

No. 2018-5525

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

Date: **MAY 29 2018**

**Subject Considered:**

Texas Department of Insurance

v.

Brandon James Perez

SOAH Docket No. 454-18-1314.C

**General remarks and official action taken:**

This order is in consideration of Brandon James Perez's application for a general lines agent license. Following a hearing before the State Office of Administrative Hearings, the administrative law judge submitted a proposal for decision containing findings of fact and conclusions of law, recommending that the Texas Department of Insurance deny Mr. Perez's application for a license. The proposed findings of fact, conclusions of law, and recommendation of the administrative law judge are adopted with nonsubstantive formatting and style changes. A copy of this order will be provided to law enforcement and other appropriate administrative agencies for further investigation as may be warranted.

**FINDINGS OF FACT**

1. On February 16, 2017, Brandon James Perez applied for a general lines agent license from the department.
2. On June 6, 2017, the department proposed to deny the application.
3. Mr. Perez requested a hearing to challenge the denial.
4. On December 8, 2017, the department issued a notice of hearing on the denial of the application.
5. 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.

6. The hearing in this case was held on February 28, 2018, before Administrative Law Judge Rebecca S. Smith at the State Office of Administrative Hearings in Austin, Texas. The staff (Staff) of the department was represented by staff attorneys Cassie Tigue and Elissa Mazza. Mr. Perez represented himself. The hearing concluded and the record closed the same day.
7. On April 18, 2007, in Cause No. F-2006-2044-A, in the 16th District Court of Denton County, Texas, Mr. Perez pleaded guilty to injury to a child, a second degree felony. Adjudication was deferred, and Mr. Perez was placed on community supervision for five years. On October 26, 2011, after pleading true to the allegations that he violated the terms of his community supervision, Mr. Perez's guilt was adjudicated, and he was sentenced to two years confinement in the Texas Department of Criminal Justice, Institutional Division. He was released on supervision on January 20, 2012, and was discharged on February 5, 2013.
8. Mr. Perez has one criminal conviction involving assault.
9. Mr. Perez had difficulty complying with the terms of his community supervision.
10. In statements to Staff, Mr. Perez did not provide a full explanation for why his community supervision was revoked.
11. Mr. Perez was approximately 21 years old when he committed the crime.
12. Over 11 years have passed since Mr. Perez last committed a crime.
13. Mr. Perez has been out of prison for over 6 years.
14. Mr. Perez has a good work history since his release.
15. Mr. Perez did not show much evidence of rehabilitation.
16. The preponderance of the evidence does not show Mr. Perez's current fitness to hold a license.

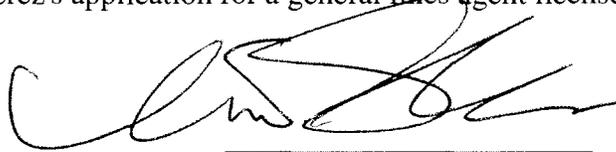
#### **CONCLUSIONS OF LAW**

1. The department has jurisdiction over this matter. Tex. Ins. Code §§ 4001.002, 4001.105, 4005.101.
2. The State Office of Administrative Hearings 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. Perez received timely and sufficient notice of hearing. Tex. Gov't Code ch. 2001; Tex. Ins. Code § 4005.104(b).
4. The department may deny a license if an applicant commits an offense that directly relates to the duties and responsibilities of an insurance agent. Tex. Occ. Code § 53.021(a)(1).
5. Mr. Perez has not shown the fitness required to perform the duties and discharge the responsibilities of the licensed occupation. Tex. Occ. Code §§ 53.022 – 53.023; 28 Tex. Admin. Code § 1.502(h).
6. The department should deny Mr. Perez's application for a license.

**ORDER**

It is ordered that Brandon James Perez's application for a general lines agent license is denied.



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Kent C. Sullivan  
Commissioner of Insurance