

No. 2023-8204

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

**Date:** 9/14/2023

**Subject Considered:**

Texas Department of Insurance v.  
Jason Repman

SOAH Docket No. 454-23-01891.C

**General Remarks and Official Action Taken:**

The subject of this order is Jason Repman's application for an adjuster all lines license. This order denies Mr. Repman'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 Mr. Repman's application for an adjuster all lines license be denied. A copy of the proposal for decision is attached as Exhibit A.

**Errors in Proposal for Decision**

The proposal for decision contains two errors concerning the witness Lewis Weldon Wright, IV. These errors are noted here, but they do not necessitate changes in the findings of fact or conclusions of law.

First, when Mr. Wright is initially addressed on page 5 of the proposal for decision, he is incorrectly identified as "Lewis W. Weldon, IV." Subsequent references correctly refer to him as "Mr. Wright."

Second, the proposal for decision incorrectly refers to Mr. Wright when addressing Mr. Repman's criminal history. The last sentence of the first paragraph on page 9 of the proposal for decision states that Mr. Wright's community supervision was

COMMISSIONER'S ORDER  
TDI v. Jason Repman  
SOAH Docket No. 454-23-01891.C  
Page 2 of 2

revoked, but it should instead state that Mr. Repman's community supervision was revoked.

**Findings of Fact**

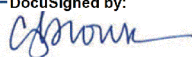
The findings of fact contained in Exhibit A are adopted and incorporated by reference into this order.

**Conclusions of Law**

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

**Order**

It is ordered that Jason Repman's application for an adjuster all lines license is denied.

DocuSigned by:  
  
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Cassie Brown  
Commissioner of Insurance

Recommended and reviewed by:

DocuSigned by:  
  
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Jessica Barta, General Counsel

DocuSigned by:  
  
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Kara Salmanson, Attorney

**BEFORE THE  
STATE OFFICE OF ADMINISTRATIVE  
HEARINGS**

—  
**TEXAS DEPARTMENT OF INSURANCE,  
PETITIONER**

**v.**

**JASON REPMAN,  
RESPONDENT**

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**PROPOSAL FOR DECISION**

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

**I. NOTICE, JURISDICTION, AND PROCEDURAL HISTORY**

There were no contested issues of jurisdiction or notice, so those matters are addressed solely in the findings of fact and conclusions of law below. The hearing was held via Zoom videoconference on January 25, 2023, before ALJ Daniel Wiseman of the State Office of Administrative Hearings (SOAH). Attorneys Allison Anglin and Stephanie Andrews represented Staff. Attorney Jason Danowsky represented Mr. Repman. The hearing concluded that day, and the record closed on February 9, 2023, when the court reporter’s transcript was filed with SOAH.

**II. APPLICABLE LAW**

The Department considers it very important that license holders and applicants be honest, trustworthy, and reliable,<sup>1</sup> and 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 engaged in fraudulent or dishonest acts or practices,<sup>2</sup> has been convicted of a felony,<sup>3</sup> or has been convicted of an offense that directly relates to the duties and responsibilities of the licensed occupation.<sup>4</sup>

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<sup>1</sup> 28 Tex. Admin. Code § 1.502(c).

<sup>2</sup> Tex. Ins. Code § 4005.101(b)(5); *see also* 28 Tex. Admin. Code § 1.502(d) (authorizing the Department to refuse to issue a license if it determines the applicant “has engaged in fraudulent or dishonest activity that directly relates to the duties and responsibilities of the licensed occupation.”).

<sup>3</sup> Tex. Ins. Code § 4005.101(b)(8); *see also* 28 Tex. Admin. Code § 1.502(d) (authorizing the Department to refuse to issue a license if it determines the applicant has committed a felony or misdemeanor).

<sup>4</sup> Tex. Occ. Code § 53.021(a)(1).

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.<sup>5</sup> Texas Occupations Code section 53.022 sets forth the following factors, which address whether a criminal conviction directly relates to the duties and responsibilities of the licensed occupation:

1. the nature and seriousness of the crime;
2. the relationship of the crime to the purposes for requiring a license to engage in the occupation;
3. the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved;
4. the relationship of the crime to the ability or capacity required to perform the duties and discharge the responsibilities of the licensed occupation; and
5. any correlation between the elements of the crime and the duties and responsibilities of the licensed occupation.<sup>6</sup>

To guide its decision-making when considering an applicant’s criminal history, the Department has identified certain crimes it considers to be of such a serious nature that they are of prime importance in determining fitness for licensure; these crimes include a felony offense of assault.<sup>7</sup> The Department has determined that the crimes it considers to be of prime importance are directly related to the occupations it licenses.<sup>8</sup>

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<sup>5</sup> 28 Tex. Admin. Code § 1.502(h).

<sup>6</sup> *See also* 28 Tex. Admin. Code § 1.502(h)(1).

<sup>7</sup> 28 Tex. Admin. Code § 1.502(e)(4)(B).

<sup>8</sup> 28 Tex. Admin. Code § 1.502(e); *see also* Tex. Occ. Code § 53.025.

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

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.<sup>9</sup>

It is the applicant's responsibility, to the extent possible, to obtain and provide to the Department the applicant's evidence of fitness discussed above.<sup>10</sup> Additionally, an applicant must furnish proof to the Department that the applicant has: (1) maintained a record of steady employment; (2) supported the applicant's dependents, where applicable; (3) otherwise maintained a record of good conduct; and (4) paid all outstanding court costs, supervision fees, fines, and restitution ordered in any criminal case in which the applicant has been convicted.<sup>11</sup> The Department will not issue a license unless, when viewed in light of the occupation

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<sup>9</sup> See also 28 Tex. Admin. Code § 1.502(h)(2).

<sup>10</sup> 28 Tex. Admin. Code § 1.502(h)(3); Tex. Occ. Code § 53.023(b).

<sup>11</sup> 28 Tex. Admin. Code § 1.502(h)(2)(G).

being licensed, the mitigating factors outweigh the serious nature of the criminal offense or the fraudulent or dishonest conduct.<sup>12</sup>

In this proceeding, Staff has the burden of proving its grounds for denying Mr. Repman's license application, while Mr. Repman has the burden to prove his fitness to be licensed despite his criminal history or fraudulent or dishonest conduct.<sup>13</sup> The standard of proof is by a preponderance of the evidence.<sup>14</sup>

### **III. EVIDENCE**

At the hearing, Staff offered four exhibits, which were admitted into evidence, and presented the testimony of Lewis W. Weldon, IV, the Department's agent and adjuster liaison to its Enforcement Division. Mr. Repman testified on his own behalf and offered 11 exhibits, which were admitted into evidence. Mr. Repman also presented the testimony of Terry Repman, Mr. Repman's father, and Jacob A. Schmidt, Mr. Repman's manager at his current place of employment.

#### **A. MR. REPMAN'S CRIMINAL HISTORY**

Between 2014 and 2017, Mr. Repman was convicted of six felonies and seven misdemeanors, involving evading and resisting arrest, drug possession, family violence, and obstruction or retaliation. Specifically, Staff presented evidence that Mr. Repman has the following criminal history, which he did not dispute:

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<sup>12</sup> 28 Tex. Admin. Code § 1.502(f).

<sup>13</sup> 1 Tex. Admin. Code § 155.427.

<sup>14</sup> *Granek v. Tex. St. Bd. of Med. Exam'rs*, 172 S.W.3d 761, 777 (Tex. App.—Austin 2005, no pet.).

- On or about July 15, 2014, Mr. Repman intentionally prevented and obstructed a police officer from effecting an arrest by using force against the police officer. On April 21, 2016, Mr. Repman pled guilty to the misdemeanor offense of Resisting Arrest, Search or Transport in Cause Number CR148377 in the County Court at Law of Midland County, Texas. He was sentenced to five-days confinement.
- On or about February 15, 2015, Mr. Repman intentionally fled from a police officer who was lawfully attempting to arrest and detain him. On April 21, 2016, Mr. Repman pled guilty to the misdemeanor offense of Evading Arrest in Cause Number CR151395 in the County Court at Law of Midland County, Texas. He was sentenced to five-days confinement.
- On or about February 19, 2015, Mr. Repman intentionally fled from a police officer who was lawfully attempting to arrest and detain him. On April 21, 2016, Mr. Repman pled guilty to the misdemeanor offense of Evading Arrest in Cause Number CR150893 in the County Court at Law of Midland County, Texas. He was sentenced to 10-days confinement.
- On or about March 16, 2015, Mr. Repman intentionally prevented and obstructed a police officer from effecting an arrest by using force against the police officer. On April 21, 2016, Mr. Repman pled guilty to the misdemeanor offense of Resisting Arrest, Search or Transport in Cause Number CR151099 in the County Court at Law of Midland County, Texas. He was sentenced to 10-days confinement.
- On or about November 11, 2015, Mr. Repman intentionally prevented and obstructed a police officer from effecting an arrest by using force against the police officer. On April 21, 2016, Mr. Repman pled guilty to the misdemeanor offense of Resisting Arrest, Search or Transport in Cause Number CR153968 in the County Court at Law of Midland County, Texas. He was sentenced to five-days confinement.
- On or about November 11, 2015, Mr. Repman intentionally fled from a police officer who was lawfully attempting to arrest and detain him. On April 21, 2016, Mr. Repman pled guilty to the misdemeanor offense of Evading Arrest in Cause Number CR153969 in the County Court at Law of Midland County, Texas. He was sentenced to five-days confinement.
- On or about October 6, 2016, Mr. Repman intentionally prevented and obstructed a police officer from effecting an arrest by using force against



- the police officer. On May 16, 2017, Mr. Repman pled guilty to the misdemeanor offense of Resisting Arrest Search in Cause Number CR157976 in the County Court at Law of Midland County, Texas. He was sentenced to 15-days confinement.
- On April 14, 2016, Mr. Repman pled guilty to the felony offense of Assault Bodily Injury (Continuous Violence Against the Family) in Cause Number CR45258 in the 441st District Court of Midland County, Texas. He was sentenced to five-years confinement, suspended, and placed on three-years community supervision. On July 27, 2017, his community supervision was revoked, and he was sentenced to two-years confinement in the Institutional Division of the Texas Department of Criminal Justice.
  - On April 14, 2016, Mr. Repman pled guilty to the felony offense of Assault Bodily Injury (Continuous Violence Against Family), Count One, in Cause Number CR46401 in the 441st District Court of Midland County, Texas. He was sentenced to 10-year confinement, suspended, and placed on three-years community supervision. The community supervision was revoked on July 27, 2017, and he was sentenced to three-years confinement in the Institutional Division of the Texas Department of Criminal Justice.
  - On April 14, 2016, and in the same Cause Number, CR46401, Mr. Repman pled guilty to the felony offense of Obstruction or Retaliation, Count Two. He was sentenced to 10-years confinement, suspended, and placed on three-years community supervision. The community supervision was revoked on July 27, 2017, and he was sentenced to three-years confinement in the Institutional Division of the Texas Department of Criminal Justice.
  - On March 21, 2017, Mr. Repman pled guilty to the felony offense of Evading Arrest Detention with Previous Conviction in Cause Number CR16-0893 in the 43rd District Court of Parker County, Texas. He was sentenced to eight-months confinement in the State Jail Division of the Texas Department of Criminal Justice.
  - On July 27, 2017, Mr. Repman pled guilty to the felony offense of Possession of a Controlled Substance in Penalty Group 1 (methamphetamine, in an amount of one gram or more, but less than four grams, including adulterants and dilutants) in Cause Number CR48091 in the 385th District Court of Midland County, Texas. He was sentenced to

two-years confinement in the Institutional Division of the Texas Department of Criminal Justice.

- On July 27, 2017, Mr. Repman pled guilty to the felony offense of Evading Arrest Detention in Cause Number CR48964 in the 385th District Court of Midland County, Texas. He was sentenced to nine-months confinement in the State Jail Division of the Texas Department of Criminal Justice.

## **B. MR. REPMAN’S LICENSE APPLICATION**

On June 25, 2020, Mr. Repman submitted an application to the Department for an adjuster all lines license. The Department proposed to deny Mr. Repman’s application on August 17, 2020, based on his criminal history. Mr. Repman appealed that decision and made a written request for a hearing.

## **C. TESTIMONY OF MR. WRIGHT**

Mr. Wright is the Administrative Review Liaison to the Department’s Enforcement Division, and has been employed with the Department for 15 years. He testified that when an application raises a concern, the Department will request additional information, including court documents related to criminal offenses and personal statements. He stated that it is important for the Department to thoroughly vet applications for licensure in order to perform its designated function of protecting Texas consumers and the insurance industry, as licensure conveys to the public that the Department has deemed that individual to be honest, trustworthy, reliable, and competent. He emphasized that, due to the complexity of insurance transactions, there is room for misconduct, which is why these traits are important for insurance agents.

In this case, Mr. Wright explained that Mr. Repman's application identified four criminal convictions, but a background check revealed several more. He testified that Mr. Repman had been convicted of 13 offenses, seven misdemeanors and six felonies that would have to be considered. Mr. Wright's review of the court records in those cases showed that from 2014, when Mr. Repman was 42, to 2017, when he was 45, Mr. Repman had several convictions relating to evading and resisting law enforcement, and several more involving family violence and drug offenses. In some instances, Mr. Wright's community supervision was revoked.

Mr. Wright also reviewed additional material submitted by Mr. Repman as part of his application. He testified that Mr. Repman's personal statement did not acknowledge the extent of Mr. Repman's criminal history, and was focused on his experiences following those offenses. Many of the letters of recommendation were from Mr. Repman's family members, did not refer to his criminal history, or were addressed to the parole board rather than the Department. Mr. Wright also noted the short time between Mr. Repman's release in January 2020 and his application in June of that year. Based on these considerations and the frequency, severity, and nature of Mr. Repman's crimes, Mr. Wright testified that Mr. Repman's application should be denied.

**D. TESTIMONY OF MR. REPMAN**

Mr. Repman testified that it has been over five years since he last committed a crime. He started a construction business in 1999, was married in 2005, and had a son a year later. Later in that decade, his business began to struggle and he shut it down and moved to Midland in 2011 to work with his father in the plumbing

business. Around the same time, his marriage was also suffering. He and his wife were separated: she stayed in San Antonio and, to his dismay, divorced him in 2013. From then on, he testified, he “just kind of gave up a little bit” and made “some really bad choices.” He turned to drugs, becoming violent and unable to use good judgment. He wound up in prison.

While incarcerated, Mr. Repman testified, he met a preacher who inspired him to study the Bible. He attended Alcoholics Anonymous meetings and received various certifications. Upon his release, he quickly got a job as a maintenance manager, a position he held until the pandemic resulted in his being let go. He became a licensed journeyman plumber, his current occupation. He testified that he became interested in becoming an insurance adjuster. He has a good friend who is an adjuster, and Mr. Repman “thought it would be a good fit” and “would increase the amount of money I’m making.” He stated that he wanted to make reparations for what he’s done and “to be better.” Mr. Repman stated that he has moved to San Antonio in order to care for his mother, does not drink, and is employed there with Radiant Plumbing.

Mr. Repman also described the letters of recommendation he has received and were entered into evidence, including letters from family members, acquaintances, employers, and the daughters of his current fiancée.

On cross-examination, testified in greater detail about his crimes. He reluctantly described slapping his wife on the head multiple times and threatening to kill her. He testified that he informed the authors of the letters of

recommendation of the details of his crimes, although he acknowledged that his father did not know “specific details.”

**E. TESTIMONY OF TERRY REPMAN**

Terry Repman is Mr. Repman’s father. He testified that, when he and his son worked together in the plumbing business, his son did an excellent job, which involved entering into people’s homes without supervision. He testified that his son has made a complete turnaround. He hopes that Mr. Repman will be able to continue down this path, and that he has the honesty, integrity, and fitness to be an insurance adjuster. On cross-examination, Terry Repman acknowledged that he was unfamiliar with the specifics of his son’s criminal offenses, and that he was unaware that Mr. Repman had threatened to kill his wife.

**F. TESTIMONY OF JACOB A. SCHMIDT**

Mr. Schmidt hired Mr. Repman and manages him at Radiant Plumbing. He testified that Mr. Repman’s work has been satisfactory during his seven months of employment. He stated that part of Mr. Repman’s job duties involve him entering into people’s homes without supervision and that he has not abused this position. He testified that he had not experienced anything that would make him think that Mr. Repman does not have the honesty and integrity to practice as an insurance adjuster. On cross-examination, Mr. Schmidt stated that while he was generally aware of Mr. Repman’s criminal history, he did not know that his felony convictions involved violence against another person or that he had seven misdemeanor convictions for evading or resisting arrest. Mr. Schmidt stated on re-

direct that this knowledge does not cause him to regret hiring Mr. Repman or believe that he would adjust the level of supervision he would impose on him.

**G. MR. REPMAN’S LETTERS OF RECOMMENDATION**

At the hearing, Mr. Repman provided nine letters of recommendation, as follows:

- Nancy Halvorson, the owner of the properties where Mr. Repman was a maintenance coordinator, described Mr. Repman as hard-working and responsible, and praised him as knowledgeable, professional and detail oriented, with good analytical abilities and communication skills. She recommended Mr. Repman for an insurance position with “genuine pleasure.”<sup>15</sup>
- Robert Jones is an independent property claims adjuster for State Farm. He described Mr. Repman as a colleague, former business partner, and close friend for more than 35 years. He praised Mr. Repman as highly responsive, accountable and accurate, describing the years when the two owned a roofing company together. He would recommend Mr. Repman to any insurance adjusting firm, and “would be thrilled to employ such a honest and hard working young man.”<sup>16</sup>
- Terry Repman, as he did in his testimony, praised Mr. Repman’s work as a plumber, describing his pride in Mr. Repman’s licensure in that field.<sup>17</sup>
- Galen Click, one of Terry Repman’s employees, described meeting Mr. Repman after his divorce, watching him “hit rock bottom and going to Prison” before finding “the best wakeup call from God.” Mr. Glick stated that, while initially skeptical of Mr. Repman’s recovery, he has

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<sup>15</sup> Resp. Ex. 1.

<sup>16</sup> Resp. Ex. 2.

<sup>17</sup> Resp. Ex. 3 (letter dated Apr. 28, 2022); Resp. Ex. 4 (letter dated March 25, 2021).

observed him “remain consistent and handle conflicts and set backs with calmness and the will to make things correct again.”<sup>18</sup>

- Ameri Larned described Mr. Repman as her stepdad, and has known him for about four years. She stated that he is “a really good person,” a great father figure and grandfather, and that she has never seen him violent or angry. She asked that he be given a second chance.<sup>19</sup>
- Ashley Larned, another daughter of Mr. Repman’s fiancée, wrote that she has known him for two years and that he “has been one of the most notable, caring, loyal, and loving persons” she has met. He has been very supportive of the family, and she would recommend him for any task based on his “exceptional character.”<sup>20</sup>
- Don King, Mr. Repman’s stepfather, wrote that Mr. Repman has turned his life around, and that he is living a “moral and productive life,” free from drugs and alcohol. He believes Mr. Repman has served his punishment and should be given the opportunity to work and succeed.<sup>21</sup>
- Brandy Lea is Mr. Repman’s fiancée, and has been in a relationship with him for four years. She is aware of his past, but has “never known that person he was” during his troubled years. She described the time and effort he has put into getting his adjusters license.<sup>22</sup>

#### IV. ANALYSIS AND RECOMMENDATION

There is no dispute regarding Mr. Repman’s criminal history set out above. The Department has already considered the factors in Texas Occupations Code §53.022 in determining that such felony assault offenses, and those involving moral

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<sup>18</sup> Resp. Ex. 5

<sup>19</sup> Resp. Ex. 6.

<sup>20</sup> Resp. Ex. 7.

<sup>21</sup> Resp. Ex. 8.

<sup>22</sup> Resp. Ex. 9.

turpitude—such as the offense of obstruction retaliation<sup>23</sup>—are among the crimes so serious that they are of prime importance in determining fitness for licensure.<sup>24</sup> The Department considers crimes of prime importance to be directly related to the duties and responsibilities of the licensed occupation.<sup>25</sup>

Regarding the factors in Texas Occupations Code section 53.023(a), the evidence shows that Mr. Repman has 13 criminal offenses, ranging from misdemeanors to felonies and were committed when he was between 42 and 45 years old. These cannot be considered youthful indiscretions. It has been six years since Mr. Repman’s most recent offenses, and seven years since his felony assault convictions. Given the nature and severity of those crimes, this is not an extensive amount of time. However, mitigating these factors are Mr. Repman’s work history both before and after the criminal offense, his compliance with the terms of his most recent probation, and the several letters of recommendation, which speak highly of his work ethic and character.

After weighing all of the factors, the ALJ concludes that the preponderance of the evidence supports denial of Mr. Repman’s application. In his application and throughout his testimony, Mr. Repman sought to minimize the violent and disturbing nature of his crimes and to avoid responsibility for his actions by attributing them solely to drug addiction. It is clear that he has turned his life

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<sup>23</sup> See *In re G.M.P.*, 909 S.W.2d 198, 208 (Tex. App.—Houston [14th Dist.] 1995, no writ) (describing crimes of moral turpitude as involving dishonesty, fraud, deceit, misrepresentation, or deliberate violence).

<sup>24</sup> 28 Tex. Admin. Code § 1.502(e)(4)(B)

<sup>25</sup> 28 Tex. Admin. Code § 1.502(e); see also Tex. Occ. Code § 53.025.



around, but there has simply been insufficient time to demonstrate that this path is permanent. While he has the trust and love of his friends and family and the respect of his employer, as reflected in the letters of recommendation and the testimony of Mr. Schmidt, the evidence suggests that they may not fully know the extent of his past crimes or have considered the consequences of a relapse. If that were to occur, licensure as an insurance agent would present an opportunity for Mr. Repman to cause much harm to the public. If Mr. Repman's desire to become an insurance agent is as strong as he suggests, more time of continued sobriety and hard work may make that possible. At the present time, however, Mr. Repman has not shown his fitness for licensure.

Based on the foregoing, the ALJ concludes that Mr. Repman's application for an adjuster all lines agent license should be denied. In support of this recommendation, the ALJ makes the following findings of fact and conclusions of law.

**V. FINDINGS OF FACT**

1. Between 2014 and 2017, Mr. Repman was convicted of six felonies and seven misdemeanors, involving evading and resisting arrest, drug possession, family violence, and obstruction or retaliation:
  - 1a. On or about July 15, 2014, Jason Repman intentionally prevented and obstructed a police officer from effecting an arrest by using force against the police officer. On April 21, 2016, Mr. Repman pled guilty to the misdemeanor offense of Resisting Arrest, Search or Transport in Cause Number CR148377 in the County Court at Law of Midland County, Texas. He was sentenced to five-days confinement.

- 1b. On or about February 15, 2015, Mr. Repman intentionally fled from a police officer who was lawfully attempting to arrest and detain him. On April 21, 2016, Mr. Repman pled guilty to the misdemeanor offense of Evading Arrest in Cause Number CR151395 in the County Court at Law of Midland County, Texas. He was sentenced to five-days confinement.
- 1c. On or about February 19, 2015, Mr. Repman intentionally fled from a police officer who was lawfully attempting to arrest and detain him. On April 21, 2016, Mr. Repman pled guilty to the misdemeanor offense of Evading Arrest in Cause Number CR150893 in the County Court at Law of Midland County, Texas. He was sentenced to 10-days confinement.
- 1d. On or about March 16, 2015, Mr. Repman intentionally prevented and obstructed a police officer from effecting an arrest by using force against the police officer. On April 21, 2016, Mr. Repman pled guilty to the misdemeanor offense of Resisting Arrest, Search or Transport in Cause Number CR151099 in the County Court at Law of Midland County, Texas. He was sentenced to 10-days confinement.
- 1e. On or about November 11, 2015, Mr. Repman intentionally prevented and obstructed a police officer from effecting an arrest by using force against the police officer. On April 21, 2016, Mr. Repman pled guilty to the misdemeanor offense of Resisting Arrest, Search or Transport in Cause Number CR153968 in the County Court at Law of Midland County, Texas. He was sentenced to five-days confinement.
- 1f. On or about November 11, 2015, Mr. Repman intentionally fled from a police officer who was lawfully attempting to arrest and detain him. On April 21, 2016, Mr. Repman pled guilty to the misdemeanor offense of Evading Arrest in Cause Number CR153969 in the County Court at Law of Midland County, Texas. He was sentenced to five-days confinement.
- 1g. On or about October 6, 2016, Mr. Repman intentionally prevented and obstructed a police officer from effecting an arrest by using force against the police officer. On May 16, 2017, Mr. Repman pled guilty to the misdemeanor offense of Resisting Arrest Search in Cause Number CR157976 in the County Court at Law of Midland County, Texas. He was sentenced to 15-days confinement.

- 1h. On April 14, 2016, Mr. Repman pled guilty to the felony offense of Assault Bodily Injury (Continuous Violence Against the Family) in Cause Number CR45258 in the 441st District Court of Midland County, Texas. He was sentenced to five-years confinement, suspended, and placed on three-years community supervision. On July 27, 2017, his community supervision was revoked, and he was sentenced to two-years confinement in the Institutional Division of the Texas Department of Criminal Justice.
- 1i. On April 14, 2016, Mr. Repman pled guilty to the felony offense of Assault Bodily Injury (Continuous Violence Against Family), Count One, in Cause Number CR46401 in the 441st District Court of Midland County, Texas. He was sentenced to 10-year confinement, suspended, and placed on three-years community supervision. The community supervision was revoked on July 27, 2017, and he was sentenced to three-years confinement in the Institutional Division of the Texas Department of Criminal Justice.
- 1j. On April 14, 2016, and in the same Cause Number, CR46401, Mr. Repman pled guilty to the felony offense of Obstruction or Retaliation, Count Two. He was sentenced to 10-years confinement, suspended, and placed on three-years community supervision. The community supervision was revoked on July 27, 2017, and he was sentenced to three-years confinement in the Institutional Division of the Texas Department of Criminal Justice.
- 1k. On March 21, 2017, Mr. Repman pled guilty to the felony offense of Evading Arrest Detention with Previous Conviction in Cause Number CR16-0893 in the 43rd District Court of Parker County, Texas. He was sentenced to eight-months confinement in the State Jail Division of the Texas Department of Criminal Justice.
- 1l. On July 27, 2017, Mr. Repman pled guilty to the felony offense of Possession of a Controlled Substance in Penalty Group 1 (methamphetamine, in an amount of one gram or more, but less than four grams, including adulterants and dilutants) in Cause Number CR48091 in the 385th District Court of Midland County, Texas. He was sentenced to two-years confinement in the Institutional Division of the Texas Department of Criminal Justice.
- 1m. On July 27, 2017, Mr. Repman pled guilty to the felony offense of Evading Arrest Detention in Cause Number CR48964 in the 385th District Court of

Midland County, Texas. He was sentenced to nine-months confinement in the State Jail Division of the Texas Department of Criminal Justice.

2. Mr. Repman may pose a continued threat to public safety given the severity and number of the offenses.
3. Because insurance agents interact with the public in sometimes contentious circumstances, licensure as an adjuster would provide Mr. Repman the opportunity to reoffend.
4. Mr. Repman's criminal offenses were committed when he was ages 42 to 45 and were not youthful indiscretions.
5. Mr. Repman has a steady work history both before and after his criminal offenses.
6. Mr. Repman provided nine letters of recommendation that spoke very highly of his work ethic and character.
7. It has been six years since Mr. Repman's last criminal activity.
8. Mr. Repman has been gainfully employed in the fields of construction and plumbing before and after the criminal activity.
9. While incarcerated, Mr. Repman attended Bible study and became involved in Alcoholics Anonymous, and now regularly attends church and, periodically, AA meetings.
10. Mr. Repman's community supervision was revoked in 2017, though he complied with the conditions of his supervision and parole in relation to his most recent conviction.
11. On June 25, 2020, Mr. Repman applied to the Texas Department of Insurance (Department) for an adjuster all lines license.
12. On August 17, 2020, the staff (Staff) of the Department proposed to deny Mr. Repman's application based on his criminal history.
13. Mr. Repman timely requested a hearing to challenge the denial.

14. On October 6, 2022, Staff issued a notice of hearing on the denial of Mr. Repman's application.
15. 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.
16. The hearing was held via Zoom videoconference on January 25, 2023, before Administrative Law Judge Daniel Wiseman of the State Office of Administrative Hearings (SOAH). Attorneys Allison Anglin and Stephanie Andrews represented Staff. Attorney Jason Danowsky represented Mr. Repman. The hearing concluded that day, and the record closed on February 9, 2023, when the court reporter's transcript was filed with SOAH.

## **VI. CONCLUSIONS OF LAW**

1. The Department has jurisdiction over this matter. Tex. Ins. Code §§ 4001.002, .105, 4005.101.
2. SOAH has authority to hear this matter and issue a proposal for decision with findings of fact and conclusions of law. Tex. Gov't Code ch. 2003; Tex. Ins. Code § 4005.104.
3. Mr. Repman 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. Repman's license application, while Mr. Repman had the burden to prove her fitness to be licensed despite the criminal history or fraudulent or dishonest conduct. The standard of proof is by a preponderance of the evidence. 1 Tex. Admin. Code § 155.427; *Granek v. Tex. St. Bd. of Med. Exam'rs*, 172 S.W.3d 761, 777 (Tex. App.—Austin 2005, no pet.).
5. 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 a felony offense of assault and offenses involving moral turpitude. 28 Tex. Admin. Code § 1.502(e)(4)(B).

6. The Department will consider the factors listed in Texas Occupations Code §§ 53.022 and 53.023 in determining whether to issue a license to an applicant despite a criminal offense or fraudulent or dishonest conduct, and will not issue a license unless the mitigating factors outweigh the serious nature of the criminal offense or fraudulent or dishonest conduct when viewed in the light of the occupation being licensed. 28 Tex. Admin. Code § 1.502(g)-(h).
7. The mitigating factors do not outweigh the seriousness of Mr. Repman's criminal offenses, and he has not shown his fitness for licensure. Tex. Occ. Code §§ 53.022-.023; 28 Tex. Admin. Code § 1.502(g)-(h).
8. The Department should deny Mr. Repman's application for a license.

**Signed April 10, 2023**

ALJ Signature:

A handwritten signature in black ink, appearing to read "Daniel Wiseman", is written over a horizontal line.

Daniel Wiseman

Presiding Administrative Law Judge

**2023-8204**

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Associated Case Party: Jason Repman

Name	BarNumber	Email	TimestampSubmitted	Status
Jason Danowsky		[REDACTED]	4/10/2023 2:00:02 PM	SENT

Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	4/10/2023 2:00:02 PM	SENT

Associated Case Party: Texas Department of Insurance

Name	BarNumber	Email	TimestampSubmitted	Status
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Ginger Loeffler		Ginger.Loeffler@tdi.texas.gov	4/10/2023 2:00:02 PM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	4/10/2023 2:00:02 PM	SENT