

No. 2022-7273

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

Date: 03/23/2022

Subject Considered:

Brendon James Cody

[REDACTED]
Denver, Colorado 80123-1949

Default Order
SOAH Docket No. 454-22-1536
TDI Enforcement File No. 19482

General remarks and official action taken:

The subject of this default order is whether a non-resident, all-lines designated home state adjuster license should be issued to Brendon James Cody (Respondent). Respondent did not respond to a Notice of Hearing filed 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 Hearing

1. On January 31, 2022, the department filed a Notice of Hearing, attached as Exhibit A, and an Original Petition, attached as Exhibit B, with the State Office of Administrative Hearings.
2. The department's factual allegations set out in the attached Notice of Hearing and Original Petition are incorporated in this order as findings of fact.
3. The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, [REDACTED]

2022-7273

Commissioner's Order

Brendon James Cody

SOAH Docket No. 454-22-1536

Page 2 of 5

██████████ Denver, Colorado 80123-1949. The Notice of Hearing and Original Petition were also sent by electronic mail and to an additional address associated with Respondent, ██████████, Littleton, Colorado 80127.

4. Respondent failed to file a written response to the Notice of Hearing within 20 days of the date the Notice of Hearing and Original Petition were mailed.

Conclusions of Law

1. The commissioner has jurisdiction pursuant to Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, 4101.051, 4101.101, and 4101.201; TEX. GOV'T CODE §§ 2001.051-2001.178; 28 TEX. ADMIN. CODE § 1.502; and TEX. OCC. CODE §§ 53.021-53.023.¹
2. The commissioner has authority to dispose of this case informally pursuant to TEX. GOV'T CODE § 2001.056; TEX. INS. CODE § 82.055; and 28 TEX. ADMIN. CODE §§ 1.47, 1.88, and 1.89.
3. The department provided proper notice of the hearing pursuant to TEX. GOV'T CODE §§ 2001.051, 2001.052, and 2001.054; and 28 TEX. ADMIN. CODE §§ 1.28, 1.88, 1.89, and 19.906.
4. Based on Respondent's failure to file a written response to the Notice of Hearing, the department is entitled to disposition by default pursuant to 28 TEX. ADMIN. CODE §§ 1.88 and 1.89.
5. The department's factual and legal allegations set out in the attached Notice of Hearing and Original Petition are incorporated in this order and deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.

¹ All citation to the Texas Occupations Code in this Order refers to the law in effect prior to H.B. 1342 (86th R.S.), effective September 1, 2019. Section 14 of H.B. 1342 states: "The changes in law made by this Act apply only to an application for a license submitted on or after the effective date of this Act. An application for a license submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose."

2022-7273

Commissioner's Order
Brendon James Cody
SOAH Docket No. 454-22-1536
Page 3 of 5

Order

It is ordered that Brendon James Cody's application for a non-resident, all-lines designated home state adjuster license 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.

DocuSigned by:

FC5D7EDDFFBB4F8...
Cassie Brown
Commissioner of Insurance

Prepared and reviewed by:



Anna Kalapach, Staff Attorney
Enforcement Division

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 Brendon James Cody. I have confirmed that:

- a. The last mailing address provided to the department in writing by Brendon James Cody is [REDACTED] Denver, Colorado 80123-1949.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated January 31, 2022, which were filed with the State Office of Administrative Hearings.
- c. On January 31, 2022, the Notice of Hearing and Original Petition addressed to Brendon James Cody were mailed certified, return receipt requested, to his last known address and to an additional address associated with Respondent, [REDACTED] Littleton, Colorado 80127.

A copy of the certified mail log maintained by the Enforcement Division is attached as Exhibit C."

DocuSigned by:

 E16F052C975B417...
 Affiant

2022-7273

Commissioner's Order
Brendon James Cody
SOAH Docket No. 454-22-1536
Page 5 of 5

SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 2/25/2022. This notarial act was an online notarization.

Notary Seal



Digital Certificate

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

2022-7273

FILED
454-22-1536
1/31/2022 2:57 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Jessie Harbin, CLERK

**SOAH DOCKET NO. 454-22-1536
TDI ENFORCEMENT FILE NO. 19482**

ACCEPTED
454-22-1536
1/31/2022 3:22 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Jessie Harbin, CLERK

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

BRENDON JAMES CODY,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

NOTICE OF HEARING

The Texas Department of Insurance seeks to deny your license application. This Notice of Hearing and the Original Petition, which is attached and incorporated for all purposes, states the allegations against you and the relief sought by the Department.

A public hearing will be held before an Administrative Law Judge on **Tuesday, May 3, 2022, at 9:00 a.m.** The hearing will take place via videoconference using a videoconference platform controlled by the State Office of Administrative Hearings, unless otherwise ordered to proceed in another manner by the Administrative Law Judge.

The hearing shall be conducted under TEX. GOV'T CODE, ch. 2001 and 1 TEX. ADMIN. CODE, ch. 155. Unless otherwise directed by the Administrative Law Judge, the hearing shall continue from day to day in the offices of the State Office of Administrative Hearings until concluded. You have the right to appear at this hearing and to be represented by an attorney.

Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH.

YOU MUST FILE A WRITTEN RESPONSE TO THE NOTICE OF HEARING WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN 20 DAYS OF THE DATE THE NOTICE OF HEARING WAS MAILED. FAILURE TO FILE A WRITTEN RESPONSE BY THIS DEADLINE SHALL ENTITLE TDI TO SEEK DISPOSITION BY DEFAULT UNDER 1 TEX. ADMIN. CODE § 155.501 AND 28 TEX. ADMIN. CODE §§ 1.88 AND 1.89.

EXHIBIT
A

2022-7273

Notice of Hearing

Brendon James Cody

SOAH Docket No. 454-22-1536

Page 2 of 5

IF YOU FAIL TO FILE A WRITTEN RESPONSE, THE SCHEDULED HEARING CAN BE CANCELED AND WITHOUT FURTHER NOTICE TO YOU THE COMMISSIONER OF INSURANCE CAN ISSUE AN ORDER IN WHICH THE ALLEGATIONS IN THE NOTICE OF HEARING ARE DEEMED ADMITTED AS TRUE AND THE RELIEF SOUGHT IN THE NOTICE OF HEARING, INCLUDING DENIAL OF YOUR LICENSE APPLICATION, IS GRANTED BY DEFAULT.

IF YOU FILE A WRITTEN RESPONSE BUT THEN FAIL TO APPEAR ON THE DAY AND TIME SET FOR HEARING, WITHOUT FURTHER NOTICE TO YOU, THE COMMISSIONER OF INSURANCE CAN ISSUE AN ORDER IN WHICH THE ALLEGATIONS IN THE NOTICE OF HEARING ARE DEEMED ADMITTED AS TRUE AND THE RELIEF SOUGHT IN THE NOTICE OF HEARING, INCLUDING DENIAL OF YOUR LICENSE APPLICATION, IS GRANTED BY DEFAULT.

In accord with 28 TEX. ADMIN. CODE § 1.90(e) and 1 TEX. ADMIN. CODE §§ 155.101 and 155.103, you should send copies of your written response to:

- (1) *(by mail, fax, or electronically)*
Docketing Division
State Office of Administrative Hearings
300 West 15th Street, Room 504
P.O. Box 13025
Austin, Texas 78711-3025
(512) 322-2061 (Fax);
www.soah.texas.gov/e-filing-soah
- (2) *(by mail, fax, or email)*
Chief Clerk
Texas Department of Insurance
P.O. Box 12030, MC GC-CCO
Austin, Texas 78711-2030
(512) 490-1064 (Fax)
chiefclerk@tdi.texas.gov; and
- (3) *(by mail, fax, or email)*
Anna Kalapach, Staff Attorney
Texas Department of Insurance
Enforcement Division, MC ENF

2022-7273

Notice of Hearing

Brendon James Cody

SOAH Docket No. 454-22-1536

Page 3 of 5

P.O. Box 12030
Austin, Texas 78711-2030
(512) 490-1020 (Fax)
anna.kalapach@tdi.texas.gov

Receiving Documents Electronically and Filing Documents with SOAH

The State Office of Administrative Hearings (SOAH) offers you the ability to electronically receive orders and other documents issued by SOAH by email instead of by mail. If you want to receive SOAH-issued documents by email, follow the instructions on SOAH's website: www.soah.texas.gov.

A request to receive SOAH-issued documents by email does not change the procedures you must follow to file documents with SOAH. You may file documents with SOAH by mail, fax, or electronically. To file electronically, you must use eFileTexas. Instructions on using eFileTexas are on SOAH's website. SOAH's website also includes guidance for representing yourself.

Important Security Notice (for In-Person Hearings ONLY)

ALL VISITORS TO THE WILLIAM P. CLEMENTS BUILDING WITHOUT AN AGENCY OR DPS ISSUED ID CARD MUST PROVIDE THE BUILDING SECURITY OFFICER WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS DOCKET NUMBER AND RECEIVE A VISITOR'S PASS IN ORDER TO BE ALLOWED ACCESS TO THE HEARING ROOM. INDIVIDUALS SHOULD ALLOW ADDITIONAL TIME TO GO THROUGH THE SECURITY PROCESS.

2022-7273

Notice of Hearing
Brendon James Cody
SOAH Docket No. 454-22-1536
Page 4 of 5

If you have any questions, please contact me at the address or telephone number shown below.

Respectfully Submitted,



Anna Kalapach
State Bar No. 24083290
Texas Department of Insurance
Enforcement Division, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6326 (Direct)
(512) 490-1020 (Fax)
anna.kalapach@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

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

2022-7273

Notice of Hearing

Brendon James Cody

SOAH Docket No. 454-22-1536

Page 5 of 5

CERTIFICATE OF SERVICE

I, Anna Kalapach, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by the following methods, on this 31st day of January, 2022 to:

Brendon James Cody

[REDACTED]

Denver, CO 80123-1949

Respondent Pro Se

CM/RRR: 9214 8901 9403 8365 1017 27

Via Email to: [REDACTED]

Brendon James Cody

[REDACTED]

Littleton, CO 80127

Via CM/RRR: 9214 8901 9403 8365 1018 40



Anna Kalapach

2022-7273

FILED
454-22-1536
1/31/2022 10:02 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

SOAH DOCKET NO. 454- 22-1536
TDI ENFORCEMENT FILE NO. 19482

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

ACCEPTED
454-22-1536
1/31/2022 12:15:28 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

v.

OF

BRENDON JAMES CODY,

ADMINISTRATIVE HEARINGS

Respondent

ORIGINAL PETITION

The Texas Department of Insurance seeks to deny Brendon James Cody’s license application. In support of this petition, the department makes the following allegations upon information and belief:

Jurisdiction

The Commissioner of Insurance has jurisdiction over this matter under TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, 4101.051, 4101.101, and 4101.201, TEX. GOV’T CODE §§ 2001.051-2001.178, 28 TEX. ADMIN. CODE § 1.502, and TEX. OCC. CODE §§ 53.021-53.023.¹

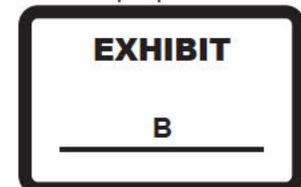
Factual Allegations

Prior Emergency Licensure

1. Following Hurricane Harvey, in August 2017, the department began to issue emergency adjuster licenses, for which fingerprint submissions were not required under TEX. INS. CODE § 4101.101 and background checks were not conducted.²

¹ All citation to the Texas Occupations Code in this Original Petition refers to the law in effect prior to H.B. 1342 (86th R.S.), effective September 1, 2019. Section 14 of H.B. 1342 states: “The changes in law made by this Act apply only to an application for a license submitted on or after the effective date of this Act. An application for a license submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.”

² See Commissioner’s Bulletins Nos. B-0011-17, B-0023-17, and B-0038-17.



2022-7273

Original Petition
Brendon James Cody
Page 2 of 10

2. On September 11, 2017, Brendon James Cody (Cody) submitted an application for a non-resident, temporary general lines emergency adjuster license, with an emergency adjuster qualification.
3. Cody did not disclose his criminal history in this application as described below. Because of this lack of disclosure, lack of fingerprints, and because background checks were not conducted, the department had no information at the time of his application to indicate Cody had a criminal background.
4. On September 29, 2017, the department issued a non-resident, temporary general lines emergency adjuster license, with an emergency adjuster qualification, to Cody.
5. Pursuant to the legislative mandate in TEX. INS. CODE § 4101.101, TDI was required to issue Cody the emergency license upon receipt of a complete application certified by a Texas licensed adjuster or Texas-admitted insurer maintaining an office in Texas. The license was required to be issued not later than the fifth day after the date the person begins adjuster work and is effective for a period of 90 days. TDI had no discretion to deny the license.
6. On November 15, 2017, in Commissioner's Order No. 2017-5288, the Commissioner extended the license term of emergency adjuster licenses for an additional 90-day period, creating an effective period of 180 days from the date the license was issued, as authorized under TEX. INS. CODE § 4101.101(d).
7. On March 28, 2018, which is 180 days after September 29, 2017, Cody's temporary general lines emergency adjuster license was cancelled.

Material Misstatement in Application and Obtaining an Emergency License by Misrepresentation

8. In Cody's emergency application submitted on September 11, 2017, the application asked, "Have you ever been convicted of any misdemeanor or felony charge or offense in Texas, in any other state or by the federal government?"
9. Cody answered "no," which was a false answer because he has been convicted of multiple felonies and misdemeanors.

Permanent Adjuster License Application

10. On March 22, 2018, Cody submitted an application to the department for a nonresident, all-lines designated home state (DHS) adjuster lines license, designating Texas as his home state. This application included the submission of fingerprints and TDI performed a background check.
11. In this application, Cody disclosed that he had been convicted of a misdemeanor or felony offense.
12. The department proposed to deny Cody's application on March 18, 2019, based on his criminal history. Cody appealed that decision and made a written request for a hearing.

Criminal History

13. In 1996, Cody was indicted for exposing his genitals to two different children on two separate days. He was found guilty of two separate felonies and sentenced to 180 days in jail and then four years imprisonment. Specifically:
 - a. On November 14, 1996, Cody was indicted by a grand jury for exposing his genitals on September 26, 1996, to a child younger than 17 years of age and not his spouse, namely J.G., knowing the child was present, with the intent to arouse or gratify the sexual desire of Cody, in case number 96-700-K277, in the 277th District Court, Williamson County, Texas.
 - b. On April 14, 1997, Cody pled guilty in case number 96-700-K277 to the lesser included state jail felony offense under TEX. PENAL CODE § 21.11, Attempted Indecency with a Child. Cody was sentenced to 180 days in jail on May 17, 1997.
 - c. On November 14, 1996, Cody was also indicted by a grand jury for exposing his genitals on October 3, 1996, to a child younger than 17 years of age and not his spouse, namely C.H., knowing the child was present, with the intent to arouse or gratify the sexual desire of Cody, in case number 96-702-K277, the 277th District Court of Williamson County, Texas.

2022-7273

Original Petition
Brendon James Cody
Page 4 of 10

- d. On April 14, 1997, Cody pled guilty to Indecency with a Child, a third degree felony under TEX. PENAL CODE § 21.11, in case number 96-702-K277. On May 27, 1997, Cody was sentenced to 10 years probation and ordered to pay \$470 in restitution and a \$2,500 fine.
 - e. On April 20, 1998, the State of Texas filed a Motion to Revoke Probation in case number 96-702-K277. The State alleged that Cody violated probation by going within 500 feet of the Jollyville Elementary School and by failing to attend and participate in the sex offenders program as recommended by the Community Supervision Officer on March 12, 19, and 26, 1998.
 - f. On June 22, 1998, Cody's probation was revoked on the grounds that Cody violated probation by going within 500 feet of the Jollyville Elementary School and by failing to attend and participate in the sex offenders program as recommended. Cody was sentenced to four years imprisonment in case number 96-702-K277.
14. Shortly following his release from a Texas prison, Cody again committed an offense involving a child in the state of Colorado. Specifically:
- a. On or about September 20, 2002, Cody committed the offense of Indecent Exposure to a Child Under Age 14, a Class 2 misdemeanor, in case number 2002 M 201847, in County Court, Arapahoe County, Colorado.
 - b. On July 7, 2003, Cody pled guilty to Indecent Exposure to a Child Under Age 14, in case number 2002 M 201847. Cody received four years probation with sex offender specific treatment and substance abuse treatment. He was ordered to have no intentional contact with any child under 18 years old.
 - c. On July 28, 2004, Cody's probation officer filed a complaint to revoke Cody's probation in case number 2002 M 201847. A warrant was issued for Cody's arrest on the same day. He was arrested on December 13, 2005.
 - d. Cody's probation was revoked in case number 2002 M 201847 on January 5, 2006, and he was sentenced to 270 days in jail.

15. Around the same time, Cody was also found guilty of felony Forgery in Colorado, had his sentencing to a community corrections program revoked, and was subsequently sentenced to three years imprisonment. Specifically:
 - a. Cody was charged on April 3, 2003, in case number 2003 CR 000923, in the District Court of Adams County, Colorado, for the following conduct occurring on or between March 8, 2003, and March 31, 2003:
 - i. One count of First Degree Aggravated Motor Vehicle Theft for unlawfully, feloniously, and knowingly obtaining and exercising control over the motor vehicle of WYB ICB d/b/a The Butcher Shop without authorization and by threat and deception and retaining possession and control over the motor vehicle for more than 24 hours, and using the motor vehicle in the commission of a crime, namely, Theft and Fraud by Theft;
 - ii. One count of Theft for unlawfully, feloniously, and knowingly take a thing of value, namely, a meat and freezer of the value of \$500 or more, but less than \$15,000, from The Butcher Shop; and
 - iii. Two counts of Forgery for unlawfully, feloniously, and falsely making, completing, altering, and uttering a written instrument, with the intent to defraud Banc First, the Butcher Shop, and J.S. and K.S., which was and which purported to be and which was calculated to become and to represent if completed the check of K.S., which document did and may evidence, create, transfer, terminate, and otherwise affect a legal right, interest, obligation and status.
 - b. The District Attorney dismissed all of the charges except for one count of Forgery of a Check/Commercial Instrument, in case number 2003 CR 000923.
 - c. Cody pled guilty to one count of Forgery of a Check/Commercial Instrument, a Class 5 Felony, in case number 2003 CR 000923. On June 26, 2003, Cody was sentenced to three years in Adams Community Corrections Program for that felony.

- d. In a letter dated July 2, 2004, the Adams Community Corrections Program Community Services Center complained to the Adams County District Court and requested that Cody be unsuccessfully terminated from the Adams Community Corrections Program, in case number 2003 CR 000923. The request was made due to Cody being a risk to the community safety.
 - e. On July 14, 2004, Cody's sentence to community corrections was revoked because he failed to comply with his community placement conditions, specifically, Cody engaged in prohibited conversations with minors on numerous occasions. Cody was sentenced to three years imprisonment in the department of corrections and 24 months of mandatory parole, in case number 2003 CR 000923.
16. Also around the same time, on February 26, 2003, Cody committed the felony offense of Unlawful Possession of a Controlled Substance, Schedule II, a Class 5 felony in Colorado. Specifically:
- a. On May 20, 2003, Cody was charged with two counts of Unlawful Possession of a Controlled Substance, Schedule II, a Class 5 felony, in case number 2003 CR 001325, in District Court, Arapahoe County, Colorado.
 - i. One count of Unlawful Possession of a Controlled Substance, Schedule II, was dismissed by the district attorney.
 - ii. Cody pled guilty to the other count of Unlawful Possession of a Controlled Substance, Schedule II, a Class 5 felony, in case number 2003 CR 001325, and he was sentenced to three years in the community corrections program.
 - b. On October 18, 2004, in case number 2003 CR 001325, Cody's sentence to the community corrections program was revoked. He was sentenced to three years imprisonment in the department of corrections and 24 months of mandatory parole.
17. In 2003, Cody also received his first conviction for Failure to Register as a Sex Offender, a felony. Specifically:

2022-7273

Original Petition
Brendon James Cody
Page 7 of 10

- a. On June 5, 2003, Cody was charged with Failure to Register as a Sex Offender, a felony, in case 2003 CR 001479, in the District Court of Arapahoe County, Colorado.
 - b. Cody pled guilty to Failure to Register as a Sex Offender, a felony, in case 2003 CR 001479. On September 11, 2003, he was sentenced to three years in the community corrections program.
 - c. On October 22, 2004, Cody's sentence to the community corrections program was revoked in case number 2003 CR 001479. He was sentenced to three years in the department of corrections and 24 months of mandatory parole.
18. On July 26, 2006, Cody was arrested for Theft of \$100-\$500. Cody pled guilty to the lesser included charge of Theft of Under \$100, a Class 3 misdemeanor, in case number 2006 M 003257, in County Court, Adams County, Colorado. He was assessed fines and costs totaling \$159.00.
19. In 2009, Cody received his second conviction for Failure to Register as a Sex Offender, a felony. Specifically:
- a. On August 18, 2008, Cody was charged with Failure to Register as a Sex Offender-Second Offense, a felony, in case 2008 CR 004210, in the District Court of Denver County, Colorado.
 - b. Cody pled guilty to the offense.
 - c. On February 5, 2009, Cody was convicted and sentenced to two years imprisonment in the Department of Corrections and two years of mandatory parole.

Sex Offender Risk Level: High

20. As of the date of this Petition, Cody is a registered sex offender in the State of Texas.
21. The Texas Sex Offender Registry, which is maintained by the Texas Department of Public Safety, shows Cody's risk level as "high." TEX. CODE CRIM. PROC. ANN. art.

62.007(c)(3) defines high risk as “the person poses a serious danger to the community and will continue to engage in criminal sexual conduct.”

22. The Texas Sex Offender Registry shows that in an incident with a disposition date of May 27, 1997, Cody’s victim was ten years old.
23. As of the date of this Petition, Cody is also a registered sex offender in the State of Colorado.
24. The Colorado Sex Offender Registry, which is maintained by the Colorado Bureau of Investigation, shows that Cody is a multiple offender, with a history of failing to register.

Legal Allegations

1. Cody intentionally made a material misstatement in his application for a non-resident, temporary general lines emergency adjuster license, as contemplated by TEX. INS. CODE § 4005.101(b)(3).
2. Cody obtained a license by fraud or misrepresentation, as contemplated by TEX. INS. CODE § 4005.101(b)(3).
3. Cody has engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5), including the offenses of Forgery and Theft.
4. Cody has been convicted of a felony, as contemplated by TEX. INS. CODE § 4005.101(b)(8) and TEX. OCC. CODE § 53.021(a).
5. Cody committed felony and misdemeanor offenses and has engaged in fraudulent or dishonest activity that directly relate to the duties and responsibilities of the licensed occupation, as contemplated in 28 TEX. ADMIN. CODE § 1.502(d) and (f).
6. Cody committed offenses that the department considers to be of such a serious nature that they are of prime importance in determining fitness for licensure, as contemplated by 28 TEX. ADMIN. CODE § 1.502(e)(1), (e)(3), (e)(4)(F), and (e)(4)(H), and TEX. OCC. CODE §§ 53.021–53.023.

2022-7273

Original Petition
Brendon James Cody
Page 9 of 10

7. Cody committed five felonies and two misdemeanors involving moral turpitude as contemplated by 28 TEX. ADMIN. CODE § 1.502(e)(3).
8. Cody committed an offense with the essential elements of a theft offense under Texas Penal Code, Chapter 31, as contemplated by 28 TEX. ADMIN. CODE § 1.502(e)(4)(F).
9. Cody committed offenses against the person as described by TEX. PENAL CODE § 21.11, contemplated by 28 TEX ADMIN. CODE § 1.502(e)(4)(H).
10. Department guidelines, 28 TEX ADMIN. CODE § 1.502(c)-(e), emphasize that the department:
 - a. considers it very important that applicants be honest, trustworthy, and reliable;
 - b. may refuse to issue an original license if the department determines that the applicant has committed a felony or misdemeanor that directly relates to the duties and responsibilities of the licensed occupation;
 - c. considers the offense of Forgery of a Check/Commercial Instrument to be of such a serious nature that it is of prime importance when determining fitness for licensure. 28 TEX ADMIN. CODE § 1.502(e)(1) and (e)(3);
 - d. considers the offense of Theft to be of such a serious nature that it is of prime importance when determining fitness for licensure. 28 TEX ADMIN. CODE § 1.502(e)(4)(F) and (e)(3); and
 - e. considers the offenses of Indecency with a Child to be of such a serious nature that it is of prime importance when determining fitness for licensure. 28 TEX ADMIN. CODE § 1.502(e)(4)(H) and (e)(3).
11. Cody has been convicted of a felony involving dishonesty or breach of trust, as specified in 18 U.S.C. § 1033 and requiring written consent from the commissioner of insurance to engage or participate in the business of insurance.

Relief Sought

If one or more of the above allegations is found to be true, the department asks the Administrative Law Judge to enter a Proposal for Decision recommending that the Commissioner of Insurance issue an order:

1. denying Brendon James Cody's license application;
2. denying consent to allow Brendon James Cody to engage or participate in the business of insurance under 18 U.S.C. § 1033; and
3. any other just and appropriate relief to which the department may be entitled to by law, including any combination of the above actions.

Respectfully Submitted,



Anna Kalapach
State Bar No. 24083290
Texas Department of Insurance
Enforcement Division, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6326 (Direct)
(512) 490-1020 (Fax)
anna.kalapach@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE



Firm Mailing Book For Accountable Mail

2022-7273

Name and Address of Sender
 MC 110-1A D MORENO
 TEXAS DEPARTMENT OF INSURANCE
 333 GUADALUPE ST
 AUSTIN TX 78701

Check type of mail or service
 Adult Signature Required
 Adult Signature Restricted Delivery
 Certified Mail
 Certified Mail Restricted Delivery
 Collect on Delivery (COD)
 Insured Mail
 Priority Mail

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

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

USPS Tracking/Article Number	Addressee (Name, Street, City, State, & ZIP Code™)	Postage	(Extra Service) Fee	Handling Charge - if Registered and over \$50,000 in value	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
1. 9214 8901 9403 8365 1017 27	BRENDON JAMES CODY [REDACTED] DENVER, CO 80123-1949	1.56	3.75								1.85			
2. 9214 8901 9403 8365 1018 40	BRENDON JAMES CODY [REDACTED] LITTLETON, CO 80127	1.56	3.75								1.85			
Kalapach/19482								Adult Signature Required	Adult Signature Restricted Delivery	Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling

RECEIVED
FEB 01 2022
TDI - ENFORCEMENT

USPS
Postmaster, Per (Name of receiving employee)

EXHIBIT
C

Total Number of Pieces Listed by Sender: 2
Total Number of Pieces Received at Post Office: 2



**Shipment Confirmation
Acceptance Notice**

A. Mailer Action

Note to Mailer: The labels and volume associated to this form online, must match the labeled packages being presented to the USPS® employee with this form.

Shipment Date: 01/31/2022
 Shipped From:
 Name: MC 110-1A D MORENO
 Address: 333 GUADALUPE ST
 City: AUSTIN
 State: TX ZIP+4® 78701

Type of Mail	Volume
Priority Mail Express®	
Priority Mail®	0
First-Class Package Service®	
Returns	
International*	
Other	2
Total	2

*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

B. USPS Action

Note to RSS Clerk:

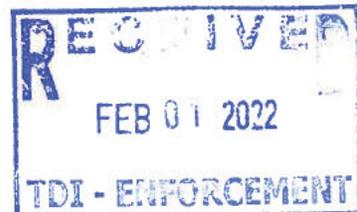
1. Home screen > Mailing/Shipping > More
2. Select Shipment Confirm
3. Scan or enter the barcode/label number from PS Form 5630
4. Confirm the volume count message by selecting Yes or No
5. Select Pay and End Visit to complete transaction

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

USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0034 4674 58



Kalapach/19482