

No. **2026-9862**

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

**Date: 04/01/2026**

**Subject Considered:**

Texas Department of Insurance

v.

Randal Monet Horton

SOAH Docket No. 454-25-22588.C

**General Remarks and Official Action Taken:**

The subject of this order is Randal Monet Horton's application for an adjuster all-lines license. This order denies Ms. Horton'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 deny Ms. Randal's application. A copy of the proposal for decision is attached as Exhibit A.

**Findings of Fact**

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

**Conclusions of Law**

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

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SOAH Docket No. 454-25-22588.C  
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**Order**

It is ordered that Randal Monet Horton's application for an adjuster all-lines license is denied.

Signed by:  
*Amanda Crawford*  
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Amanda Crawford  
Commissioner of Insurance

Recommended and reviewed by:

Signed by:  
*Jessica Barta*  
5DAC5618BBC74D4... \_\_\_\_\_  
Jessica Barta, General Counsel

Signed by:  
*Justin Beam*  
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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.**

**RANDAL MONET HORTON,  
RESPONDENT**

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**PROPOSAL FOR DECISION**

The staff (Staff) of the Texas Department of Insurance (Department) seeks to deny Randal Monet Horton's application for an adjuster all lines license based on her criminal history. After considering the evidence and applicable law, the Administrative Law Judge (ALJ) recommends that the Department deny Ms. Horton's application.

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

Notice and jurisdiction were not contested, so those matters are addressed solely in the findings of fact and conclusions of law.

The hearing on the merits was held via Zoom videoconference on December 4, 2025, before ALJ Rebecca Smith. Attorney Priya Subramanian appeared and represented Staff. Ms. Horton appeared and represented herself. The hearing concluded that day, and the record closed on December 19, 2025, when the court reporter’s transcript was filed with the State Office of Administrative Hearings.

**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 if the applicant has been convicted of a felony<sup>2</sup> or has been convicted of an offense that directly relates to the duties and responsibilities of the licensed occupation.<sup>3</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

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

<sup>2</sup> Tex. Ins. Code § 4005.101(b)(8).

<sup>3</sup> Tex. Occ. Code § 53.021(a)(1); *see also* 28 Tex. Admin. Code § 1.502(d).

sections 53.022 and 53.023.<sup>4</sup> Texas Occupations Code section 53.022 lists 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.

To guide its decision-making when considering an applicant's criminal history, the Department has identified certain crimes, enumerated in its substantive rules, that it considers to be of such a serious nature that they are of prime importance in determining fitness for licensure. These crimes include ones with the essential elements of a theft offense.<sup>5</sup> The Department has determined that the crimes it considers to be of prime importance are directly related to the occupations it licenses.<sup>6</sup>

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

<sup>5</sup> 28 Tex. Admin. Code § 1.502(f)(4)(K).

<sup>6</sup> 28 Tex. Admin. Code § 1.502(f); *see also* Tex. Occ. Code § 53.025.

After determining that a criminal offense directly relates to the occupation, the Department considers the additional factors set out 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>7</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>8</sup>

When making a licensing determination, the Department may consider a deferred adjudication to be a conviction if the person completed the period of community supervision fewer than five years before applying for the license, and if, after considering the factors in Texas Occupations Code sections 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

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<sup>7</sup> See also 28 Tex. Admin. Code § 1.502(e).

<sup>8</sup> Tex. Occ. Code § 53.023(b).

create a situation in which the person has an opportunity to repeat the prohibited conduct.<sup>9</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 discharge the responsibilities of the licensed occupation despite the criminal offense.<sup>10</sup>

In this proceeding, Staff has the burden of proving its grounds for denying Ms. Horton's license application, while Ms. Horton has the burden to prove her fitness to be licensed despite her criminal history.<sup>11</sup> The standard of proof is by a preponderance of the evidence.<sup>12</sup>

### **III. EVIDENCE**

At the hearing, Staff introduced three exhibits into evidence<sup>13</sup> and presented the testimony of Lewis Weldon Wright IV. Ms. Horton testified on her own behalf but did not offer any exhibits.

#### **A. STAFF'S EVIDENCE**

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<sup>9</sup> Tex. Occ. Code § 53.021(d).

<sup>10</sup> See Tex. Occ. Code §§ 53.022-.023(a).

<sup>11</sup> 1 Tex. Admin. Code § 155.427.

<sup>12</sup> *Granek v. Tex. St. Bd. of Med. Exam'rs*, 172 S.W.3d 761, 777 (Tex. App.—Austin 2005, no pet.).

<sup>13</sup> Staff's exhibits consist of Exhibit 1 (notice of hearing, original petition, SOAH Initial Order, and mail logs), Exhibit 2 (application documents), Exhibit 3 (recommendation letters and resume), and Exhibit 4 (28 Tex. Admin. Code § 1.502).

Mr. Wright works as the administrative review liaison for the Department, where he has worked in various positions for 18 years. He reviews applications that have been flagged and makes licensing recommendations. Ms. Horton's application for an adjuster license, filed on September 30, 2024, was sent to administrative review for evaluation.

Mr. Wright testified about Ms. Horton's criminal history, which consists of the following:

- On June 13, 2017, in County Criminal Court #6 of Dallas County, Texas, Ms. Horton was placed on deferred adjudication community supervision for the misdemeanor offense of theft of property worth at least \$500, but less than \$1,500. The underlying offense occurred in February 2015. She was discharged from community supervision, and the charges dismissed, on September 17, 2021.<sup>14</sup>
- On November 1, 2019, in Criminal District Court #5 of Dallas County, Texas, Ms. Horton was placed on two years' deferred adjudication community supervision for the state jail felony offense of theft of property with a value between \$2,500 and \$30,000 and ordered to pay \$3,000 in restitution. The underlying offense occurred in October 2017. Ms. Horton was discharged from community supervision, and the proceedings dismissed, on January 30, 2023.<sup>15</sup>

Mr. Wright noted that because Ms. Horton did not successfully complete her community supervisions until September 27, 2021, and January 2023, her application occurred within the five-year period during which her offense could serve as the basis for denying an application.

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<sup>14</sup> Staff Ex. 2 at TDI0044-50.

<sup>15</sup> Staff Ex. 2 at TDI 0054-56.

Mr. Wright testified that Ms. Horton was 21 years old when she committed her first theft offense and around 24 years old when she committed the second one.<sup>16</sup>

Mr. Wright testified that although Ms. Horton's recommendation letters reflect that her current interactions with people are positive, none of those letters indicate that their authors have a complete understanding of her criminal history.<sup>17</sup> He testified that Ms. Horton provided Staff her work history following her criminal offenses but did not provide any information about her work before that time.<sup>18</sup>

## **B. MS. HORTON'S EVIDENCE**

Ms. Horton is currently employed in apartment management and leasing. She worked with State Farm until March 2025, when the issues with her application arose. Before that, she worked in embalming.<sup>19</sup> She stated that she has been working hard to clean her record.<sup>20</sup> Ms. Horton testified that her discharge from community supervision took five years because she moved from one county to another, and her case information was essentially lost during the transition.<sup>21</sup> This explanation matches one of the explanations she provided to the Department.<sup>22</sup> In her written explanation, she also mentioned that when she was placed on probation, she lacked

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<sup>16</sup> Tr. at 24, 27.

<sup>17</sup> Tr. at 28-29.

<sup>18</sup> Tr. at 30.

<sup>19</sup> Tr. at 34.

<sup>20</sup> Tr. at 34.

<sup>21</sup> Tr. at 34-35.

<sup>22</sup> Staff Ex. 2 at TDI 0061.

a place to live and so was staying with friends and did not have the ability to pay court costs or probation fees.<sup>23</sup>

Ms. Horton also provided recommendation letters from the following people:

- her long-standing mentor, who noted that Ms. Horton had a difficult background, but is now a “responsible, respectful and upstanding woman;”<sup>24</sup>
- her team manager at State Farm, who praised Ms. Horton for her strong interpersonal skills, her motivation, and her professionalism;<sup>25</sup>
- a probation officer, who has known Ms. Horton since 2014 and acknowledged her criminal history and described her commitment to overcoming her past mistakes;<sup>26</sup>
- her employer at the funeral home, who emphasized Ms. Horton’s exceptional organizational and interpersonal skills as well as her attitude and strong work ethic;<sup>27</sup>
- a long-time friend, who stated that Ms. Horton has overcome her earlier instances of criminal conduct and works tirelessly to improve herself and to help others; and<sup>28</sup>
- her mother, who described Ms. Horton’s dramatic change from the early years when she made poor choices to now, when she is thoughtful, dependable, and caring. She stated that Ms. Horton felt deep remorse and determination to make amends.<sup>29</sup>

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<sup>23</sup> Staff Ex. 2 at TDI 0060.

<sup>24</sup> Staff Ex. 2 at TDI0062.

<sup>25</sup> Staff Ex. 3 at TDI0071.

<sup>26</sup> Staff Ex. 3 at TDI0072.

<sup>27</sup> Staff Ex. 3 at TDI0075.

<sup>28</sup> Staff Ex. 3 at TDI0073.

<sup>29</sup> Staff Ex. 3 at TDI0074.

#### IV. ANALYSIS

Ms. Horton's deferred adjudications may be considered convictions for purposes of her license application: she was discharged from community supervision within five years of her application and her employment in the licensed occupation would provide the opportunity to repeat the prohibited conduct in that she could have the opportunity to behave dishonestly.<sup>30</sup> Her theft crimes are also directly related to the occupation, and the Department considers them to be of prime importance.<sup>31</sup>

Reviewing the relevant factors, the ALJ notes that Ms. Horton pleaded guilty to two separate thefts, committed around two years apart. She was young, 21 and 24, at the time of each crime. Her most recent crime was committed in 2017, nine years ago. Although there is no evidence of her employment before her criminal conduct, Ms. Horton has maintained steady employment after her convictions. No evidence was presented about rehabilitation, and Ms. Horton was not incarcerated. From the evidence, Ms. Horton did not promptly pay the court costs and probation fees, but that failure appears to be based on her financial difficulties, as opposed to intentionally ignoring the requirement. Ms. Horton's letters of recommendation were very positive and reflected significant personal growth, although they were light on specifics.

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<sup>30</sup> Tex. Occ. Code § 53.021(d).

<sup>31</sup> Tex. Occ. Code § 53.022; 28 Tex. Admin. Code § 1.502(f)(4)(K).

Ms. Horton's two instances of theft are serious, and being an adjuster requires honesty. On the other hand, the other factors suggest that Ms. Horton has made great effort to improve her life. The hesitation in granting her license stems from the number of thefts and the relatively short period of time since the discharge from community supervision. Although Ms. Horton presented evidence that the delays in discharging the deferred adjudication were not entirely her fault, it still appears that insufficient time has passed. For those reasons, the ALJ recommends denial at this time.

**V. FINDINGS OF FACT**

1. Randal Monet Horton applied for an Adjuster All Lines license from the Texas Department of Insurance (Department) on October 3, 2024.
2. On June 13, 2017, in County Criminal Court #6 of Dallas County, Texas, Ms. Horton was placed on deferred adjudication community supervision for the misdemeanor offense of theft of property worth at least \$500, but less than \$1,500. The underlying offense occurred in February 2015. She was discharged from community supervision, and the charges dismissed, on September 17, 2021.
3. On November 1, 2019, in Criminal District Court #5 of Dallas County, Texas, Ms. Horton was placed on two years' deferred adjudication community supervision for the state jail felony offense of theft of property with a value between \$2,500 and \$30,000 and ordered to pay \$3,000 in restitution. The underlying offense occurred in October 2017. Ms. Horton was discharged from community supervision, and the proceedings dismissed, on January 30, 2023.
4. Both of the discharges from community supervision were within five years of Ms. Horton's application.
5. Ms. Horton's licensure would provide her the opportunity to repeat unlawful behavior.

6. Ms. Horton's criminal history consists of two separate thefts, committed around two years apart.
7. Ms. Horton was young, 21 and 24 years old, at the time of each crime.
8. Ms. Horton's most recent crime was committed in 2017.
9. Although there is no evidence of her employment before her criminal conduct, Ms. Horton has maintained steady employment after her convictions.
10. No evidence was presented about rehabilitation, and Ms. Horton was not incarcerated.
11. Ms. Horton did not promptly pay the court costs and probation fees, but that failure was based on financial difficulty, as opposed to intentionally ignoring the requirement.
12. Ms. Horton's letters of recommendation were very positive and reflected significant personal growth.
13. On November 14, 2024, the Department proposed to deny Ms. Horton's application.
14. Ms. Horton timely requested a hearing.
15. The hearing on the merits was held via Zoom videoconference on December 4, 2025, before Administrative Law Judge Rebecca Smith. Attorney Priya Subramanian appeared and represented Staff. Ms. Horton appeared and represented herself. The hearing concluded that day, and the record closed on December 19, 2025, when the court reporter's transcript was filed with the State Office of Administrative Hearings (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. Ms. Horton 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 Ms. Horton's license application, while Ms. Horton 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 any crimes for with the essential elements of a theft offense. 28 Tex. Admin. Code § 1.502(f)(4)(K).
6. The Department may consider Ms. Horton's deferred adjudications to be convictions for purposes of making a licensing determination. Tex. Occ. Code § 53.021(d).
7. The Department may deny Ms. Horton's license application because she is considered to have been convicted of an offense that directly relates to the duties and responsibilities of the licensed occupation. Tex. Occ. Code § 53.021(a)(1).
8. The Department considers 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. 28 Tex. Admin. Code § 1.502(e).
9. The mitigating factors do not outweigh the seriousness of Ms. Horton's criminal offenses, and she has not shown her fitness for licensure. Tex. Occ. Code §§ 53.022-.023.
10. The Department should deny Ms. Horton's application for an adjuster all lines license.

**2026-9862**

**Signed January 23, 2026**

ALJ Signature:

*Rebecca S Smith*

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Rebecca Smith

Presiding Administrative Law Judge