this misdemeanor count further.

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it was a “tragic accident” and that intoxication was not the cause of the crash, despite having pleaded guilty to intoxication manslaughter and assault.

These considerations, coupled with the severity, nature, and recency of the related offenses, ultimately tip the balance against his current fitness for licensure. Accordingly, the ALJ concludes at this time that Mr. Brown’s application for an Adjuster All Lines license should be denied. Nevertheless, if Mr. Brown can remain on his current path and continue to build on his commendable record as his convictions continue to age, the balance may subsequently tip more towards his fitness for license.

V. FINDINGS OF FACT

1. On July 29, 2024, Bobby Brown applied to the Texas Department of Insurance (Department) for an Adjuster All Lines license.
2. On September 3, 2024, the Department proposed to deny Mr. Brown’s application for an Adjuster All Lines license based on his criminal history.
3. Mr. Brown timely requested a hearing to challenge the denial.
4. On April 24, 2025, staff (Staff) of the Department issued a Notice of Hearing on the denial of Mr. Brown’s application. The Notice of Hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and either a short, plain statement of the factual matters asserted or an attachment that incorporates by reference the factual matters asserted in the complaint or petition filed with the state agency.
5. On June 17, 2025, Administrative Law Judge (ALJ) Shelly M. Doggett of the State Office of Administrative Hearings (SOAH) convened a hearing on the merits via the Zoom videoconference platform. Attorney Kaycee Crisp

represented Staff. Mr. Brown appeared and represented himself. The hearing concluded the same day and the record closed on July 1, 2025, when Staff filed a copy of the transcript of the proceeding with the admitted exhibits.

6. Mr. Brown has the following criminal history:
 - a. On August 29, 2014, Mr. Brown pleaded guilty to one Class B misdemeanor count of driving while license invalid with previous conviction or suspension, or without financial responsibility, in Cause No. 1943975 in the County Criminal Court at Law No. 9 of Harris County. He was convicted and sentenced to three days' confinement in county jail and ordered to pay a \$100 fine and \$237 in court costs. The offense occurred on or around February 6, 2014.
 - b. On November 14, 2023, Mr. Brown pleaded guilty to one second-degree felony count of intoxication manslaughter with vehicle, a deadly weapon, in Cause No. 171787801010 in the 339th District Court of Harris County. The offense occurred on April 7, 2021. Mr. Brown was convicted and sentenced to 10 years' confinement with the Texas Department of Criminal Justice (TDCJ), which was suspended, and Mr. Brown was placed on community supervision for the same period of time. Mr. Brown's conditions of community supervision included, among other things: 180 days' confinement in county jail; a two-year suspension of his driver's license; requirements to complete alcohol/drug education programs, DWI Victim Impact Panel programs, and 600 hours in the Harris County Community Service Restitution Program; prohibitions against using, consuming, or possessing alcoholic beverages and illegal or non-prescribed prescription drugs; drug and alcohol monitoring/sampling; maintaining full-time employment; electronic monitoring for 114 months and observing an evening curfew; and a requirement to write letters of apology to the family of the deceased victim.
 - c. On November 14, 2023, Mr. Brown pleaded guilty to two third-degree felony counts of intoxicated assault causing serious bodily injury with a vehicle, a deadly weapon, in Cause Nos. 171787901010 and 171788101010 in the 339th District Court of Harris County. The offenses occurred on April 7, 2021. Mr. Brown was convicted and was sentenced to 10 years' confinement with the TDCJ, which was

suspended, and Mr. Brown was placed on community supervision for the same amount of time. His sentence was to run concurrently with his sentence in Cause No. 171787801010, and his community supervision terms included a requirement that he write letters of apology to the victims of the assault and were otherwise largely the same as, or already covered by, the community supervision terms for the intoxication manslaughter conviction.

7. Mr. Brown was 33 years old, an adult, when he committed his felony offenses.
8. Intoxicated assault is a crime of such a serious nature that the Department considers it to be of prime importance and directly related to the duties and responsibilities of licensed occupations when determining whether to issue a license.
9. Intoxication manslaughter is a crime of such a serious nature that the Department considers it to be of prime importance and directly related to the duties and responsibilities of licensed occupations when determining whether to issue a license.
10. It has been a little over four years since Mr. Brown's last criminal offense.
11. Mr. Brown applied for his license with the Department less than a year after he was convicted and placed on community supervision for his felony offenses. Mr. Brown is currently on community supervision and will remain so until 2033.
12. Mr. Brown has maintained steady employment since before and after his crimes and convictions and is currently employed at ADT Solar.
13. Mr. Brown provided letters of recommendation and support from three individuals, including a colleague from ADT Solar and two individuals of an unknown affiliation. The letters said Mr. Brown possessed the professional skills and qualifications to succeed as an adjuster, that he is a strong communicator, and that he is dedicated to his personal development, but did not address his criminal history.
14. Mr. Brown is currently in compliance with the terms of his community supervision, which began in 2024 and will extend until 2033.

VI. CONCLUSIONS OF LAW

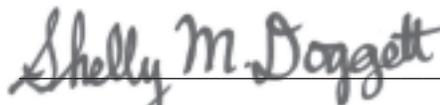
1. The Department has jurisdiction over this matter. Tex. Ins. Code §§ 4001.002, .105, 4005.101, 4101.051-.062.
2. SOAH has authority to hear this matter and issue a proposal for decision with findings of fact and conclusions of law. Tex. Gov't Code ch. 2003; Tex. Ins. Code § 4005.104.
3. Mr. Brown received timely and sufficient notice of the hearing. Tex. Gov't Code §§ 2001.051-.052.; Tex. Ins. Code § 4005.104(b).
4. Staff had the burden of proving its basis for denying Mr. Brown's license application, while Mr. Brown had the burden of proving his fitness to be licensed despite his criminal history. 1 Tex. Admin. Code § 155.427.
5. The standard of proof is by a preponderance of the evidence. *Granek v. Tex. State Bd. of Med. Examn'rs*, 172 S.W.3d 761, 777 (Tex. App.—Austin 2005, no pet.).
6. The Department may deny a license application if the applicant has been convicted of an offense that directly relates to the duties and responsibilities of the licensed occupation or convicted of a felony. Tex. Occ. Code § 53.021(a)(1); Tex. Ins. Code § 4005.101(b)(8).
7. The Department has determined that certain crimes are of such a serious nature that they are of prime importance in determining fitness for licensure. These crimes include any offense with the essential elements of an intoxication assault or manslaughter offenses, as described by Texas Penal Code section 49.07 or section 49.08. 28 Tex. Admin. Code § 1.502(f)(4)(R); Tex. Penal Code §§ 49.07, .08.
8. Intoxication assault and intoxication manslaughter are felony offenses and are directly related to the duties and responsibilities of an all lines adjuster. Tex. Ins. Code § 4005.101(b)(8); Tex. Occ. Code §§ 53.021(a)(1), .022, .025; Tex. Penal Code §§ 49.07(a)(1), .08(a); 28 Tex. Admin. Code § 1.502(d)(1), (f)(4)(R).

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9. The Department may deny Mr. Brown's license application because he has been convicted of felony intoxication manslaughter and intoxication assault offenses that directly relate to the duties and responsibilities of an all lines adjuster. Tex. Ins. Code § 4005.101(b)(8); Tex. Occ. Code § 53.021(a)(1); 28 Tex. Admin. Code § 1.502(f)(4)(R).
10. The Department will consider 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. 28 Tex. Admin. Code § 1.502(e), (g).
11. The preponderance of the evidence shows that Mr. Brown is not currently fit to perform the duties and discharge the responsibilities of a licensed insurance adjuster. Tex. Occ. Code § 53.023.
12. The Department should deny Mr. Brown's application for a license.

SIGNED AUGUST 25, 2025

ALJ Signature:

A handwritten signature in cursive script that reads "Shelly M. Doggett". The signature is written in dark ink and is positioned above a horizontal line.

Shelly M. Doggett

Presiding Administrative Law Judge

FILED
454-25-16902
9/25/2025 10:51 AM
STATE OFFICE OF
2025-9680
ADMINISTRATIVE HEARINGS
Jessica Rodriguez, CLERK



ACCEPTED
454-25-16902
9/25/2025 11:03:14 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Jessica Rodriguez, CLERK

State Office of Administrative Hearings

Kristofer S. Monson
Chief Administrative Law Judge

September 25, 2025

Kaycee Crisp, TDI Staff Attorney

VIA EFILE TEXAS

Bobby Brown, Respondent
2033 S. Meeker Road
Beaumont, TX 77713

VIA EFILE TEXAS & REGULAR MAIL

RE: SOAH Docket Number 454-25-16902.C; *Texas Department of Insurance v. Bobby Brown*

Dear Parties:

The Proposal for Decision (PFD) was issued in this case on August 25, 2025. Petitioner, staff (Staff) of the Texas Department of Insurance (Department), timely filed exceptions to the PFD on September 4, 2025. Respondent Bobby Brown did not file exceptions or a reply to Staff’s exceptions.

Staff’s sole exception requests a correction of what Staff characterizes as a typographical error in Conclusion of Law Number (COL No.) 8. Staff asks to replace the citation to section 53.025 of the Texas Occupations Code (Code) in COL No. 8, which concludes that intoxication assault and manslaughter are felony offenses directly related to the duties and responsibilities of an all lines adjuster,¹ with a citation to section 53.023 of the same Code.

¹ COL No. 8 states, in full: “Intoxication assault and intoxication manslaughter are felony offenses and are directly related to the duties and responsibilities of an all lines adjuster. Tex. Ins. Code § 4005.101(b)(8); Tex. Occ. Code §§ 53.021(a)(1), .022, .025; Tex. Penal Code §§ 49.07(a)(1), .08(a); 28 Tex. Admin. Code § 1.502(d)(1), (f)(4)(R).” COL No. 8.

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Exceptions Letter by ALJ

September 25, 2025

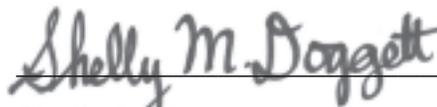
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After reviewing Staff's exception and the relevant authority, the Administrative Law Judge has determined that the citation in question was not an error and recommends that no change be made to the PFD. Code section 53.025 authorizes the Department, as a licensing agency, to issue guidelines stating why particular crimes directly relate to Department-licensed occupations. *See* Code § 53.025. Code section 53.025, therefore, and the Department rule containing the relevant guidelines issued pursuant to section 53.025,² are appropriate citations for COL No. 8.

Code section 53.023, meanwhile, delineates additional factors the Department shall consider—*after* determining under section 53.022 that a criminal conviction directly relates to the duties and responsibilities of a Department-licensed occupation—when deciding what action to take on the pending application. Section 53.023, consequently, is more appropriately cited in subsequent COL Nos. 10 and 11, because COL No. 8 concerns the preceding analysis conducted under Code section 53.022.³

The PFD is ready for the Department's consideration.

ALJ Signature:



Shelly M. Doggett

Presiding Administrative Law Judge

CC: Service List

² *See* 28 Tex. Admin. Code § 1.502(d), (f).

³ Code section 53.022 is already cited in COL No. 8.