

No. 2021-6984

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

Date: 09/09/2021

Subject Considered:

John David Crowe
[REDACTED]
Abilene, Texas 79605-7219

Default Order
SOAH Docket No. 454-21-2361
TDI Enforcement File No. 23781

General remarks and official action taken:

The subject of this default order is whether an adjuster license should be issued to John David Crowe (Respondent). Respondent did not appear at the hearing on the merits. This order denies Respondent's license application.

The following findings of fact and conclusions of law are adopted:

Findings of Fact

Failure to Appear at Hearing on the Merits

1. On May 24, 2021, the department filed an Amended Notice of Hearing, attached as Exhibit A, and an Amended Petition, attached as Exhibit B, with the State Office of Administrative Hearings.
2. The department's factual allegations set out in the attached Amended Notice of Hearing and Amended Petition are incorporated in this order as findings of fact.
3. The department sent the Amended Notice of Hearing and Amended Petition to Respondent's last known address provided in writing to the department, [REDACTED] [REDACTED] Abilene, Texas 79605-7219.

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4. Respondent filed his response on June 8, 2021, with the State Office of Administrative Hearings, expressing his intent to appear at the hearing.
5. After receiving proper notice of the date, time and location of the hearing on the merits, Respondent failed to appear for the hearing on August 16, 2021, as shown in the record in SOAH Docket No. 454-21-2361.

Conclusions of Law

1. The commissioner has jurisdiction under Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, and 4101.052; TEX. OCC. CODE §§ 53.021-53.023; 28 TEX. ADMIN. CODE § 1.502; and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has authority to dispose of this case informally under TEX. GOV'T CODE § 2001.056; TEX. INS. CODE § 82.055; and 28 TEX. ADMIN. CODE §§ 1.47, 1.88, and 1.89.
3. The department provided proper notice of the hearing under 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 appear in person or by legal representative at the hearing, the department is entitled to disposition by default under 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 under 28 TEX. ADMIN. CODE § 1.89.

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Order

It is ordered that John David Crowe's application is denied. A copy of this order will be provided to law enforcement and/or other appropriate administrative agencies for further investigation as may be warranted.

Commissioner of Insurance

By:  _____
Doug Slape
Chief Deputy Commissioner
TEX. GOV'T CODE § 601.002
Commissioner's Order No. 2018-5528

Prepared and reviewed by:



Sarah White, Staff Attorney
Enforcement Division

2021-6984

Commissioner's Order
John David Crowe
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Affidavit

STATE OF TEXAS §

§

COUNTY OF TRAVIS §

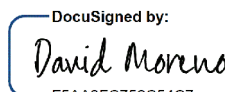
Before me, the undersigned authority, personally appeared David Moreno, who, being by me duly sworn, deposed as follows:

"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 John David Crowe. I have confirmed that:

- a. The last mailing address provided to the department in writing by John David Crowe is [REDACTED] Abilene, Texas 79605-7219.
- b. The file maintained by the Enforcement Division contains an Amended Notice of Hearing and Amended Petition dated May 24, 2021, which were filed with the State Office of Administrative Hearings.
- c. On May 24, 2021, the Amended Notice of Hearing and Amended Petition addressed to John David Crowe were mailed certified, return receipt requested, to his last known address.

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

DocuSigned by:

F5AA3FC752C54C7...
Affiant

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Commissioner's Order

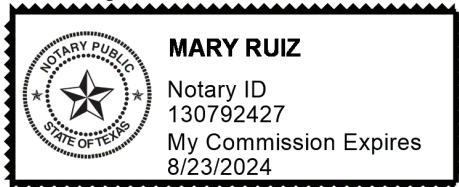
John David Crowe

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 8/19/2021. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:
Mary Ruiz
795DC4D59167489...

Notary Public State of Texas

2021-6984

FILED
454-21-2361
5/24/2021 9:57 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

ACCEPTED
454-21-2361
05/24/2021 10:01 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

**SOAH DOCKET NO. 454-21-2361
TDI ENFORCEMENT FILE NO. 23781**

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

JOHN DAVID CROWE,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

AMENDED NOTICE OF HEARING

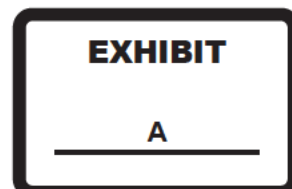
The Texas Department of Insurance seeks to deny your license application. This Amended Notice of Hearing and the Amended Petition, which is attached and incorporated for all purposes, states the allegations against you and the relief sought by the Department.

A public hearing will be held before an Administrative Law Judge on **Monday, August 16, 2021, 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.



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Amended Notice of Hearing
John David Crowe
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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) 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);
- (2) 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) Sarah White, Staff Attorney
Texas Department of Insurance
Enforcement Division, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 490-1020 (Fax)

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Sarah.White@tdi.texas.gov

Receiving Documents

The State Office of Administrative Hearings (SOAH) offers you the ability to receive service of orders and other documents issued by SOAH through email instead of by mail or fax. If you want to receive SOAH-issued documents by email, go to SOAH's website, www.soah.texas.gov, click on the "E-Services" tab, then click the hyperlink "Request Service by Email (only for use by self-represented litigants)," and follow the instructions.

NOTE: A request to receive SOAH-issued documents by email does not change the procedures you must follow to file documents with SOAH. The rules for filing documents and providing copies to all other parties in the case are described in SOAH's Procedural Rules, which are available on SOAH's website. Click the "Agency" tab, then click "Administrative Rules and Laws" to view SOAH's Procedural Rules.

Important Security Notice

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.

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

Respectfully Submitted,



Sarah White
State Bar No. 24064622
Texas Department of Insurance
Enforcement Division, MC ENF
P.O. Box 12030

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Austin, Texas 78711-2030
(512) 676-6354 (Direct)
(512) 490-1020 (Fax)
Sarah.white@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

Enclosure: Amended Petition

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

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CERTIFICATE OF SERVICE

I, Sarah White, certify that a true and correct copy of the *Amended Notice of Hearing and the Amended Petition* were sent by certified mail, return receipt requested, on this 24th day of May, 2021 to:

John David Crowe

CM/RRR: 9214 8901 9403 8340 6824 49



Abilene, Texas 79605-7219

Respondent Pro Se

A handwritten signature in black ink that reads "Sarah White".

Sarah White

**SOAH DOCKET NO. 454-21-2361
TDI ENFORCEMENT FILE NO. 23781**

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

JOHN DAVID CROWE,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

AMENDED PETITION

The Texas Department of Insurance is seeking to deny John David Crowe’s license application. The department previously filed an Original Petition and is now amended those allegations. In support of this amended petition, the department makes the following allegations upon information and belief.

Jurisdiction

The Commissioner of Insurance has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, and 4101.052, 28 TEX. ADMIN. CODE § 1.502, TEX. OCC. CODE §§ 53.021-53.023 and TEX. GOV’T CODE §§ 2001.051-2001.178.

Factual Allegations

License Application

1. On November 1, 2019, John David Crowe (Crowe) applied for an adjuster license to be issued by the Texas Department of Insurance (the department).
2. On January 16, 2020, the department proposed to deny Crowe’s application based on his criminal history. Crowe appealed that decision and made a written request for a hearing on January 27, 2020.

EXHIBIT

B

Criminal History

3. On May 18, 1998, Crowe received deferred adjudication for the misdemeanor offense of theft in cause no. 002-80428-98, in the County Court at Law No. 2 of Collin County, Texas. Crowe was placed on six months probation and ordered to pay a fine and court costs.
4. On November 20, 2006, Crowe was convicted of the misdemeanor offense of driving while license invalid in cause no. 34322-F, in County Court at Law #2 of Wichita County, Texas. Crowe was sentenced to 10 days confinement and order to pay a \$300 fine.
5. On August 13, 2007, Crowe was convicted of the misdemeanor offense of failure to identify to a peace officer in cause no. 40961-F, in County Court at Law #2 of Wichita County, Texas. Crowe was ordered to pay a \$300 fine.
6. On February 11, 2008, Crowe was convicted of the misdemeanor offense of evading arrest in cause no. 42827-F, County Court at Law #2 of Wichita County, Texas. Crowe was ordered to pay a \$300 fine.
7. On August 26, 2010, Crowe was convicted of the state jail felony offense of evading arrest/detention using vehicle in cause no. 48910-C, in the 89th District Court of Wichita County, Texas. Crowe was placed on 18 months community supervision and ordered to pay court costs.
8. On August 25, 2011, Crowe's community supervision was revoked for the felony offense in cause no. 48910-C due to probation violations. Crowe was sentenced to 14 months confinement and ordered to pay court costs.
9. On August 25, 2011, Crowe was convicted of the state jail felony offense of theft of firearm in cause no. 50662-C, in the 89th District Court of Wichita County, Texas. Crowe was sentenced to 14 months confinement and ordered to pay court costs.
10. On October 12, 2011, Crowe was convicted of the misdemeanor offense of evading arrest/detention in cause no. 48960-F, in County Court at Law #2 of Wichita County, Texas. Crowe was sentenced to 365 days confinement and ordered to pay a \$500 fine.

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Amended Petition

John David Crowe

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11. On October 12, 2011, Crowe was also convicted of the misdemeanor offense of interfere with emergency telephone call in cause no. 52221-F, in County Court at Law #2 of Wichita County, Texas. Crowe was sentenced to 365 days confinement and ordered to pay a \$500 fine.
12. On October 12, 2011, Crowe was also convicted of the misdemeanor offense of unlawful carrying weapon in cause no. 52293-F, in County Court at Law #2 of Wichita County, Texas. Crowe was sentenced to 365 days confinement and ordered to pay a \$500 fine.
13. On June 19, 2014, Crowe was convicted of the misdemeanor offense of evading arrest/detention in cause no. 59789-F, in County Court at Law 2 of Wichita County, Texas. Crowe was sentenced to 288 days confinement and ordered to pay a \$1,000 fine.
14. On November 21, 2014, Crowe was convicted of the 2nd degree felony offense of burglary of a habitation in cause no. 53014-A, in the 30th Judicial District Court of Wichita County, Texas. Crowe was sentenced to 10 years probation, and ordered to pay a \$5,000 fine, court costs, and \$1,179.89 in restitution to the victim.
15. Crowe's probation is set to expire on November 20, 2024.

Legal Allegations

1. Crowe has committed an act for which a license may be denied pursuant to TEX. INS. CODE § 4005.101(b) because he:
 - a. has engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5); and
 - b. has been convicted of a felony, as contemplated by TEX. INS. CODE § 4005.101(b)(8).
2. Crowe committed felony and misdemeanor offenses and has engaged in fraudulent or dishonest activity that directly relates to the duties and responsibilities of the licensed occupation in 28 TEX. ADMIN. CODE §§ 1.502(d) and (f).

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John David Crowe

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3. Crowe committed offenses that the department considers to be of such serious nature that they are of prime importance in determining fitness for licensure or authorization, as contemplated by 28 TEX. ADMIN. CODE § 1.502(e).
4. Crowe committed a felony involving moral turpitude, as contemplated by 28 TEX. ADMIN. CODE § 1.502(e)(3).
5. Crowe committed a burglary offense, as contemplated by 28 TEX. ADMIN. CODE § 1.502(e)(4)(E).
6. Crowe committed a theft offense, as contemplated by 28 TEX. ADMIN. CODE § 1.502(e)(4)(F).
7. Pursuant to TEX. OCC. CODE § 53.021(a)(1), the commissioner may deny Crowe's application because he has been convicted of an offense that directly relates to the duties and responsibilities of the licensed occupation.
8. 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, or has engaged in fraudulent or dishonest activity that directly relates to the duties and responsibilities of the licensed occupation;
 - c. considers any offense for which fraud, dishonesty, or deceit is an essential element to be of such a serious nature that it is of prime importance when determining fitness for licensure, pursuant to 28 TEX. ADMIN. CODE 1.502(e)(1)
 - d. considers any felony involving moral turpitude to be of such a serious nature that it is of prime importance when determining fitness for licensure, pursuant to 28 TEX. ADMIN. CODE § 1.502(e)(3);
 - e. considers any burglary offense to be of such a serious nature that it is of prime importance when determining fitness for licensure, pursuant to 28 TEX. ADMIN. CODE § 1.502(e)(4)(E).

- f. considers any theft offense to be of such a serious nature that it is of prime importance when determining fitness for licensure, pursuant to 28 TEX. ADMIN. CODE § 1.502(e)(4)(F).

9. Crowe 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 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 John David Crowe's license application;
2. denying consent to allow John David Crowe to engage or participate in the business of insurance under 18 U.S.C. § 1033; and
3. imposing any other just and appropriate relief to which the department may be entitled to by law.

Respectfully Submitted,



Sarah White
State Bar No. 24064622
Texas Department of Insurance
Enforcement Division, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6354 (Direct)
(512) 490-1020 (Fax)
Sarah.white@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

2021-6984



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: 05/24/2021

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	1
Total	1

*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:

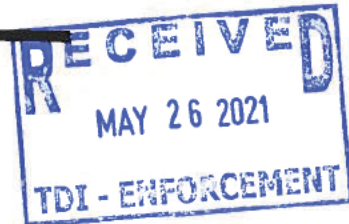
1. Home screen > Mailing/Shipping > More
2. Select Shipment Confirm
3. Scan or enter the barcode/label number from PS Form 5630
4. Confirm the volume count message by selecting Yes or No
5. Select Pay and End Visit to complete transaction

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 0029 1377 31



white/23781

EXHIBIT

C



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

Firm Mailing Book For Accountable Mail

Check type of mail or service

Adult Signature Required
 Adult Signature Restricted Delivery
 Certified Mail
 Certified Mail Restricted Delivery
 Collect on Delivery (COD)
 Insured Mail
 Priority Mail

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

USPS Tracking/Article Number

1. 9214 8901 9403 8340 8224 49

white/23781

Postage (Extra Service) Fee 1.40 3.60

Handling Charge

Actual Value if Registered

Insured Value

Due if Sender COD

ASR Fee

ASRD Fee

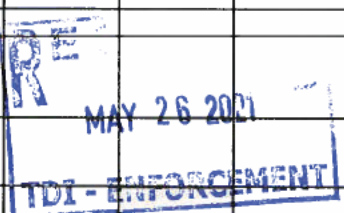
RD Fee

RR Fee 1.75

SC Fee

SCRD Fee

SH Fee



Handling Charge - if Registered and over \$50,000 in value

Total Number of Pieces Listed by Sender 1

Total Number of Pieces Received at Post Office 1

Postmaster: Per (Name of receiving employee)

PS Form 3877, January 2017 (Page 1 of 1) Complete in Ink Privacy Notice: For more information on USPS privacy policies, visit usps.com/privacypolicy.

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PSN 7530-02-000-9098

JobId: 2712885