

No. **2024-8742**

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

**Date: 7/18/2024**

**Subject Considered:**

Texas Department of Insurance v.  
Jeanne Yong Mi Chang

SOAH Docket No. 454-24-07422.C

**General Remarks and Official Action Taken:**

The subject of this order is Jeanne Yong Mi Chang's application for a life agent license. This order denies Ms. Chang's application.

**Background**

After proper notice was given, the above-styled case was heard by an administrative law judge for the State Office of Administrative Hearings. The administrative law judge made and filed a proposal for decision containing a recommendation that the Texas Department of Insurance (TDI) deny Ms. Chang's application.

TDI adopts the administrative law judge's proposed findings of fact and conclusions of law.

**Findings of Fact**

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

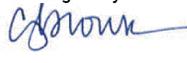
**Conclusions of Law**

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

COMMISSIONER'S ORDER  
TDI v. Jeanne Yong Mi Chang  
SOAH Docket No. 454-24-07422.C  
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**Order**

It is ordered that Jeanne Yong Mi Chang's application for a life agent 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

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Justin Beam, Chief Clerk

**BEFORE THE  
STATE OFFICE OF ADMINISTRATIVE  
HEARINGS**

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**TEXAS DEPARTMENT OF INSURANCE,  
PETITIONER**

**v.**

**JEANNE YONG MI CHANG,  
RESPONDENT**

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**PROPOSAL FOR DECISION**

Jeanne Yong Mi Chang applied to the Texas Department of Insurance (Department) for a Life Agent license. Department staff (Staff) seeks to deny licensure because of Ms. Chang's criminal history. After considering the evidence and the applicable law, the Administrative Law Judge (ALJ) recommends Ms. Chang's license application be denied.

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

On August 11, 2023, Ms. Chang applied for a Life Agent license with the Department,<sup>1</sup> and on September 15, 2023, the Department proposed to deny the application based on Ms. Chang’s criminal history.<sup>2</sup> Ms. Chang requested a hearing to challenge the proposed denial of licensure.<sup>3</sup> On December 18, 2023, the Department referred this matter to the State Office of Administrative Hearings (SOAH) for a hearing.

On April 15, 2024, SOAH ALJ Linda J. Burgess convened a hearing by Zoom videoconference. Attorney Jeannie Ricketts represented Staff, and Ms. Chang represented herself. The record closed on April 29, 2024, on the filing of the admitted exhibits and hearing transcript. Notice and jurisdiction were undisputed and are thus discussed only in the Findings of Fact and Conclusions of Law.

**II. APPLICABLE LAW**

The Department recognizes that the special nature of the relationship between insurance agents and the public and the complexity and variety of insurance products necessitate that the public trust in and rely on agents. As a result, the Department considers it very important that license holders and applicants are honest, trustworthy, and reliable and evaluates an applicant’s

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<sup>1</sup> Staff Ex. 2 at 143-47.

<sup>2</sup> Staff Ex. 2 at 43.

<sup>3</sup> Staff Ex. 2 at 40, 44.

criminal history and other conduct to determine whether the applicant possesses those qualities.<sup>4</sup> The Department may deny an application on several grounds, including if the applicant has been convicted of a felony<sup>5</sup> or has been convicted of an offence directly related to the duties and responsibilities of the licensed occupation.<sup>6</sup>

In determining whether to deny an application based on a person’s criminal history, the Department considers the factors specified in Texas Occupations Code §§ 53.022 and 53.023. Occupations Code § 53.022 sets forth 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;

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<sup>4</sup> 28 Tex. Admin. Code § 1.502(a), (c).

<sup>5</sup> Tex. Ins. Code § 4005.101(b) (8) (providing that “[t]he department may deny a license application . . . [if] the applicant . . . has been convicted of a felony”).

<sup>6</sup> Tex. Occ. Code § 53.021(a)(1); *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, or has engaged in fraudulent or dishonest activity that directly relates to the duties and responsibilities of the licensed occupation). Department Rule 1.502 was amended effective September 26, 2023, resulting in the renumbering of some of the relevant provisions. The ALJ cites to the Department’s rules as they existed before the 2023 amendments because the Department’s proposed denial of licensure was before the amendments, which are of no substantive relevance to this Proposal for Decision.

- (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>7</sup>

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, among others: a felony offense of assault under Texas Penal Code chapter 22 and an offense against the family under Penal Code §§ 25.02 or 25.07.<sup>8</sup> Crimes the Department has determined to be of prime importance are directly related to the occupations it licenses.<sup>9</sup>

After determining a criminal offense directly relates to the occupation, the Department considers the additional factors set forth in Occupations Code § 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

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<sup>7</sup> Tex. Occ. Code § 53.022; 28 Tex. Admin. Code § 1.502(h).

<sup>8</sup> 28 Tex. Admin Code § 1.502(e)(4)(B), (e)(4)(I).

<sup>9</sup> 28 Tex. Admin. Code § 1.502(e); *see also* Tex. Occ. Code § 53.025.

supervision, parole, or mandatory supervision; and (7) other evidence of the person's fitness, including letters of recommendation.<sup>10</sup>

It is the applicant's responsibility, to the extent possible, to obtain and provide to the Department the applicant's evidence of fitness.<sup>11</sup> So, too, must applicants demonstrate that they maintained "steady employment," supported any dependents, satisfied any pecuniary obligation resulting from their criminal history, and otherwise maintained a record of "good conduct."<sup>12</sup>

When making a licensing determination, the Department may consider a deferred adjudication to be a conviction if the person has not completed the period of supervision, and if, after considering the factors in Occupations Code §§ 53.022 and 53.023(a), the Department determines that the person may pose a continued threat to public safety or that employment of the person in the licensed occupation would create a situation in which the person has an opportunity to repeat the prohibited conduct.<sup>13</sup> If the Department determines that a deferred adjudication can be treated as a conviction for licensing purposes, then the same factors are weighed in determining whether the applicant is fit to perform the duties and

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<sup>10</sup> See also 28 Tex. Admin. Code § 1.502(h)(2).

<sup>11</sup> Tex. Occ. Code § 53.023(b); 28 Tex. Admin. Code § 1.502(h)(3).

<sup>12</sup> 28 Tex. Admin. Code § 1.502(h)(2)(G).

<sup>13</sup> Tex. Occ. Code § 53.021(d).

discharge the responsibilities of the licensed occupation *despite* the criminal offense.<sup>14</sup>

The Department will not issue a license unless, when viewed in light of the occupation being licensed, the mitigating factors outweigh the serious nature of the criminal offense or the fraudulent or dishonest conduct.<sup>15</sup> Staff has the burden of proving its grounds for denying Ms. Chang’s application, while Ms. Chang has the burden to prove her fitness to be licensed despite her criminal history or fraudulent or dishonest conduct.<sup>16</sup> The standard of proof is by a preponderance of the evidence.<sup>17</sup>

### **III. EVIDENCE**

Staff offered four exhibits, which were admitted. Staff Exhibit 1 consists of documents relating to notice. Staff Exhibit 2 consists of Ms. Chang’s application for licensure and associated criminal records. Included in Staff Exhibit 2 is the documentation Ms. Chang furnished to the Department to address its concerns about her criminal history. That documentation includes Ms. Chang’s professional resume, a personal statement, three letters of recommendation, evidence of in-patient and outpatient rehabilitation, anger management counseling, and completion of community service requirements. Staff Exhibit 3 consists of a copy of

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<sup>14</sup> See Tex. Occ. Code §§ 53.022, .023(a) (emphasis added).

<sup>15</sup> 28 Tex. Admin. Code § 1.502(f).

<sup>16</sup> 1 Tex. Admin. Code § 155.427.

<sup>17</sup> *Granek v. Tex. St. Bd. of Med. Exam’rs*, 172 S.W.3d 761, 777 (Tex. App.—Austin 2005, no pet.).

Ms. Chang’s divorce decree from her husband, EA, and additional criminal records. Finally, Staff Exhibit 4 consists of copies of orders of the Texas Commissioner of Insurance, statutes and rules, and other legal authority that Staff believes relevant.

Ms. Chang had no criminal history before she was in her mid-forties. Her criminal offenses all involve EA, whom Ms. Chang married in late 2015.<sup>18</sup> They had no children together, and their final divorce decree was entered on April 10, 2018.<sup>19</sup> The criminal records show:

- Ms. Chang was indicted for threatening EA on April 12, 2016, with a deadly weapon (chemical solvent and a lighter).<sup>20</sup> On June 9, 2017, she pleaded guilty to a charge of Class A Misdemeanor Deadly Conduct and was sentenced to two years deferred adjudication community supervision.<sup>21</sup> She was released—early—from deferred adjudication on September 6, 2018.<sup>22</sup>
- In June and then in July 2016, Ms. Chang violated a protective order by going to and near the residence of EA.<sup>23</sup> On April 6, 2017, Ms. Chang pleaded guilty to two charges of a Class A Misdemeanor Violating Bond/Protective Order. She was sentenced to 12 months

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<sup>18</sup> Staff Ex. 2 at 151-53.

<sup>19</sup> Staff Ex. 3 at 197, 209.

<sup>20</sup> Staff Ex. 3 at 213.

<sup>21</sup> Staff Ex. 2 at 86-89, 152.

<sup>22</sup> Staff Ex. 2 at 102-04.

<sup>23</sup> Staff Ex. 3 at 215-16.

deferred adjudication community supervision for the offenses and released from supervision on April 5, 2018.<sup>24</sup>

- Over three years after divorcing EA, on August 24, 2021, Ms. Chang was indicted for pointing and discharging a firearm in the direction of EA on May 13, 2021.<sup>25</sup> On September 23, 2022, Ms. Chang pleaded guilty to Second-Degree Felony Aggravated Assault with a Deadly Weapon, a § 22.02(a)(2) Penal Code offense.<sup>26</sup> The court sentenced her to ten years deferred adjudication community supervision.<sup>27</sup>
- Also, on September 23, 2022, Ms. Chang pleaded guilty to a charge of Third-Degree Felony Violating Bond/Protective Order Two Times Within 12 Months, a § 25.072(e) Penal Code offense.<sup>28</sup> The date of the offense is August 16, 2021.<sup>29</sup> For this offense, she was sentenced to ten years deferred adjudication community supervision to run concurrently with the sentence in the Second-Degree Felony Aggravated Assault with a Deadly Weapon case.<sup>30</sup>
- Ms. Chang is currently scheduled to remain on probation until September 23, 2032.

Staff presented testimony from Department employee, Lewis Wright, IV. He is the Administrative Review liaison to the Department's enforcement division. Administrative Review is a section of the Department's Agent and Adjuster

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<sup>24</sup> Staff Exs. 2 at 96-98, 3 at 218.

<sup>25</sup> Staff Ex. 3 at 242.

<sup>26</sup> Staff Ex. 3 at 227, 255-58.

<sup>27</sup> Staff Ex. 3 at 227-31.

<sup>28</sup> Staff Ex. 3 at 265-68, 270.

<sup>29</sup> Staff Ex. 3 at 270.

<sup>30</sup> Staff Exs. 2 at 115-17, 3 at 270-74.

Licensing Office that is staffed with employees who evaluate, analyze, and make recommendations to the Department’s management about applications for licensure that raise concerns. Administrative Review also processes reports of misconduct from existing license holders and reports of criminal history related to license holders.<sup>31</sup>

Mr. Wright testified that the Department considered Ms. Chang’s Felony Aggravated Assault with a Deadly Weapon and her Felony Violating Bond/Protective Order Two Times Within 12 Months offenses—for which she is currently on deferred adjudication—convictions when making a recommendation about her application for licensure.<sup>32</sup> He underscored that an aggravated assault is a crime of prime importance in making licensing decisions. “As a crime, we consider it directly [related] to the occupation.”<sup>33</sup> He highlighted that the Department was concerned with the recency of Ms. Chang’s Aggravated Assault with a Deadly Weapon offense and that her deferred adjudication is for ten years, “and that a violation of it may--is still a possible outcome.”<sup>34</sup> He further testified that Ms. Chang’s felony offense for violation of a protective order indicates a failure by her to meet court issued requirements. He explained that her conduct is troubling

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<sup>31</sup> Transcript (Tr.) at 18.

<sup>32</sup> Tr. at 37-38.

<sup>33</sup> Tr. at 32-33.

<sup>34</sup> Tr. at 37.

because in the insurance industry, there are “regulations and rules that must be adhered to, typically, on the volition of the license holders.”<sup>35</sup>

Mr. Wright testified that Ms. Chang had positive aspects about her application which included her prior impressive professional employment and that she has had steady employment. He also stated that Ms. Chang’s references were a positive for her.<sup>36</sup> However, he testified: “[A]t this particular time the rehabilitative evidence does not outweigh the severity of the nature and the frequency of the criminal history that had to be considered. The offenses are recent. They do indicate a lack of responsiveness to the court orders as it relates to conduct.”<sup>37</sup> As a result, Mr. Wright testified that licensure of Ms. Chang at this time “is not appropriate and that our recommendation was proper to propose denial of licensure at the current time.”<sup>38</sup>

In her testimony, Ms. Chang emphasized that she had no criminal history until she was in the “toxic” relationship with her ex-spouse, EA, and her relationship with him is over.<sup>39</sup> She testified “this one relationship . . . caused . . . all of these problems.”<sup>40</sup> She recounted her rehabilitation efforts over the past few

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<sup>35</sup> Tr. at 46.

<sup>36</sup> Tr. at 44-45.

<sup>37</sup> Tr. at 46.

<sup>38</sup> Tr. at 47.

<sup>39</sup> Tr. at 61.

<sup>40</sup> Tr. at 64.

years—she is current on probation fees; she has paid all court costs; she is attending Alcoholics Anonymous; she underwent in-patient and outpatient rehabilitation; she completed a battery intervention prevention program and community service; and she underwent a mental assessment.<sup>41</sup> She further explained that after a 20-year career with Bank of America in mortgage loans (where she worked with EA), she is seeking a Life Agent license to start a new career to “regain my life.”<sup>42</sup> Ms. Chang testified that she attended a week-long class to pass an online test to qualify her to apply for a life agent license.<sup>43</sup> She also testified that while a mortgage loan originator at Bank of America, she was subject to regulatory oversight and never had a complaint against her.<sup>44</sup> To substantiate her testimony, Ms. Chang offered her Nationwide Multistate Licensing System report reflecting no reported disciplinary action against Ms. Chang as a mortgage loan originator, which was admitted into evidence.<sup>45</sup>

#### **IV. ANALYSIS**

The Department may deny a license application if the applicant has been convicted of a felony or has been convicted of an offense that directly relates to the duties and responsibilities of the licensed occupation.<sup>46</sup> Here, it is uncontroverted

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<sup>41</sup> Tr. at 62-64, 67.

<sup>42</sup> Tr. at 68.

<sup>43</sup> Tr. at 58.

<sup>44</sup> Tr. at 64-67.

<sup>45</sup> Respondent Ex. 1.

<sup>46</sup> Tex. Ins. Code § 4005.101(b)(8); Tex. Occ. Code § 53.021(a)(1).

that Ms. Chang recently committed two serious crimes for which she is on deferred adjudication until September 2032: a second-degree felony for aggravated assault with a deadly weapon and a third-degree felony for violating a protective order twice within 12 months, which is a crime against the family under Penal Code § 25.07. These offenses are directly related to the occupation of a life agent and are considered crimes of prime importance by the Department, pursuant to 28 Texas Administrative Code § 1.502.<sup>47</sup> However, because Ms. Chang has not completed her term of deferred adjudication for the two felony offenses, the Department may only consider her to have been convicted of the offenses if, after considering the factors listed in Occupations Code §§ 53.022 and 53.023(a), it determines that she may pose a continued threat to public safety or that her employment as a license insurance life agent would create an opportunity to repeat the prohibited conduct.<sup>48</sup>

The Department has already taken the Occupations Code § 53.022 factors into account in determining that offenses involving felony assault and a crime against the family under Penal Code § 25.07 are directly related to the occupation of a life agent. Turning to the Occupations Code § 53.023 factors, the evidence establishes that:

- Ms. Chang’s two recent serious felony offenses are not the extent of her criminal activity. Her criminal activity includes three other offenses: a Class A Misdemeanor Deadly Conduct and two Class A Misdemeanors for violating a protective order;

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<sup>47</sup> 28 Tex. Admin. Code § 1.502(e)(4)(B), (e)(4)(I).

<sup>48</sup> Tex. Occ. Code § 53.021(d).

- Ms. Chang was an adult—spanning her forties to her early fifties—when she committed these five crimes;
- Ms. Chang’s felony offenses are recent, committed within the past three years;
- Ms. Chang has a history of gainful and professional employment before, during, and after her criminal activity. Her past employment was not in the insurance industry. Consequently, working in the insurance industry would be a new career for Ms. Chang. She made only a modest investment in terms of class work—one week—to pass an online test to apply for licensure as a life agent;
- Since her plea of guilty to the two felony offenses in September 2022, Ms. Chang has made significant efforts at rehabilitation, for which she is commended;
- Ms. Chang presented three letters of support from individuals with whom she previously worked. They praise her work ethic and believe she can excel as a life insurance agent. However, the recommendations do not reveal the individuals are knowledgeable about the extent and nature of Ms. Chang’s criminal history; and
- Ms. Chang has repeatedly failed to abide by the terms of court protective orders.

The nature of Ms. Chang’s felony offenses and the other evidence support a finding that the Department may consider her deferred adjudication orders for the two offenses to be convictions for licensing purposes. The ALJ is not assured that Ms. Chang will not offend again. Thus, the Department is authorized to deny her application. The evidence offered by Ms. Chang failed to outweigh the serious nature of her felony offenses and the fact that she is still on community supervision

for the felonies. Therefore, the record does not establish she is currently fit to perform the duties and discharge the responsibilities of a life insurance agent despite her offenses. Accordingly, the ALJ recommends that Ms. Chang's application for a Life Agent license should be denied at this time.

**V. FINDINGS OF FACT**

1. Jeanne Yong Mi Chang had no criminal history before she was well into her forties. Her criminal offenses all involve her ex-husband, EA, whom Ms. Chang married in late 2015. They had no children together, and their final divorce decree was entered on April 10, 2018.
2. Ms. Chang was indicted for threatening EA on April 12, 2016, with a deadly weapon (chemical solvent and a lighter). At the time of the offense, Ms. Chang was 47 years old. On June 9, 2017, she pleaded guilty to a charge of Class A Misdemeanor Deadly Conduct and was sentenced to two years deferred adjudication community supervision. Ms. Chang was released early from deferred adjudication on September 6, 2018.
3. In June and then in July 2016, Ms. Chang violated a protective order by going to and near the residence of EA. At the time of the offenses, Ms. Chang was 47 years old. On April 6, 2017, Ms. Chang pleaded guilty to two charges of a Class A Misdemeanor Violating Bond/Protective Order. She was sentenced to 12 months deferred adjudication community supervision for the offenses and released from supervision on April 5, 2018.
4. Over three years after divorcing EA, on August 24, 2021, Ms. Chang was indicted for pointing and discharging a firearm in the direction of EA on May 13, 2021. At the time of this offense, Ms. Chang was 51 years old. On September 23, 2022, Ms. Chang pleaded guilty to Second-Degree Felony Aggravated Assault with a Deadly Weapon. The court sentenced her to ten years deferred adjudication community supervision.
5. On September 23, 2022, Ms. Chang pleaded guilty to a charge of Third-Degree Felony Violating Bond/Protective Order Two Times Within 12

Months. The date of the offense is August 16, 2021. At the time of this offense, Ms. Chang was 51 years old. For the offense, she was sentenced to ten years deferred adjudication community supervision to run concurrently with the sentence in the Second-Degree Felony Aggravated Assault with a Deadly Weapon case.

6. Ms. Chang is currently scheduled to remain on probation until September 23, 2032.
7. On August 11, 2023, Ms. Chang applied for a Life Agent license with the Texas Department of Insurance (Department).
8. On September 15, 2023, the Department proposed to deny the application based on Ms. Chang's criminal history.
9. Ms. Chang requested a hearing to challenge the denial, and the Department issued the requisite notice.
10. Ms. Chang's criminal history is serious and extensive, including two felony offenses of such a serious nature that the Department considers them to be of prime importance in determining whether to issue a license.
11. Ms. Chang was an adult—spanning her forties to her early fifties—when she committed the five crimes set forth in Findings of Facts 2-5.
12. Ms. Chang's two felony offenses are recent, committed within the past three years.
13. Ms. Chang has a history of gainful and professional employment before, during, and after her criminal activity. Her past employment is not in the insurance industry. Consequently, working in the insurance industry would be a new career for Ms. Chang. She attended one week of classes to pass an online test to apply for licensure as a life agent.
14. Since her plea of guilty to the two felony offenses in September 2022, Ms. Chang has made significant efforts at rehabilitation: she is current on probation fees; she has paid all court costs; she is attending Alcoholics Anonymous; she underwent in-patient and outpatient rehabilitation; she

completed a battery intervention prevention program and community service; and she underwent a mental assessment.

15. Ms. Chang presented three letters of support from individuals with whom she previously worked. They praise her work ethic and believe she can excel as a life insurance agent. In their letters of support, the individuals do not reveal that they are knowledgeable about the extent and nature of Ms. Chang's criminal history.
16. Ms. Chang may pose a continued threat to public safety.
17. Ms. Chang is not fit for licensure by the Department.
18. The Department's notice of hearing on the denial of Ms. Chang's application together with the March 11, 2024, Order Granting Agreed Motion for Continuance and Scheduling Hearing on the Merits 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 a short, plain statement of the factual matters asserted.
19. On April 15, 2024, SOAH ALJ Linda J. Burgess convened a hearing by Zoom videoconference. Attorney Jeannie Ricketts represented Staff, and Ms. Chang represented herself. The record closed on April 29, 2024, with the filing of the admitted exhibits and hearing transcript.

## **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, which includes findings of fact and conclusions of law. Tex. Gov't Code ch. 2003; Tex. Ins. Code § 4005.104.
3. Ms. Chang received timely and sufficient notice of hearing. Tex. Gov't Code §§ 2001.051-.052; Tex. Ins. Code § 4005.104(b).

4. Staff had the burden of proving its grounds for denying Ms. Chang’s application, and Ms. Chang had the burden of proving her fitness to be licensed despite her criminal history. The standard of proof is by a preponderance of the evidence. 1 Tex. Admin. Code § 155.427; Tex. Occ. Code § 53.023; *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 an assaultive offense under Texas Penal Code chapter 22 and an offense against the family under Penal Code § 25.07. 28 Tex. Admin. Code § 1.502(e)(4)(B), (e)(4)(I).
6. The Department may deny licensure to an applicant who committed a felony offense. Tex. Ins. Code § 4005.101(b)(8).
7. The Department may deny licensure to an applicant who committed an offense that directly relates to the duties and responsibilities of the licensed occupation. Tex. Occ. Code § 53.021(a)(1).
8. The Department may consider a person to have been “convicted” of an offense for purposes of Texas Occupations Code § 53.021(a), if: (1) the person has not completed the period of supervision; and (2) after consideration of the factors described in Texas Occupations Code §§ 53.022-.023(a), the Department determines that the person may pose a continued threat to public safety. Tex. Occ. Code § 53.021(d).
9. The Department may consider Ms. Chang to have been “convicted” of the offense of Second-Degree Felony Aggravated Assault with a Deadly Weapon and of the offense of Third-Degree Felony Violating Bond/Protective Order Two Times Within 12 Months for purposes of Texas Occupations Code § 53.021(a). Tex. Occ. Code § 53.021(d).
10. Ms. Chang’s offenses (described in Conclusion of Law 9) are the type that the Department considers to be of such a serious nature that it is of prime importance in determining fitness for licensure. 28 Tex. Admin Code § 1.502(e)(4)(B), (e)(4)(I).

11. The Department will consider the factors listed in Texas Occupations Code §§ 53.022 and .023 in determining whether to issue a license to an applicant despite a criminal offense and will not issue a license unless the mitigating factors outweigh the serious nature of the criminal offense when viewed in the light of the occupation being licensed. 28 Tex. Admin. Code § 1.502(f), (g).
12. Ms. Chang has not met her burden to prove that she is presently fit to perform the duties and discharge the responsibilities of the licensed occupation despite her criminal history. Tex. Occ. Code § 53.023; 28 Tex. Admin. Code § 1.502(f).
13. The Department should deny Ms. Chang's application for licensure. Tex. Occ. Code § 53.023; 28 Tex. Admin. Code § 1.502(f).

**Signed June 10, 2024.**

ALJ Signature:

  
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Linda J. Burgess

Presiding Administrative Law Judge