

No. **2026-9984**

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

Date: **06/25/2026**

Subject Considered:

Texas Department of Insurance

v.

Evan Juneau

SOAH Docket No. 454-25-17062.C

General Remarks and Official Action Taken:

The subject of this order is Evan Juneau's application for a life agent license. This order (1) approves Mr. Juneau's application for a life agent license, (2) suspends Mr. Juneau's license for two years, and (3) probates the suspension subject to terms and conditions stated in this order.

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) either grant Mr. Juneau's license application or, in the alternative, issue him a provisional license conditioned on his continued compliance with the terms and conditions of his community supervision. A copy of the proposal for decision is attached as Exhibit A.

TDI Enforcement staff filed exceptions to the administrative law judge's proposal for decision. Mr. Juneau filed a reply to TDI Enforcement staff's exceptions. The administrative law judge did not recommend any changes to the proposal for decision in response to exceptions. A copy of the administrative law judge's response to exceptions is attached as Exhibit B.

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

Appropriate Sanction

The administrative law judge recommended either issuing Mr. Juneau a license or, in the alternative, issuing Mr. Juneau a provisional license conditioned on his continued compliance with the terms and conditions of his community supervision. Considering the seriousness of Mr. Juneau's criminal history and the fact that Mr. Juneau has not completed his community supervision, TDI accepts the administrative law judge's alternative recommendation.

Proposed Conclusion of Law No. 18, where the administrative law judge suggests the alternative resolution to this matter, does not state the authority under which TDI should issue a provisional license, though the analysis of the proposal for decision discusses provisional licenses issued under Occupations Code Chapter 53. However, TDI has more specific authority to place terms and conditions on a license by granting the license, suspending it, and then probating the suspension under Insurance Code Chapter 4005. And in this case, a probated suspension under Insurance Code Chapter 4005 is more appropriate than issuance of a provisional license under Occupations Code Chapter 53 for the following reasons:

- (1) a provisional license under the Occupations Code is valid for 12 months, but Mr. Juneau's supervision is scheduled to end in approximately two years (May 2028), and
- (2) under Insurance Code § 4005.103, with a probated suspended license, TDI can impose reporting requirements that will enable the agency to track Mr. Juneau's compliance with the terms of his community supervision and require him to notify TDI of any issues that arise.

For these reasons, it is determined that Mr. Juneau's application for a life agent license should be approved, the license should be suspended for a period of two years, and the suspension should be probated subject to terms and conditions stated in this order.

Error in Proposal for Decision

On page 7 of the proposal for decision there is an error in footnote 17. The footnote quotes Occupations Code § 53.023(a), stating, in part, "If a licensing authority determines under Section 53.002 that a criminal conviction directly relates to the duties and responsibilities of a licensed occupation . . ." (emphasis added). However, the reference to § 53.002 is incorrect; the statutory text has "under Section 53.022. . . ."—not "Section 53.002."

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This error is not repeated in a proposed finding of fact or conclusion of law, so no changes to the proposed findings or conclusions are necessary to address it, but it is noted here to clarify the correct statutory language.

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.

Order

It is ordered that Evan Juneau's application for a life agent license is approved.

It is further ordered that Mr. Juneau's license is suspended for two years. The suspension is probated, and during the period of probation, Mr. Juneau must comply with the following terms and conditions:

Beginning from the date of this order and continuing through the probation period, Mr. Juneau must provide written notice of his criminal record to any appointing company, agency, employer, sponsor, or other entity on behalf of which he performs the acts of an agent. Mr. Juneau must provide the department with a copy of the notification within 30 days of the appointment, employment, or sponsorship by email at EnforcementReports@tdi.texas.gov.

Beginning from the date of this order and continuing through the probation period, Mr. Juneau must file a written report, on or before the 15th day of the month on a quarterly basis for the months of July, October, January, and April, by emailing it to EnforcementReports@tdi.texas.gov.

The report must include:

- a. Mr. Juneau's current mailing address and telephone number;
- b. the name, mailing address, and telephone number of Mr. Juneau's employer, and if Mr. Juneau is self-employed, a statement that he is self-employed and the name, mailing address, and telephone number of his business;

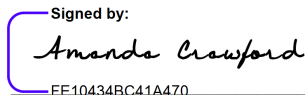
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- c. the name and address of any insurer that has appointed Mr. Juneau as an agent;
- d. the name and address of any insurer that has canceled Mr. Juneau's appointment as an agent;
- e. a copy of any and all contracts Mr. Juneau has entered into with an insurer, broker, agent, agency, managing general agent, or any other person or entity in the business of insurance; and
- f. a statement either affirming that Mr. Juneau has complied with the terms of his court-ordered probation or explaining how he has failed to comply with the terms of his court-ordered probation.

Mr. Juneau must immediately notify TDI at EnforcementReports@tdi.texas.gov of:

- a. any charges or indictments filed against him for a misdemeanor or felony during the period he is required to file reports, excluding traffic offenses and Class C misdemeanors;
- b. any state or regulatory actions taken against him, including formal and informal actions;
- c. any change in his employment or residence;
- d. any complaint made against him concerning his performance as an agent, as well as a written explanation detailing the steps taken to resolve it; and
- e. any violation of the terms of his court-ordered probation and any actions resulting from that violation.

If, during the probation period under this order, the department issues any additional licenses or authorizations to Mr. Juneau, those additional licenses or authorizations will be suspended until the probation period imposed by this order has ended. The suspension will be probated and the same terms and conditions stated in this order will apply.

Signed by:

EE10434BC41A470
Amanda Crawford
Commissioner of Insurance

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Recommended and reviewed by:

Signed by:

Jessica Barta

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Jessica Barta, General Counsel

Signed by:

Justin Beam

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Justin Beam, Chief Clerk

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**TEXAS DEPARTMENT OF INSURANCE,
PETITIONER
v.
EVAN JUNEAU,
RESPONDENT**

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**BEFORE THE
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**TEXAS DEPARTMENT OF INSURANCE,
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RESPONDENT**

PROPOSAL FOR DECISION

In November 2015, shortly after his twenty-third birthday, Evan Juneau was arrested when a “fifteen-year-old girl” whom he had arranged to meet there for sex turned out to be an adult male law-enforcement officer conducting a sting operation. He was subsequently indicted for—and, in May 2018, pleaded guilty to—the second-degree-felony offense of online solicitation of a minor. However, rather than incarcerating him, the Texas criminal justice system (more specifically, a Montgomery County district court) gave Mr. Juneau ten years’ deferred-adjudication community supervision (*i.e.*, until 2028), though he will have to register as a “sex offender” for another ten years thereafter.

Fast forwarding from 2015 and 2018 to mid-present decade, Mr. Juneau applied to the Texas Department of Insurance (TDI) for a life-agent license. The staff-level response at TDI (Staff's) was to the effect of "Ick! No way!" regarding his criminal history. This would perhaps also tend to be the knee-jerk, surface-level answer if this man, labeled "sex offender," had applied to work as a dogcatcher, or pretty much anything else, especially when the offense could be said to involve a minor, real or pretended.

However, the Texas Legislature, through Chapter 53 of the Texas Occupations Code (Chapter 53), has required a much closer and more exacting look when Texas agencies like TDI would rely upon criminal history in denying a licensing application—a look that takes careful account of the particular circumstances surrounding the offense and the myriad ways in which the larger context of a person and their life can also inform whether or not they are fit to be licensed today. And, importantly, the Legislature has made no exceptions from these requirements based on Mr. Juneau's offense or the label it carries, nor for his still being under community supervision for a couple more years. Moreover, the Legislature has given the affected license applicant, prior to any final licensing decision, the right to a contested-case hearing before an Administrative Law Judge (ALJ) of the State Office of Administrative Hearings (SOAH), where that much closer look is taken independently, impartially, and carefully.

That much closer look during the SOAH contested-case hearing here revealed, among other considerations bearing on Mr. Juneau's present fitness for licensure, undisputed evidence that Mr. Juneau has obeyed the law during the

several years since his last criminal activity; complied fully with other community-supervision terms and conditions (some quite demanding); diligently pursued therapy and other means of improving himself (including measures to address an underlying condition of Asperger's Syndrome and challenges it had historically caused him in his interactions with others); earned two college degrees; found employment; married; and begun trying to start a family (though attempts with his wife have met tragedy thus far—an additional aspect of his growth and maturing process, but not one that any loving parent would ever want). And, tellingly, the chief focus of Staff's case advocating denial has not been Mr. Juneau's criminal history as such, but a contrived (and often ham-handed) attempt to paint him as having some sort of overarching and persistent tendency to lie, a premise that quickly collapses under contested-case scrutiny.

On this record, the undersigned SOAH ALJ ultimately recommends that the Insurance Commissioner grant Mr. Juneau's license application, or in the very least issue him a provisional license conditioned on his continued compliance with his community-supervision terms and conditions while those are still in effect.

I. REGULATORY CONTEXT

A. INSURANCE CODE

Through the Texas Insurance Code, the Legislature delegated TDI powers and duties that include administering licensing requirements that are made a prerequisite to engaging in various defined categories of insurance-related activities

in this State.¹ These licensing categories include, as pertinent here, the “life agent” license, which authorizes a person who does not hold a general life, accident, and health license to write certain limited types of life insurance, death or disability benefits, and annuity contracts.² To obtain this or other types of insurance-agent licenses, a person must submit to TDI a completed application whose contents are specified by TDI rule and include a complete set of fingerprints to be used in running criminal-background checks through the Texas Department of Public Safety and the Federal Bureau of Investigation.³

The Insurance Code further directs that TDI “shall” —*i.e.*, has a duty to do so⁴— “issue a license to an individual to engage in business as an agent,” including a life agent, “if [TDI] determines that the individual . . . is at least 18 years of age”; has passed the required licensing examination; has submitted the application, fees, and other information TDI requires; and “has not committed an act for which a license may be denied under Subchapter C, Chapter 4005.”⁵ The latter prerequisite references Insurance Code Section 4005.101, which provides that TDI “may deny a license application” —*i.e.*, has discretion to do so⁶— “if [TDI] determines that” any of eleven different grounds exist. These grounds include a specific type or degree of

¹ See Tex. Ins. Code §§ 4001.001-.101.

² See Tex. Ins. Code §§ 4054.301-.302.

³ See Tex. Ins. Code §§ 4001.101-.102; 28 Tex. Admin. Code §§ 1.501, .503-.504, .508-.509.

⁴ See Tex. Gov’t Code § 311.016(2) (Code Construction Act) (“shall” as used in codes generally “imposes a duty”).

⁵ Tex. Ins. Code § 4001.105; see *id.* §§ 4001.002(a)(7), 4054.301 (made applicable to licensing of life agents).

⁶ See Tex. Gov’t Code § 311.016(1) (Code Construction Act) (“may” as used in codes generally “creates discretionary authority or grants permission or a power”).

criminal history—that “the applicant . . . has been convicted of a felony.”⁷ Also included are certain types of misconduct within the application process itself, such as where the applicant “has obtained or attempted to obtain a license by fraud or misrepresentation.”⁸

B. OCCUPATIONS CODE CHAPTER 53

However, TDI’s licensing discretion in regard to an applicant’s criminal history is also governed by Chapter 53 of the Texas Occupations Code.⁹ Chapter 53 emphasizes that “[i]t is the intent of the [L]egislature to enhance opportunities for a person to obtain gainful employment after a person has . . . been convicted of an offense; and . . . discharged the sentence for the offense.”¹⁰ To that end, Chapter 53 “shall be liberally construed.”¹¹

Chapter 53 generally requires a “licensing authority” (including TDI here), “[n]otwithstanding any other law,” to “issue to an otherwise qualified [license] applicant who has been convicted of an offense” either the license for which the

⁷ Tex. Ins. Code § 4005.101(b)(8).

⁸ Tex. Ins. Code § 4005.101(b)(3); *see also id.* § 405.101(b)(2) (applicant “has intentionally made a material misstatement in the license application”).

⁹ And this includes the amendments recently made by the Eighty-Ninth Legislature’s Senate Bill No. 1080, to the extent those changes would be material. S.B. 1080 was given immediate effect upon passage by the Legislature (May 27, 2025), without any “grandfathering” of pending license applications. *See* Acts 2025, 89th Leg., R.S. Ch. 175 (S.B. 1080), § 5. Consequently, the amendments would govern TDI’s final order on Mr. Juneau’s license application, and in turn the SOAH proceedings. Accordingly, the ensuring discussion cites the now-current version of Chapter 53, including any pertinent 2025 amendments.

¹⁰ Tex. Occ. Code § 53.003(a).

¹¹ Tex. Occ. Code § 53.003(b).

person applied or a twelve-month provisional license.¹² This requirement does not apply, however, if “the applicant has been convicted of an offense described by Section 53.021(a).”¹³ The referenced provision, Texas Occupations Code Section 53.021(a), states that a licensing authority “may” (again, has discretion to) disqualify a person from receiving a license on the ground that the person has been “convicted of” one of three specified categories of criminal offenses.¹⁴ These categories include, as pertinent here, “an offense that directly relates to the duties and responsibilities of the licensed occupation.”¹⁵

In turn, Texas Occupations Code Section 53.022 instructs that “[i]n determining whether a criminal conviction directly relates to the duties and responsibilities of a licensed occupation, the licensing authority shall consider each of the . . . factors” listed below:

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;

¹² Tex. Occ. Code § 53.0211. Certain agencies and licenses are exempted from this requirement, or from Chapter 53 altogether, but TDI and its insurance-agent licenses are not among these. *Id.* §§ 53.002, .0211(a).

¹³ Tex. Occ. Code § 53.0211(b).

¹⁴ Tex. Occ. Code § 53.021(a); *see also* Tex. Gov’t Code § 311.016.

¹⁵ Tex. Occ. Code § 53.021(a)(1).

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 elements of the crime and the duties and responsibilities of the licensed occupation.¹⁶

Assuming there is a “conviction” for an offense that “directly relates” to the duties and responsibilities of the licensed profession, thereby establishing the licensing authority’s discretion to deny a license application, the licensing authority is then required to consider the following additional factors in deciding whether or how to exercise that discretion.¹⁷ These factors, prescribed by Texas Occupations Code Section 53.023(a) (Section 53.023(a)), bear upon whether the applicant is presently fit for licensure notwithstanding any “directly related” convictions:

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

¹⁶ Tex. Occ. Code § 53.022.

¹⁷ Tex. Occ. Code § 53.023(a) (“If a licensing authority determines under Section 53.002 that a criminal conviction directly relates to the duties and responsibilities of a licensed occupation, the licensing authority shall consider the following in determining whether to take an action authorized by Section 53.021”).

7. other evidence of the person’s fitness, including letters of recommendation.¹⁸

Also of note in this analysis, Texas Occupations Code Section 53.0232 (Section 53.0232) explicitly prohibits a licensing authority from “consider[ing],” “[f]or purposes of determining a person’s fitness to perform the duties and discharge the responsibilities of the licensed occupation,” “an arrest that did not result in the person’s conviction or placement on deferred adjudication community supervision.”¹⁹

A “conviction” under Texas law would ordinarily denote and require a final judgment that a person is guilty of a crime, in contrast to deferred-adjudication community supervision, which (as the phrase “*deferred* adjudication” indicates) stops short of rendering a judgment of conviction and uses the prospect of ultimate dismissal of the charges (or, alternatively, having the charges proceed to adjudication of a conviction) as incentives for compliance with the community-supervision terms and conditions.²⁰ Consistent with that distinction, Subsection (c) of Section 53.021 generally prohibits a licensing authority, “notwithstanding any other law,” from considering a person to be “convicted” for purposes of Section 53.021(a) if (1) the

¹⁸ Tex. Occ. Code § 53.023(a).

¹⁹ Tex. Occ. Code § 53.0232.

²⁰ See Tex. Code Crim. P. arts. 37.12, 42A.101; see also Conviction, in *Black’s Law Dictionary* (12th ed. 2024) (“The act or process of judicially finding someone guilty of a crime” and “The judgment (as by a jury verdict) that a person is guilty of a crime”); Conviction, in *The American Heritage Dictionary of the English Language* (5th ed. 2022) (“The judgment of a jury or judge that a person is guilty of a crime as charged.”); see generally, e.g., *Texas Health & Human Servs. Comm’n v. Estate of Burt*, 689 S.W.3d 274, 280-28 (Tex. 2024) (words used in statutes (or rules) are to be given their common, ordinary meaning unless text or context provides a technical or other differing meaning).

person entered a plea of guilty or *nolo contendere*; (2) the judge deferred adjudication and placed the person under community supervision; and (3) the person ultimately completed the period of community supervision and the judge dismissed the proceedings and discharged the person.²¹ However, Section 53.021(d) grants discretion to the licensing authority, notwithstanding (c), to “consider a person to have been convicted for purposes of this section” (*i.e.*, under Section 53.021) if, as pertinent here:

- 1) the person has either not yet completed the period of supervision or has completed it less than five years before the person applied for the license;
and
- 2) the licensing authority determines, “after consideration of the factors described by Sections 53.022 and 53.023(a),” that either:
 - a) “the person may pose a continued threat to public safety”;
or
 - b) “employment of the person in the licensed occupation would create a situation in which the person has an opportunity to repeat the prohibited conduct.”²²

Of final note regarding Chapter 53 provisions, Section 53.025 requires each licensing authority to “issue guidelines relating to [its] practice . . . under this chapter.” Those guidelines “must state the reasons a particular crime is considered

²¹ Tex. Occ. Code § 53.021(c).

²² Tex. Occ. Code § 53.021(d)(1)(B), (2).

to relate to a particular license and any other criterion that affects the decisions of the licensing authority.”²³

C. TDI RULE 1.502

With the stated intent to “implement Chapter 53, Occupations Code, and sections and articles of the Insurance Code and Occupations Code that require and authorize [TDI] to determine a person’s fitness for holding a license . . . when that person has committed a criminal offense or has engaged in fraudulent or dishonest activity,” TDI has promulgated the rules codified as Subchapter D of Title 28, Texas Administrative Code, Chapter 1.²⁴ Those rules include 28 Texas Administrative Code Section 1.502 (Rule 1.502), which provides that TDI, “after notice and opportunity for hearing,” may deny a license application if it “determines that the applicant . . . has been convicted or placed on deferred adjudication” for any of the three categories of offenses listed in Texas Occupations Code Section 53.021(a), including “an offense that directly relates to the duties and responsibilities of the licensed occupation.”²⁵ Rule 1.502 further directs that TDI “will consider the factors specified in Occupations Code § 53.022 and § 53.023” in its ultimate decision whether to deny an application on that basis.²⁶

²³ Tex. Occ. Code § 53.025(a).

²⁴ 28 Tex. Admin. Code § 1.501(a).

²⁵ 28 Tex. Admin. Code § 1.502(d).

²⁶ 28 Tex. Admin. Code § 1.502(d)-(e).

Further, “[i]n accordance with the requirements of Texas Occupations Code § 53.025,” TDI has set forth “guidelines” that include, in Subpart (f) of Rule 1.502, a listing of “crimes that [TDI] considers to be of such serious nature that they are directly related to the duties and responsibilities of the licensed occupation or are of prime importance in determining fitness for licensure.”²⁷ Rule 1.502 also states a more general policy concern that TDI “considers it very important that license . . . holders and applicants . . . be honest, trustworthy, and reliable,”²⁸ as “the special nature of the relationship between licensees . . . and the public with respect to insurance and related businesses regulated by [TDI] requires that the public trust and rely upon licensees because of the complex and varied nature of insurance, insurance related-products, and discount health programs.”²⁹

D. HEARING

Where, as here, Staff determines to deny a license application, the applicant is entitled to a hearing governed by the contested-case procedures of the Administrative Procedure Act (APA), and conducted by a SOAH ALJ, prior to final action by the Insurance Commissioner.³⁰ Staff bears the burden of proving grounds that would establish the Commissioner’s discretion to deny the application,³¹ although the applicant would bear the burden of proving his or her fitness for

²⁷ 28 Tex. Admin. Code § 1.502(f).

²⁸ 28 Tex. Admin. Code § 1.502(c).

²⁹ 28 Tex. Admin. Code § 1.502(a).

³⁰ Tex. Ins. Code § 4005.104; *see id.* §§ 40.001-.005.

³¹ 1 Tex. Admin. Code § 155.427; *see* Tex. Occ. Code §§ 53.021(a), (c)-(d); .0211(b).

licensure under the Section 53.023(a) analysis, were it reached.³² The standard of proof is by a preponderance of the evidence.³³

II. JURISDICTION, NOTICE, AND PROCEDURAL HISTORY

Jurisdiction and notice were not contested, so will be addressed principally in the Findings of Fact and Conclusions of Law, below.

Procedurally, this matter arises from an application for a life-agent license that Mr. Juneau submitted to TDI on January 15, 2024.³⁴ By letter dated March 1, 2024, Staff—more specifically, the director of the agency’s Agent and Adjustor Licensing Office—notified Mr. Juneau that Staff was proposing to deny his application. As Staff’s reason for the intended denial, the letter stated, “because you [Mr. Juneau] may have committed an act for which we can deny your license (Texas Insurance Code (TIC) 4005.101).”³⁵

Upon receiving this letter by certified mail, which occurred on or around March 11, 2024, Mr. Juneau requested a hearing on his license application.³⁶ Staff acknowledged receipt and transferred the case internally to TDI’s Enforcement

³² See Tex. Occ. Code §§ 53.023(b), .0231(b)(2)(B).

³³ See *Granek v. Tex. St. Bd. of Med. Exam’rs*, 172 S.W.3d 761, 777 (Tex. App.—Austin 2005, no pet.); *Sw. Pub. Serv. Co. v. Pub. Util. Comm’n of Tex.*, 962 S.W.2d 207, 213-14 (Tex. App.—Austin 1998, pet. denied).

³⁴ See Staff Exhibit (Ex.) 3 at Bates 61 (acknowledgment by Staff that “We received [Mr. Juneau’s] application for a Life Agent license on 01-15-2024”). As will be discussed subsequently, the application itself is not in evidence, aside from possibly one excerpt of Mr. Juneau’s answers.

³⁵ Staff Ex. 3 at Bates 61; compare Tex. Occ. Code § 53.0231(a)(1).

³⁶ Staff Ex. 3 at Bates 55-60.

section.³⁷ There the matter would remain pending for more than a year before being referred to SOAH on April 16, 2025.³⁸

Following referral, the hearing on the merits was scheduled for, and held on, October 28 and 29, 2025, via Zoom videoconferencing, before SOAH ALJ Robert Pemberton. Staff appeared and was represented by TDI Enforcement attorneys Jacob Harry and Stephanie Andrews. Mr. Juneau appeared and was represented by his counsel, attorney Mark Weitz of Weitz Morgan PLLC. The proceedings were recorded stenographically by Debbie D. Cunningham, CSR, who prepared a transcript.³⁹

At the conclusion of proceedings on October 29, the ALJ held the record open to allow for preparation and filing of the transcript and of written closing arguments. The record closed on January 9, 2026, the deadline for filing responsive closing arguments.⁴⁰

III. STAFF’S CASE

Staff has pleaded two legal grounds for denying Mr. Juneau’s license application: (1) criminal history, more specifically a felony deferred-adjudication

³⁷ Staff Ex. 3 at Bates 55.

³⁸ Request for Docket form (Apr. 16, 2025); *see generally* Staff Ex. 4.

³⁹ The transcript is in two volumes, one for each respective hearing day, but is paginated continuously. The ALJ will cite the transcript simply as “Tr. [page number].”

⁴⁰ *See* Order Memorializing Post-Hearing Schedule (Oct. 29, 2025) at 2.

order Staff contends should be deemed a “conviction” under Texas Occupations Code Section 53.021(d) and constitutes a basis for denial under TDI Rule 1.502; and (2) that Mr. Juneau “has attempted to obtain a license by fraud or misrepresentation, in violation of Tex. Ins. Code § 4005.101(b)(3).”⁴¹ Through its subsequent evidence and arguments, Staff has effectively narrowed the latter asserted ground to an allegation that Mr. Juneau has “attempted to obtain a license by . . . misrepresentation,” making no attempt to prove the alternative of “by fraud,”⁴² an element that arguably would have denoted certain specific common-law elements or requirements.⁴³

Staff presented only a direct case, opting not to present any rebuttal.⁴⁴ In that direct case, Staff offered six exhibits, five of which were admitted without objection and one that was admitted over objection but for limited purposes that will be

⁴¹ See Staff Ex. 1 at Bates 12 and 11. Staff has not pleaded, nor does the ALJ understand Staff to argue, that Mr. Juneau was “convicted of a felony” in the sense required by Insurance Code Section 4005.101(b)(8), as opposed to having a deferred-adjudication order that could be deemed a “conviction” for purposes of Texas Occupations Code Section 53.021(a) or be a basis for denial under TDI Rule 1.502.

⁴² In fact, the ALJ has not found a single instance in which Staff uttered the word “fraud” during the hearing or in its written closing arguments.

⁴³ Cf. *Meyer v. Tex. Dep’t of Ins.*, Cause No. 03–10–00642–CV, 2011 WL 5865240 at *2-3 (Tex. App.—Austin Nov. 23, 2011, pet. denied) (mem. op.) (noting Insurance Commissioner’s conclusion that “fraudulent . . . acts or practices” under Texas Insurance Code Section 4005.101(b)(5) could be established with proof of each element of common-law fraud).

⁴⁴ Tr. 362-63.

explained in Part III.C, below.⁴⁵ Staff also called three witnesses to testify:

- (1) Mr. Juneau; (2) Houston Police Department Detective Devin P. Farrell; and
- (3) TDI employee and representative Tenika Young

Much of Staff's case centered on specific content within its documentary exhibits. For this reason, and because it also aids clarity and logical flow, the ALJ has structured the ensuing description of Staff's evidence according to key points of emphasis rather than a sequential summary of the witness testimony.

⁴⁵ Tr. 9-27. Staff Exhibit 1 consists of the notice of hearing, incorporated live complaint, and related documents. The version of Exhibit 1 that was admitted and filed of record differs from the version that Staff had pre-submitted and initially offered. The original version had several of the pages out of order, so the ALJ admitted Exhibit 1 with the understanding that he meant a version with the pages in correct order that Staff would thereafter file as the record copy. Tr. 22. Staff complied, although it did not change its original Bates numbering of the respective pages. Consequently, the Bates numbering in material portions of the admitted/filed version of Exhibit 1 often runs non-consecutively or backwards. This is why several subsequent citations to this exhibit have the oddity of descending page ranges.

Staff Exhibit 2 is a responsive pleading filed by Mr. Juneau through his counsel.

Staff Exhibit 3 is what purports to be a certified "complete copy of the AGENT AND ADJUSTER LICENSE APPLICATION FILE FOR EVAN THOMAS JUNEAU," although Mr. Juneau disputed that it was, in fact, complete (an assertion that would prove valid, as will be discussed subsequently).

Among the file documents that *were* included in Staff Exhibit 3 were court papers whose content also appears in materially identical form in Staff Exhibit 6. *See* Staff Ex. 3 at Bates 66-78; Staff Ex. 6 at Bates 184-94.

Staff Exhibit 4 consists of correspondence between Mr. Juneau's counsel and Staff's Enforcement attorneys during the roughly thirteen-month interim between his hearing request and Staff's referral of the case to SOAH. Two documents referenced as attachments to emails within Exhibit 4 were offered and admitted as Staff Exhibits 4A and 4B, respectively. *See* Staff Ex. 4 at Bates 108, 129; Staff Ex. 4A; Staff Ex. 4B. Staff Ex. 4B is also included as an attachment to the responsive pleading in Staff Exhibit 2.

Staff Exhibit 5 is a police report concerning an investigation and subsequent arrest of Mr. Juneau in 2017. This is the exhibit to which Mr. Juneau objected.

In some instances, the same material content appears in more than one of Staff's exhibits or multiple times within the same Staff exhibit, and there is some similar overlap between Staff's exhibits and Mr. Juneau's. In such instances, the ALJ will typically cite only to one of those sources.

A. 2018 DEFERRED-ADJUDICATION ORDER ON 2015 OFFENSE

It undisputed that, on May 17, 2018, in the 435th District Court of Montgomery County, Texas, Mr. Juneau pleaded guilty to the offense of online solicitation of a minor and received ten years of deferred-adjudication community supervision (*i.e.*, continuing until May 2028).⁴⁶ The elements of this offense, a second-degree felony, are that an actor, via the Internet or other electronic means, knowingly solicited a “minor”—defined for these purposes as an individual who either is, or *is believed by the actor to be*, under age 17—to meet the actor or another person and with the intent that the “minor” would engage in sexual contact, sexual intercourse, or deviate sexual intercourse with the actor or another person.⁴⁷ In Mr. Juneau’s case, it was alleged, and he admitted, that on November 4, 2015, when he was 23 years of age, he had arranged via text to meet, at a location in Montgomery County, for the purpose of having sex, a person whom he had believed to be a fifteen-year-old girl but who turned out to be law-enforcement officers conducting a sting operation.⁴⁸

Due to the nature of the offense involved, the deferred-adjudication order triggered statutory requirements that Mr. Juneau register as a sex offender, requirements that were also implemented through terms and conditions of his

⁴⁶ Staff Ex. 6 at Bates 185-86; Tr. 37.

⁴⁷ Tex. Penal Code § 33.021; *see* Staff Ex. 6 at Bates 184 (indictment), 185-86 (deferred-adjudication order).

⁴⁸ Staff Ex. 4A at Bates 138-39; Staff Ex. 6 at Bates 184-86; Tr. 43.

community supervision.⁴⁹ Others of those terms and conditions include the following:

- Mr. Juneau was required to begin his community-supervision term in the care and custody of Tangram Behavior Program North (Tangram), a Seguin-based residential treatment or rehabilitation facility that constantly monitored its patients. He was transferred to that facility from the Montgomery County Jail, where he had been held during the months preceding his plea, and would remain at Tangram for approximately eight months thereafter.⁵⁰
- Mr. Juneau has been prohibited, unless otherwise ordered by the court, from having any contact with, any living arrangements that include, or participation in programs that include persons 17 years of age or younger. He is likewise prohibited from going within 1,000 feet of premises where children commonly gather, including schools, day-care facilities, playgrounds, youth centers, public swimming pools, or video arcade facilities.⁵¹
- Mr. Juneau has been barred from accessing pornographic or obscene materials, whether via computer, electronic, or other means, and must avoid sexually-oriented businesses.⁵²
- Mr. Juneau had to forfeit electronic devices that had been seized in connection with his arrest on the underlying charge. He was also barred from having any Internet access for one year, and has since been permitted only supervised Internet access through a monitoring service.⁵³

⁴⁹ See Tex. Code Crim. P art. 62.001(5)(J), 62.101(b)-(c); Staff Ex. 6 at Bates 188-90; *see also* Staff Ex. 3 at Bates 90-92 (printout of Mr. Juneau's information from the Texas Public Sex Offender Registry, dated January 22, 2024).

⁵⁰ Staff Ex. 6 at Bates 185, 192; Tr. 151-52, 271. Apparently, Tangram provides care or treatment to individuals with severe traumatic brain injuries. Although he did not have a brain injury himself, "the reasoning," according to Mr. Juneau, "was that the patients there were monitored 24/7, which meant I would be as well." Staff Ex. 4A at Bates 441.

⁵¹ Staff Ex. 6 at Bates 190, 192.

⁵² Staff Ex. 6 at Bates 190-91.

⁵³ Staff Ex. 6 at Bates 185, 192.

- Mr. Juneau had to participate in and successfully complete a designated sex-offender program, including submitting to clinical polygraph examinations at least once every six months.⁵⁴
- Following completion of the sex-offender program, Mr. Juneau has been required to continue submitting to clinical polygraphs at least once every six months through the remainder of his community-supervision term.⁵⁵

The terms and conditions also include more general provisos prohibiting use of alcohol or drugs and requiring compulsory testing for same, reporting to a local community-supervision/probation department, and payment of fees.⁵⁶

A key thrust of Mr. Juneau’s case (as discussed in Part IV) is that he has fully complied with those exacting requirements and limitations thus far—now almost eight years into his ten-year community-supervision term—and Staff does not dispute that assertion.⁵⁷ Yet even assuming Mr. Juneau can continue complying through the remainder of the term, be discharged from community supervision, and have the charge dismissed, his sex-offender-registration obligations will continue in effect for still another ten years thereafter (*i.e.*, until approximately May 2038).⁵⁸

⁵⁴ Staff Ex. 6 at Bates 190.

⁵⁵ Staff Ex. 6 at Bates 190.

⁵⁶ See Staff Ex. 6 at Bates 187-92.

⁵⁷ See Tr. 113-14.

⁵⁸ See Tex. Code Crim. P art. 62.101(b)-(c).

Through Ms. Young, testifying as its representative, Staff summarized its asserted legal rationales for denying Mr. Juneau’s license application based on this criminal history. Ms. Young also testified to having personal involvement in the review processes preceding the March 1, 2024 “Proposal to Deny” letter, as Manager of TDI’s “Administrative Review Team,” an eight-member subgroup within the agency’s Agent and Adjuster Licensing office that handles “non-standard” license applications, *i.e.*, those having “issues” raised in “initial screening” (*e.g.*, criminal history) that preclude immediate approval (which she estimated to be about ten to fifteen percent of around 200,000 applications the office received annually).⁵⁹ She described the Administrative Review Team’s role as “review[ing] the application[,], the background and information[,], and how the applicant answered the questions”; “send[ing] out a letter requesting additional information regarding what may have been disclosed or not disclosed”; and, once received, performing “an in-depth review based on our regulations and . . . deci[ding] if that person should be given a license.”⁶⁰ Ms. Young also attested that Staff Exhibit 3—what purports to be a certified “complete copy of the AGENT AND ADJUSTER LICENSE APPLICATION FILE FOR EVAN THOMAS JUNEAU” from or within the custodial authority of TDI’s Agent and Adjuster Licensing Office⁶¹—represented “the complete copy” of Mr. Juneau’s “license application

⁵⁹ See Tr. 86-90, 107. Ms. Young added that she has been employed at TDI for a total of fifteen-and-a-half years, including a seven-year stint as a “team lead” on the Applications Review Team before being promoted to her current position. Tr. 86-87.

⁶⁰ Tr. 89-90.

⁶¹ Staff Ex. 3 at Bates 54.

file.”⁶² (However, as will be discussed in Part III.B, the contents of the exhibit itself belie that assertion).

As set forth in its pleadings and further addressed by Ms. Young, Staff maintains that TDI can and should, via Texas Occupations Code Section 53.021(d), deem Mr. Juneau’s deferred-adjudication order to be a “conviction” for purposes of Section 53.021(a).⁶³ Because Mr. Juneau is still under community supervision, that analysis effectively reduces to whether, considering the factors in Texas Occupations Code Sections 53.022 and 53.023(a), Mr. Juneau “may pose a continued threat to public safety” or his employment as a life agent “would create a situation in which [he] has an opportunity to repeat the prohibited conduct.”⁶⁴ She was asked only about the second alternative, and answered that licensing Mr. Juneau would afford him the opportunity to repeat his “prohibited conduct.”⁶⁵ As for why or how this would be so regarding Mr. Juneau’s “prohibited conduct” of online solicitation of a minor, Ms. Young testified that the duties of a life agent “could entail them being in touch with individuals one on one, either via remote, virtual, or in person, also going into individuals’ homes, hospitals, businesses,” and were more likely than some other types of insurance agents to have face-to-face meetings.⁶⁶ Yet she did not offer any further explanation as to why this sort of face-to-face or direct contact with other persons in the course of selling life-insurance products would ever involve a minor

⁶² Tr. 92.

⁶³ Staff Ex. 1 at Bates 12 (Legal Allegation no. 2); Tr. 96-97; *see* Tex. Occ. Code § 53.021(d)(1)(B)(i), (2)(A)-(B).

⁶⁴ *See* Tex. Occ. Code § 53.021(d)(1)(B)(i), (2)(A)-(B).

⁶⁵ Tr. 97.

⁶⁶ Tr. 93-94.

(the victim class of his crime), as opposed to adults having contractual capacity, or otherwise afford him an opportunity to solicit a minor for sex, online or otherwise.

The chief thrust of Ms. Young’s testimony in this regard, rather, was to urge that Mr. Juneau’s crime is one that belies the “ethical behavior and honesty” and “good moral character” that were essential qualities for a life agent, a role in which one is entrusted with “getting personal information from the client, such as Social Security, date of birth, addresses, e-mail addresses, financial information, health information.”⁶⁷ In essence, Ms. Young maintained that licensing Mr. Juneau would afford him the opportunity to repeat the “prohibited conduct” in a much broader sense—that (1) Mr. Juneau’s offense bespeaks a generally unethical and morally depraved person, (2) who would thus be inclined to breach a life agent’s entrusted duties by misusing customer financial information and the like.⁶⁸

In that regard, Staff has pleaded and argued, and Ms. Young emphasized, that Mr. Juneau’s offense appears in Rule 1.502’s listing of “guideline” crimes, more specifically in Subsection (f)(4)(L), “any offense with the essential elements of . . . online solicitation of a minor, as described by Penal Code § 33.021.”⁶⁹ The significance of offenses being listed there, according to Ms. Young, is that TDI “consider[s] [them] to be related to the business of insurance because they are so

⁶⁷ Tr. 93-94.

⁶⁸ Tr. 101.

⁶⁹ Staff Ex. 1 at Bates 12-11 (Legal Allegations nos. 3, 5.c); Tr. 101-02; *see* 28 Tex. Admin. Code § 1.502(f)(4)(L).

serious in nature and crimes of moral turpitude.”⁷⁰ She termed Mr. Juneau’s offense “extremely serious,” “very dishonest in nature,” and a crime of “moral turpitude” and “prime importance” that was “directly related to the business of insurance,” reflected poor “moral character” and “unethical judgment,” and “raise[s] concerns [that] he will manipulate or try to deceive . . . clients.”⁷¹ “Giving him this life agent license,” she maintained, would afford Mr. Juneau “full access to be able to go into people’s homes” and “access to their personal and financial information.”⁷²

More generally, echoing the policies stated in Rule 1.502, Ms. Young observed that “TDI is charged with protecting the consumers of Texas”—meaning, in her view, “[e]veryone in Texas,” because everyone is “going to be involved in some type of insurance at some point in their life”—and had to be able to rely upon TDI-licensed agents and adjusters “[b]ecause of the complicated nature of the business of insurance.”⁷³ She further opined that licensing by TDI conveyed to the public that a person was “qualified . . . meaning that they are honest, trustworthy, and reliable.”⁷⁴

⁷⁰ Tr. 101-02; *see also id.* 93.

⁷¹ Tr. 100-02, 106-07.

⁷² Tr. 101.

⁷³ Tr. 90-91.

⁷⁴ Tr. 90.

Although tacitly acknowledging that Mr. Juneau's terms and conditions of community supervision would restrict some of the "access" that was her professed concern, Ms. Young insisted that these limitations instead cut against him in two ways. First, she thought it problematic that those terms and conditions would prevent Mr. Juneau from performing the full range of duties that a life agent would be authorized to perform and, conversely, create a "conflict" by authorizing activities exceeding and violating those limitations.⁷⁵ Second, anticipating a primary theme of Mr. Juneau's case, Ms. Young urged that the terms and conditions, backed by the consequence of incarceration if violated, were reason to minimize or disregard evidence of rehabilitation offered by Mr. Juneau as merely "court ordered [and] not something that he went and did on his own accord."⁷⁶ Staff in argument would advocate this latter notion in terms of a distinction between "true rehabilitation" versus that done "under threat of incarceration," with only "true rehabilitation" having material weight and Mr. Juneau, still under community supervision, being unable (by definition) to show any of it.⁷⁷

Nor had Mr. Juneau otherwise persuaded Ms. Young that he was fit for licensure through recommendation letters or other materials he had submitted to TDI. On the contrary, Ms. Young insisted that written statements Mr. Juneau had provided to TDI regarding his offense "downplay[ed] his actual role in what he did,"

⁷⁵ Tr. 107; *see also id.* 113, 128, 140.

⁷⁶ Tr. 104-05.

⁷⁷ Staff Initial Closing Arg. at 14-15; Staff Resp. Closing Arg. at 5-7.

which she thought relevant to his trustworthiness and moral character.⁷⁸ These written statements in themselves were another key point of emphasis in Staff's case and are addressed in detail in Part III.B., below.

Under cross-examination, Ms. Young acknowledged that the workload of her Administrative Review Team averaged to around 2,000 files per member annually and, amid such volume, relied solely on materials provided by the applicant, without any proactive outreach to recommenders or other witnesses (the insinuation being that her Team's review had been merely cursory or knee-jerk).⁷⁹ Under questioning testing her premise about licensing "conflicting" with the terms and conditions of Mr. Juneau's community supervision, Ms. Young did not dispute that Mr. Juneau had committed no violations, and that this included a period in which he had worked for an insurance agency, in a remote position (as discussed subsequently).⁸⁰ She declined to "speculate" as to the circumstances in which a person under community supervision could ever be licensed by TDI, given her premise, though she agreed in principle that neither community supervision nor a felony was a categorical bar.⁸¹ (Staff similarly acknowledges that TDI "has licensed individuals with criminal histories, and licensed individuals who were on criminal probation at the time of application," though insists that is inappropriate here).⁸²

⁷⁸ Tr. 97-101, 105-06.

⁷⁹ Tr. 107-08, 124-25.

⁸⁰ Tr. 113-14, 121-22.

⁸¹ Tr. 115-16, 123.

⁸² Staff Initial Closing Arg. at 6.

In response to clarifying questions from the ALJ (who was wondering whether TDI had regulatory means to resolve the “conflict” Ms. Young perceived between a life-agent license and Mr. Juneau’s community-supervision terms and conditions), Ms. Young acknowledged that TDI had, in some instances, issued probationary licenses and that it was possible, at least in theory, to craft license limitations tailored in accord with his terms and conditions.⁸³ However, she was adamant that even a probationary license was not appropriate in Mr. Juneau’s case, as she regarded him as insufficiently trustworthy to risk allowing him to work in the insurance industry at all.⁸⁴

B. STATEMENTS ABOUT THE 2015 OFFENSE

Staff’s second primary point of emphasis concerns two written statements Mr. Juneau provided to TDI prior to SOAH referral in which he addressed the circumstances of his 2015 online-solicitation-of-a-minor offense. These statements, Staff insists, are permeated with “material misstatements,” “rampant misrepresentation,” and “attempt[s] to downplay his actions.”⁸⁵ In terms of the grounds for denial Staff has pleaded, this evidence and arguments would implicate both its reliance on Mr. Juneau’s 2015 online-solicitation offense—most directly, as “conduct . . . of the person before and after the criminal activity” in the analysis of

⁸³ Tr. 126-27, 140-41.

⁸⁴ Tr. 139, 142.

⁸⁵ *E.g.*, Staff Initial Closing Arg. at 3-5, 18.

his fitness under Section 53.023(a),⁸⁶ coupled with Rule 1.502’s emphasized concern that licensees be “honest, trustworthy, and reliable”—as well as its stand-alone ground that Mr. Juneau has “attempted to obtain a license by . . . misrepresentation.”

Mr. Juneau provided the first written statement at some point prior to the Administrative Review Team’s decision to propose denial. The precise timing within that range, or the context, cannot be determined from the record. A key reason is that Staff Exhibit 3, which Staff certified and Ms. Young attested was a “complete copy” of Mr. Juneau’s licensing file, does not include any document identifiable as Mr. Juneau’s license application. Attempting to piece things together from what Exhibit 3 does contain, there is a January 22, 2024 letter from TDI personnel to Mr. Juneau noting that Mr. Juneau had “answered ‘yes’ to one of the screening questions on [his] license application” and directing him to provide, *inter alia*, copies of “[c]harging documents” and “[j]udgements [sic] of conviction,”⁸⁷ which he apparently did.⁸⁸ Likewise, Ms. Young acknowledged that Mr. Juneau had disclosed his criminal history in his license application.⁸⁹ Yet neither Mr. Juneau’s “yes” answer nor the preceding “screening question[]” is included in Staff Exhibit 3. Nor does Staff Exhibit 3 (or elsewhere) contain any preceding question or

⁸⁶ Tex. Occ. Code § 53.023(a)(4), (5), (7); *see also* 28 Tex. Admin. Code § 1.502(e) (requiring consideration of “the factors specified in Occupations Code § 53.022 and § 53.023” in TDI’s ultimate licensing decision).

⁸⁷ Staff Ex. 3 at Bates 84-85.

⁸⁸ *See* Staff Ex. 3 at Bates 66-78 (copy of charging instruments and deferred-adjudication order, alongside a copy of Mr. Juneau’s resume at the time, some recommendation letters, and reports from his sex-offender treatment).

⁸⁹ Tr. 92; Staff Ex. 3 at Bates 84-85.

other context for the statement on which Staff relies, which consists of the following excerpt:

Description of event

In November of 2015, one month after turning 23, I was arrested for online solicitation of a minor. I went onto Craigslist the week prior to the arrest and found a Kik group advertised for teens in northeast Houston. I joined the group, and after about a day of being in the group, I began talking to the lone female there. We talked for about a week, during which time she told me she was 15. I saw no issue with this since I regularly volunteered with the youth group at my church. I suggested that we meet. She agreed, I went to meet her and was arrested in a police sting operation in Montgomery County, and charged with online solicitation of a minor. After about 2 years I was placed on 10 years deferred adjudication. In that time, I have successfully completed all therapy homework 5 years early, passed all 10 polygraphs to date and urine tests, and do not have a single probation violation.⁹⁰

The context of the second statement on which Staff relies is clearer. It was elicited from Mr. Juneau several months after the Administrative Review Team had already proposed to deny his application, Mr. Juneau had requested his SOAH hearing, and Ms. Young had referred his application case to TDI's Enforcement section. The ensuing sequence of events is shown in Staff Exhibit 4, which consists of email correspondence between early November 2024 and late March 2025 between Mr. Juneau's counsel (Mr. Weitz) and two TDI Enforcement attorneys—Ms. Andrews and Mr. Harry, *i.e.*, the same TDI Enforcement attorneys who would later represent Staff in litigating against Mr. Juneau at SOAH.

⁹⁰ Staff Ex. 3 at Bates 62.

This correspondence reflects the stated view of the Enforcement attorneys that they were under no particular time constraints in referring the case to SOAH for the hearing Mr. Juneau had requested the preceding March, but instead could and should take however long they wished in conducting their own “thorough review” of the matter, including requesting additional documents and information from Mr. Juneau, in order to fulfill TDI’s “duties and responsibilities” regarding the license application that the TDI Administrative Review Team had already proposed to deny.⁹¹ Further complicating that task and the timing of completion was an intervening internal reassignment of the case from Ms. Andrews to Mr. Harry, with a stated attendant need that the latter be afforded sufficient “time to thoroughly review everything.”⁹²

Exhibit 4 further reflects that Mr. Juneau, with Mr. Weitz’s assistance, had previously provided additional documents and information in response to Enforcement attorney requests.⁹³ On January 2, 2025, they supplemented these prior responses with a copy of the police report from Mr. Juneau’s November 4, 2015 arrest, previously requested but which they had been unable to obtain until after a mid-December Attorney General open-records ruling authorizing disclosure.⁹⁴ Yet in the meantime, Mr. Weitz had also made multiple follow-up inquiries in which he voiced a growing concern with what seemed to him an extraordinary and inexplicable

⁹¹ See Staff Ex. 4 at Bates 100, 115.

⁹² Staff Ex. 4 at Bates 100.

⁹³ See Staff Ex. 4 at Bates 95.

⁹⁴ Staff Ex. 4 at Bates 106; *see id.* at Bates 98-99. The arrest report itself, an attachment to Mr. Weitz’s January 2 email, was admitted as Staff Ex. 4B.

delay in resolution and adverse consequences it was causing Mr. Juneau in his employment.⁹⁵ He urged that, if Staff was so “conflicted” or “torn” over “whether or not [Mr. Juneau] merits a license over an offense 9 years ago,” the parties should proceed to hearing and let the neutral third party of a SOAH ALJ decide the case.⁹⁶ Ultimately, through an email sent on January 28, 2025, Mr. Weitz threatened to pursue mandamus relief in Travis County District Court to compel Staff to set the requested hearing or otherwise resolve the matter.⁹⁷

On the afternoon of the following day, January 29, 2025, Mr. Harry, copying Ms. Andrews (and a third Enforcement attorney who apparently was a superior), emailed Mr. Weitz asserting that “[w]hile Enforcement works to resolve all cases as efficiently as possible,” the “very serious criminal history” of Mr. Juneau “necessitate[d] a thorough review of his application and all criteria [TDI] is required to review, per the Texas Legislature.”⁹⁸ In what was said to be “an effort to complete our review of your client’s application file,” Mr. Harry requested seven additional categories of documents and information from Mr. Juneau. Among these requests was:

⁹⁵ See Staff Ex. 4 at Bates 97-101, 109, 112, 114, 129, 132.

⁹⁶ Staff Ex. 4 at Bates 100-02, 129

⁹⁷ Staff Ex. 4 at Bates 114.

⁹⁸ Staff Ex. 4 at Bates 115; *see also id.* at Bates 115 (chiding Mr. Weitz for “blatantly ignor[ing] the department’s statutory responsibilities” in his advocacy for Mr. Juneau’s licensure and admonishing him to “[p]lease refrain from such suggestions in the future”).

Please provide a more detailed statement than the previously provided “Description of event.” This statement should include the circumstances surrounding Mr. Juneau’s criminal offense, his rehabilitation efforts, and support for his fitness for licensure.⁹⁹

Mr. Juneau again complied.¹⁰⁰ With regard to the above-quoted request and another item of inquiry (regarding a 2017 arrest, discussed shortly), Mr. Juneau provided a seven-page, single-spaced narrative, offered and admitted without objection as Staff Exhibit 4A. Most of the contents gave an account of rehabilitative efforts and had a basic theme (also prominent in his case at the hearing) that he is no longer the “same person” as he was when offending.¹⁰¹ Many of these rehabilitative efforts, he wrote, were aimed at overcoming Asperger’s syndrome, a form of autism with which he had been diagnosed in seventh grade and that was said to create difficulties in forming or maintaining relationships with others and navigating social situations, in turn prompting him to lash out emotionally.¹⁰² As Mr. Juneau put it, his Asperger’s syndrome “wasn’t an excuse for my mistakes, but it *was* an explanation for many of the struggles I had faced.”¹⁰³

⁹⁹ Staff Ex. 4 at Bates 115-16.

¹⁰⁰ Staff Ex. 4 at Bates 122-23, 128. Still more weeks would pass before the Enforcement attorneys, professing to be “still working [Mr. Juneau’s] case as diligently as possible,” would finally refer it to SOAH, under renewed threat that Mr. Juneau would pursue mandamus relief “to break this deadlock.” *See id.* at Bates 132-33.

¹⁰¹ Staff Ex. 4A at Bates 141-44; *see* Staff Ex. 4 at Bates 128 (March 10, 2025, email from Mr. Weitz attaching the narrative and a letter from Mr. Juneau’s therapist “that goes to some of the material in the narrative”).

¹⁰² Staff Ex. 4A at Bates 138, 141-44.

¹⁰³ Staff Ex. 4A at Bates 142 (emphasis in original).

Those struggles, Mr. Juneau wrote, had often left him feeling socially isolated during his youth and “became especially difficult as I went through college,” as “I found myself on the outside, unsure of how to make meaningful connections.” “In-person interactions felt unpredictable and exhausting,” so Mr. Juneau “turned to social media, where I didn’t have to worry about immediate responses or reading body language,” could “think through my words,” and had a “sense of control that I never had in face-to-face conversations.” While initially not “completely cut off,” having a “best friend” (a woman) who “truly understood me” and with whom he “felt comfortable talking face-to-face,” Mr. Juneau recounted that this woman’s college-study demands came to constrain her time spent with him, leaving him “backsliding into isolation, lonelier than ever.”¹⁰⁴

These developments, according to Mr. Juneau, formed the immediate context for his 2015 offense. He wrote, in the portion of the statement that is Staff’s chief focus:

Determined to find connection again, I turned to the [I]nternet. I searched online, eventually landing on Craigslist, where I found a Kik messaging group. Most of the members didn’t seem like a good fit, but one person stood out—Chrisy. She looked to be around my age, so I reached out to her first, hoping for the best.

Our conversations felt natural. It was like she understood me. It was refreshing. I finally felt like I was being seen—something I had been missing a long time. Several days into our conversations, she mentioned she was 15. Looking back, I realize this should have prompted me to reassess everything immediately. But at the time, I was so narrowly

¹⁰⁴ Staff Ex. 4A at Bates 138.

focused on maintaining the connection I had finally found that I didn't fully process what that meant.

My Asperger's undoubtedly played a role in my thinking. I tend to take social interactions at face value, easily misinterpreting warmth and kindness as something deeper. She [Chrisy] seemed intelligent and quick-witted—traits I admired. Around seven to ten days into our conversations, meeting in person felt like the next logical step. I suggested we meet and hook up. She agreed, and we planned to meet at the address she sent. At the time, nothing about this seemed off to me. I had convinced myself that I had successfully found and made a friend and, more than that, wanted to meet me in person.

But I never met Chrisy. She never existed.

The moment it all came crashing down was when I arrived at the location and was told to put my hands up at gunpoint. It wasn't until that moment that I realized something was wrong.¹⁰⁵

Staff argues to the effect that Mr. Juneau's two written statements are full of lies and whitewashing about the true nature of his 2015 acts. To that end, it contrasts an account of the underlying events contained in the police report from Mr. Juneau's arrest, which was offered and admitted as Staff Exhibit 4B. (This arrest report, incidentally, had been provided to the Enforcement attorneys by Mr. Juneau himself,¹⁰⁶ as Staff acknowledges.¹⁰⁷) The report was prepared by an investigator employed with a Montgomery County constable's office and attached to a task force working against online solicitation of minors and child pornography. The investigator recounted that, on November 2, 2015, while he was conducting an

¹⁰⁵ Staff Ex. 4A at Bates 138-39.

¹⁰⁶ Staff Ex. 4 at Bates 106; Staff Ex. 4B.

¹⁰⁷ Staff Initial Closing Arg. at 11 (noting that Mr. Juneau "provided the police report to TDI").

undercover investigation on a social media site under the persona of a fifteen-year-old girl from Montgomery County, he received a message from a person later identified as Mr. Juneau and inquiring, “May I ask how old you are? You look kinda young.” According to the report, the investigator (in persona) responded on the following day (November 3), “I’m 15,” and then, “We communicated back and forth.” And then, on the next day (November 4), the report continued, Mr. Juneau messaged, “Out of curiosity, are you interested in sex,” “As far as meeting random strangers goes,” and “Eh, what the hell. Wanna have sex?”¹⁰⁸

In communications that followed, according to the arrest report, Mr. Juneau and officer-in-persona arranged a time and place to meet in Montgomery County. It added that Mr. Juneau noted that the trip would take him an hour by driving (he was coming from Sugar Land) and that he would be purchasing condoms along the way. Thereafter, the report recounted, Mr. Juneau by text “communicated about having sex with the minor persona,” adding that he wrote “I want to try [oral sex] on someone . . . [and] bondage stuff, too.”¹⁰⁹

Following arrest, the report continued, Mr. Juneau “admitted to speaking to a female who he believed to [be] 15 years of age,” that “the communications were sexual in nature and stated [that] he wanted a sexual encounter,” “that he was going to have a sexual encounter with the 15 year old female,” that “he brought condoms

¹⁰⁸ Staff Ex. 4B at Bates 146.

¹⁰⁹ Staff Ex. 4B at Bates 147.

before he c[a]me to the meeting location,” and that he drove from Sugar Land, taking an hour to arrive.¹¹⁰

Staff accuses Mr. Juneau of attempting through his statements to falsely portray a relationship that had developed over several days, in contrast to the arrest-report account of merely one or two days. Similarly, Staff emphasizes Mr. Juneau’s omission of other details included in the police report, like his hourlong drive from Sugar Land for the intended rendezvous, his purchasing of condoms along the way, and his graphic descriptions of desired sexual acts. In fact, Staff insists that Mr. Juneau’s first statement failed to acknowledge his criminal acts at all.¹¹¹

Staff questioned Mr. Juneau regarding his written statements when calling him as a witness during its case. Mr. Juneau acknowledged, as he had written, that he had joined a “Kik” group (a messaging group, similar to Facebook Messenger, he explained) advertised for teens in Northwest Houston, met a person whom he had thought to be a fifteen-year-old female, and, despite knowing that age, continued communicating with her and arranging to meet her for sex (what he had meant by “hook up” in his second statement, he attested).¹¹² When asked about his second-statement reference to not “realiz[ing] something was wrong” until being apprehended at gunpoint, Mr. Juneau testified that he meant that he “didn’t realize this might not have actually [have] been a 15-year-old” (*i.e.*, a sting operation), as

¹¹⁰ Staff Ex. 4B at Bates 147.

¹¹¹ Staff Initial Closing Arg. at 3-5, 7, 10-11.

¹¹² Tr. 37-43.

opposed to being unaware of the wrongfulness of his intended act. On the contrary, Mr. Juneau attested to his belief that meeting a fifteen-year-old for sex was wrong and “[v]ery much so” a serious crime.¹¹³

During this examination, Staff confronted Mr. Juneau about various differences between the content of his statements *vis-a-vis* the arrest report. Regarding how quickly he had inquired about the minor persona’s age, Mr. Juneau testified that he recalled some period of “talk[ing] first” and not learning “her” age until “later,” in contrast to the arrest-report version that Mr. Juneau asked about age as his first question. However, he conceded that if the arrest report “reports it differently, I would assume that [this] is correct.”¹¹⁴ Similarly, when pressed about how quickly he had made a sexual overture, Mr. Juneau maintained that his statement accounts of seven-to-ten days after meeting online had been “based on [his] recollection” but “[i]f the police report states differently, I would say the police report is more accurate.”¹¹⁵ Regarding this deference to the arrest report’s version of the facts, Staff insists that Mr. Juneau, “[w]ith his own words[,] . . . conveyed that he is willing to lie in order to save himself and abandon our society’s trust if he stands to benefit from it.”¹¹⁶

¹¹³ Tr. 37, 43-44.

¹¹⁴ Tr. 44-45.

¹¹⁵ Tr. 45-46.

¹¹⁶ Staff Initial Closing Arg. at 7.

Mr. Juneau also acknowledged that while “there are definitely parts of this arrest and the events leading up to it and past [it] that definitely stick with me,” he had not remembered some other details of those events.¹¹⁷ From this, Staff attempts to insinuate that Mr. Juneau had been selectively strategic in the facts he had purported to recall.¹¹⁸

C. 2017 MISDEMEANOR CHARGE AND RELATED MATTERS

A third primary point of emphasis in Staff’s case relates to a second criminal charge that had been brought against Mr. Juneau during the pendency of his online-solicitation charge.

1. Background

In early October 2017, Mr. Juneau was arrested by Houston Police Department officers on a charge of online harassment, a Class B misdemeanor that he had allegedly committed earlier that year.¹¹⁹ The underlying acts violated Mr. Juneau’s bond conditions on his online-solicitation charge (which had barred him from Internet access), resulting in the revocation of that bond and his confinement in the Montgomery County Jail until the time of his May 2018 plea and deferred-adjudication order.¹²⁰ Moreover, the community-supervision terms and conditions ultimately imposed for the online-solicitation offense would include a

¹¹⁷ Tr. 46-47.

¹¹⁸ See Staff Initial Closing Arg. at 11.

¹¹⁹ See Tex. Penal Code § 42.07.

¹²⁰ Tr. 47-48, 52-53; Staff Ex. 4A at Bates 141; Staff Ex. 6 at Bates 192.

prohibition barring Mr. Juneau from contacting the alleged victim of his online harassment.¹²¹ However, the online-harassment charge itself was ultimately dismissed.¹²²

Consequently, there is neither a conviction nor deferred adjudication for online harassment that could potentially serve as an independent ground for denying Mr. Juneau's license application.¹²³ Likewise, because the "arrest [for online harassment] did not result in [Mr. Juneau's] conviction or placement on deferred adjudication community supervision," Texas Occupations Code Section 53.0232 prohibits TDI from considering it "[f]or purposes of determining [Mr. Juneau's] fitness to perform the duties and discharge the responsibilities of the licensed occupation."¹²⁴ Accordingly, while Staff originally pleaded that Mr. Juneau's arrest for online harassment was material "criminal history,"¹²⁵ it ultimately came to concede that TDI could not rely on the 2017 arrest, *per se*, as a ground for denying Mr. Juneau's license application, nor as additional "criminal history" in the Section 53.023(a) fitness analysis with respect to his online-solicitation offense.¹²⁶

¹²¹ Staff Ex. 6 at Bates 185, 192.

¹²² Staff Ex. 4A at Bates 141-42. According to Mr. Juneau, prosecutors perceived that pursuing the misdemeanor charge would have "no real impact on [his] situation," given that he was already being placed on community supervision for a second-degree felony. *Id.*

¹²³ Nor, for that matter, has TDI listed the offense of online harassment as one of its "guideline" crimes. *Compare* 28 Tex. Admin. Code § 1.502(f).

¹²⁴ Tex. Occ. Code § 53.0232.

¹²⁵ Staff Ex. 1 at Bates 15-13.

¹²⁶ *See* Staff Initial Closing Arg. at 5, 16; Staff Resp. Closing Arg. at 3, 7.

However, Staff presented three categories of evidence relating to the 2017 arrest that it views as falling outside Section 53.0232's prohibition: (1) evidence about the nature of Mr. Juneau's underlying acts that gave rise to the charge; (2) evidence about Mr. Juneau's conduct during the ensuing police investigation, including, with particular emphasis, that Mr. Juneau initially attempted to lie to officers to conceal his responsibility; and (3) evidence that Mr. Juneau provided TDI a written statement that, in Staff's view (and consistent with Staff's portrayal of Mr. Juneau's statements about his 2015 offense), "misrepresent" and "downplay" his role in the 2017 events.

As it implicates the grounds for denial it has pleaded, Staff perceives this evidence to represent additional "misrepresentations"/"dishonest conduct"/lack of honesty, trustworthiness, and reliability—in Section 53.023(a) terms, "[bad] conduct . . . of [Mr. Juneau] before and after the criminal activity" (his 2015 online-solicitation offense)—that should weigh against his fitness under the Section 53.023(a) analysis and warrant TDI's ultimate denial of licensure based on that offense. Staff's evidence relating to the content of Mr. Juneau's written statement made in 2025 concerning the 2017 events would also go to its independent ground that he attempted to obtain a license by misrepresentation. However, alleged statements or other acts by Mr. Juneau in *2017* could not, in themselves, be any attempt by Mr. Juneau to obtain a license by misrepresentation, as they preceded by several years the application he first filed with TDI in 2024.

Staff's evidence to these ends came in four chief forms:

- **Mr. Juneau’s Statement.** The written statement on which Staff relies was elicited by the same January 29, 2025 email that elicited Mr. Juneau’s second written statement about his online-solicitation offense. Enforcement attorneys directed Mr. Juneau to “provide a detailed description of the circumstances, arrest, and criminal disposition of [his] arrest for misdemeanor harassment in Harris County, Texas, on or around April 24, 2017 [sic],” as well as “the arrest report and all criminal court records associated with this arrest.”¹²⁷ Mr. Juneau provided the requested description within the same document containing his second statement about the 2015 offense, Staff Exhibit 4A.
- **Mr. Juneau’s Testimony.** Staff elicited testimony from Mr. Juneau regarding his statement, the acts that gave rise to the online-harassment charge, and his conduct during the police investigation.¹²⁸
- **Detective Farrell’s Testimony.** Staff witness Devin P. Farrell, the Houston Police Department detective, conducted the investigation that led to Mr. Juneau being arrested and charged with online harassment. Det. Farrell testified about that investigation, which included a face-to-face interview with Mr. Juneau, and the results.¹²⁹
- **Investigative Report.** During the course of his investigation, Det. Farrell prepared a report summarizing his findings, conclusions, and the evidence he compiled. Staff offered this document as its Exhibit 5.

Mr. Juneau’s written statement about the 2017 charge came into evidence without objection as part of Staff Exhibit 4A. However, Mr. Juneau objected to the admission of Det. Farrell’s investigative report (Staff Exhibit 5), urging that Staff

¹²⁷ Staff Ex. 4 at Bates 115-16. April 24, 2017, was apparently the date of the victim’s initial report to law enforcement; the arrest came later.

¹²⁸ Tr. 47-57.

¹²⁹ Tr. 59-74.

was improperly attempting to present evidence of a mere arrest and that even a conviction for the Class B online-harassment offense would not be a valid basis to deny licensure.¹³⁰ In response to Mr. Juneau’s objections—and, also, the ALJ’s expressed concerns about potentially violating the prohibition in Section 53.0232—Staff insisted that it was not attempting to rely on Mr. Juneau’s “arrest itself,” but instead to present evidence of the “underlying conduct” reflecting “misrepresentation” and “dishonesty” by Mr. Juneau.¹³¹

After hearing argument on the objections, the ALJ ruled that Staff Exhibit 5 would be admitted for the limited purpose of permitting Staff to attempt to prove that Mr. Juneau’s written statement about the 2017 events contradicted what had actually occurred, from which Staff would infer misrepresentation or other dishonesty in that statement.¹³² The ALJ reasoned that this use of the evidence, though mentioning 2017 acts and events, was aimed at showing “misrepresentations” by Mr. Juneau in 2025, and as such could not be considered any misuse of Mr. Juneau’s 2017 “arrest” either as a separate ground for denying his license or as “criminal history” in the Section 53.023(a) fitness analysis. Rather, the evidence would go to Staff’s theory that Mr. Juneau, in 2025, had attempted to obtain a license from TDI by misrepresentation and made a misrepresentation that could be considered as bad conduct under Section 53.023(a).

¹³⁰ Tr. 9-11.

¹³¹ See Tr. 12-19.

¹³² Tr. 17, 19, 27, 73.

The ALJ's limiting instruction was predicated on an initial misunderstanding that Staff was pursuing merely a variant on the same "material misstatements"/"attempts to downplay" theory addressed in the preceding section, just concerning a different written statement.¹³³ In hindsight, with a clearer understanding of Staff's position, the ALJ would have also taken account of Staff's other aims in using evidence of the 2017 events. However, most if not all of the material facts contained within Staff Exhibit 5 on which Staff would rely for broader purposes ended up coming into evidence independently through alternative means, including Mr. Juneau's own statement and testimony, or otherwise without objection. But whether framed in terms of the admissibility of evidence or the competence of evidence already admitted, the controlling issue reduces to whether and the extent to which TDI may consider that evidence in light of the substantive legal limitations imposed by Section 53.0232.

Accordingly, the ALJ will address that question as a threshold matter, as it will necessarily frame (and could conceivably even obviate the need for) any detailed discussion of that evidence.

2. Section 53.0232's Implications

At this juncture, Mr. Juneau does not appear to contest the ALJ's prior determination, reflected in his limiting instruction, that Staff could use its evidence of Mr. Juneau's 2017 acts to the extent of attempting to prove 2025 misrepresentation without running afoul of Section 53.0232. But using the evidence

¹³³ See Tr. 21.

of 2017 events to prove *2017* acts to be held against him as ends in themselves, in Mr. Juneau’s view, equates to improperly considering his “arrest.” Staff, in contrast, would distinguish Mr. Juneau’s arrest, *per se*, from his “underlying conduct,” and insists that Section 53.0232 does not bar TDI from considering the latter.

Section 53.0232, again, prohibits a licensing authority from considering, in its evaluation of a person’s fitness for licensure, “an *arrest* that did not result in the person’s conviction or placement on deferred adjudication.”¹³⁴ Consequently, Section 53.0232 would plainly bar a licensing authority from relying upon the mere fact of an arrest as singularly determinative of whether a person had actually committed an alleged offense (as with a conviction), or even as proof or indicia of the offense, or otherwise as a factor weighing against a person’s fitness for licensure. But while making such use of an “arrest” off-limits, the statutory text says nothing about prohibiting consideration of *conduct* committed before or after arrest (or, for that matter, even during arrest) in the Section 53.023(a) fitness inquiry. Section 53.0232 would not prohibit, for example, consideration of evidence tending to show, independently from the fact of arrest, that the person had actually committed criminal acts or other bad conduct that would properly be weighed in the Section 53.023(a) analysis.

¹³⁴ The principles that guide the ALJ’s construction of Section 53.0232 and other statutes, as well as agency rules, are discussed in Part V.

Moreover, were Section 53.0232 to somehow be read also to exclude consideration of such conduct underlying or accompanying an arrest, not just the arrest in itself, it would have the anomalous result of making the fact of an arrest an affirmative *advantage* as compared to not being arrested for the same underlying acts. This would be so because getting arrested would effectively preclude consideration of underlying or related conduct that would otherwise be considered under Section 53.023(a) had the arrest not occurred.

Staff is not seeking to have TDI rely on the fact that Mr. Juneau was arrested in 2017; in fact, it affirmatively disclaims any such intent, and that the arrest occurred is no more than an immaterial peripheral circumstance in the logic of Staff's arguments. Instead, Staff is seeking, again, to rely on evidence of Mr. Juneau's underlying acts leading to his arrest and his conduct during the ensuing police investigation (not the arrest itself) as "conduct . . . of [Mr. Juneau] before and after the criminal activity" (his 2015 online-solicitation offense) that can validly be considered under the Section 53.023(a) analysis and in TDI's ultimate decision whether to deny licensure based on that offense. While there is certainly room for debate as to how heavily these 2017 acts should weigh in that analysis (as the ALJ will explore subsequently), the salient point for now is that Section 53.0232 does not bar TDI from considering them in that context.

Accordingly, the ALJ now turns to a discussion of the evidence Staff presented regarding those 2017 acts, as well as the specifics of Mr. Juneau's written statement about them.

3. 2017 Underlying Acts

The basic circumstances of Mr. Juneau’s underlying acts were materially undisputed factually and acknowledged by Mr. Juneau in his testimony, written statement, or both. In 2017, with his online-solicitation charge looming but still being free on bond, Mr. Juneau started going to a Lifetime Fitness gym and became acquainted there with a female employee, identified at the hearing as “RG,” who worked in a front-desk or other forward-facing role entailing frequent interactions with customers. What Mr. Juneau would later recognize to be mere workplace greetings and passing hellos from employee RG to him as a customer were misperceived as a deeper personal connection—influenced, he thought, by his Asperger’s and isolated loneliness—and he had reached out to RG online in the hope of forming a friendship. RG’s response to this overture was, initially, to evince that she did not even know who he was, and then, once informed, to bluntly tell Mr. Juneau to leave her alone and to block him.¹³⁵

In his testimony elicited by Staff, Mr. Juneau recounted “hard to describe” “pain” and “hurt,” and his statement spoke of feeling “devastated.”¹³⁶ And, in that emotional state, as Mr. Juneau put it, he “lashed out.”¹³⁷ On April 24, 2017, Mr. Juneau went onto Craigslist and posted an ad purporting to be under the name

¹³⁵ Tr. 48-49; Staff Ex. 4A at Bates 139-40; Staff Ex. 6 at Bates 173, 177.

¹³⁶ Staff Ex. 4B at Bates 140.

¹³⁷ Tr. 50; Staff Ex. 4B at Bates 140.

of RG and directing responses to her Facebook page. The ad stated (with some redactions to obscene words):

A bit about me. I'm in my early 20's, slim, and about 5'9". Now that that's out of the way, I'm looking for anyone to f*** me. Literally anyone. Send me d*** pics on my fb page so I can see what I'll be riding. :) (p.s., I LOVE bushy c*** pics!)¹³⁸

Staff urges this “prior serious bad conduct” by Mr. Juneau reflects “dishonest character” and “a person that, when he didn't get his way, chose to subject another person to online harassment.”¹³⁹

4. 2017 Police Investigation

The ad generated multiple (and unwelcome) communications to RG's Facebook page, leading her to discover the Craigslist ad. She reported the incident to law enforcement, and Det. Farrell was subsequently assigned to investigate. Initially the perpetrator's identity was unknown, but through records subpoenas Det. Farrell was able to trace the ad to an IP address, email and Craigslist accounts, and ultimately to a physical location—the Sugar Land home of Mr. Juneau's parents, Gary and Suzanne Juneau, where Mr. Juneau also resided at the time. The accounts had also been created under Gary Juneau's name, yet context had led Det. Farrell to suspect that a younger male had been the actor.¹⁴⁰

¹³⁸ Staff Ex. 6 at Bates 153-54; *see also* Tr. 50; Staff Ex. 4B at Bates 140.

¹³⁹ Staff Resp. Closing Arg. at 7-8, 11.

¹⁴⁰ Tr. 61-64, 66.

Eventually, in mid-September 2017 (the subpoenas and other investigative processes had taken several months), Det. Farrell was able to arrange through Gary Juneau a meeting with him and Mr. Juneau in their Sugar Land home. By all accounts, including his own, Mr. Juneau initially denied—falsely—having any involvement in posting the Craigslist ad regarding RG.¹⁴¹ As Mr. Juneau put it, “I lied initially because I was [out] on bond and my attorney for the 2015 case told me there was a strong possibility that the case would be dismissed and I was very fearful that Houston police and Montgomery police would communicate and that chance of dismissal would evaporate.”¹⁴²

However, after being confronted with indicia persuading him that Det. Farrell had implicated him in the posting, Mr. Juneau asked to speak to his father privately, and the two proceeded to the home’s backyard.¹⁴³ Upon their return a few minutes later, Mr. Juneau admitted that he had made the posting (and, in Det. Farrell’s telling, also apologized for or professed to “cut” his earlier “bullsh*t”).¹⁴⁴ Det. Farrell further recounted in his report that Mr. Juneau told him that he had acted impulsively after being rejected by RG, felt regret, and wanted to apologize to RG but did not know how to do so in that situation.¹⁴⁵ Det. Farrell also asserted that Mr. Juneau claimed to have taken down the RG ad himself within a few hours of

¹⁴¹ Tr. 53-57, 68-69; Staff Ex. 5 at Bates 176-77.

¹⁴² Tr. 57.

¹⁴³ Tr. 54, 69; Staff Ex. 5 at Bates 177.

¹⁴⁴ Tr. 69; Staff Ex. 5 at Bates 177.

¹⁴⁵ Staff Ex. 5 at Bates 177.

posting, while the records showed, to the contrary, that the ad had been removed by Craigslist personnel.¹⁴⁶ During his testimony, Mr. Juneau attested that he “recall[ed] deleting it” (the ad) but acknowledged that his “memory might not be accurate for that.”¹⁴⁷

With reference to this evidence regarding the 2017 police investigation, Staff urges that Mr. Juneau, “[w]ith his own words, . . . conveyed that he is willing to lie to save himself.”¹⁴⁸

5. 2025 Statement

Now moving ahead to much more recent events, Mr. Juneau recounted in his 2025 statement that, back in 2017, he had been experiencing “fear” and “uncertainty” regarding his still-pending online-solicitation charge and its potential consequences for his life. This was coupled, he added, with a “soul crushing loneliness” because the charge had alienated his “few” former friends and church colleagues and he already had difficulty in forming new friendships. His “only support system” he had left, as he put it, were his parents, but only out of what he perceived to be their sense of obligation. In that context, according to Mr. Juneau:

At some point during this time, I started going to Lifetime Fitness. That’s where I first encountered [RG]. She worked at the front desk, and what immediately stood out to me was that she *acknowledged* me.

¹⁴⁶ Tr. 69-70; Staff Ex. 5 at Bates 177.

¹⁴⁷ Tr. 50-51.

¹⁴⁸ Staff Initial Closing Arg. at 14.

She smiled and greeted me every time I walked in. It was such a simple thing, but I hadn't experienced that kind of human warmth in years.

Looking back, I can see how my Asperger's may have influenced my perception of our interactions. I had gone too long without any kind of real connection that I latched onto her kindness. To her, she was being friendly. But to me, it felt like something more personal than it was.

Despite my desire to build a friendship with [RG], our interactions never moved beyond basic greetings. However, after several months, I decided to reach out to her on Facebook. I wanted to take a step beyond small talk—to actually talk, to get to know her, to be her friend.

When she responded, it was immediately clear that she didn't recognize me. Examining the message I sent, I realized I hadn't explained who I was very well. I sent a follow-up message clarifying that we had met at Lifetime Fitness.

Her reply was direct—she told me to leave her alone and then blocked me.

I was devastated. It wasn't just that she didn't want to talk to me; it felt like she had rejected me as a *person*. I had put myself on the line, trying to form some kind of human connection, and I was shut down immediately. It felt like a confirmation of everything I had feared about myself—that no matter how much I wanted to connect with others, I wasn't capable of doing it the right way.

In that moment, I wasn't thinking rationally. I acted purely on emotion. Hurt and frustrated, I made a terrible decision. I created a Craigslist post pretending to be her, directing strangers to message her on Facebook. I wasn't thinking about consequences—I was reacting, trying to regain some control over a situation where I had felt powerless.¹⁴⁹

¹⁴⁹ Staff Ex. 4A at Bates 139-40.

Mr. Juneau then provided the following summary of the ensuing law-enforcement investigation:

[RG] reported the incident to the police, and they investigated. I wasn't arrested immediately, but when law enforcement came to speak with me, I told them exactly what had happened and why. They mentioned that my cooperation would be taken into consideration, and then they left.¹⁵⁰

Staff accuses Mr. Juneau, in his above account of his “terrible decision” to “create[e] a Craigslist post pretending to be [RG] [and] directing strangers to message her on Facebook,” of purposefully “le[aving] out key details,” “fail[ing] to honestly describe the offense,” and “watering down the facts to . . . make his actions look less severe”—namely, he did not explicitly or sufficiently (in Staff’s view) convey the graphic, obscene nature of the ad’s content.¹⁵¹ Staff similarly faults Mr. Juneau for omitting explicit mention that, before he “told [the officers] exactly what had happened and why,” he had initially attempted to falsely deny any wrongdoing.¹⁵²

D. “LIAR, LIAR . . . !”

A final primary theme of Staff’s case is to the effect that the asserted “misrepresentations”/“dishonest conduct”/lack of honesty, trustworthiness, and reliability discussed in the preceding sections bespeak a years-long and

¹⁵⁰ Staff Ex. 4A at Bates 140.

¹⁵¹ Staff Initial Closing Arg. at 7-8; Staff Resp. Closing Arg. at 8-9.

¹⁵² Staff Initial Closing Arg. at 8.

still-continuing pattern of behavior by Mr. Juneau that extends beyond merely the sum of those parts and weighs against his fitness for licensure today. Staff describes this pattern as a “tendency to lie in order to make his actions seem less serious, to avoid taking responsibility for his actions, and to adjust his appearance to whatever form gets him what he wants.”¹⁵³

In fact, Staff insists, Mr. Juneau “routinely deceives, misrepresents, and leaves out key details” to “make his actions look less severe” even with “the people he holds closest to himself” — his family members and other witnesses who testified and/or wrote recommendation letters in support of his licensing.¹⁵⁴ Attempting to develop some evidentiary support for that inference would be a key focus of Staff’s cross-examination of Mr. Juneau’s witnesses.

IV. MR. JUNEAU’S CASE

Mr. Juneau disputes that Staff met its initial burden to prove that his criminal history met the requirements the Legislature has imposed for denying his application on that basis (*e.g.*, being “directly related” to the business of insurance) and termed Staff’s “misrepresentation” theories “specious.”¹⁵⁵ In terms of his own evidence at the hearing, however, it was aimed principally at the Section 53.023(a) factors that the ALJ would reach if Staff met its initial burden on criminal history. The basic

¹⁵³ *See, e.g.*, Staff Initial Closing Arg. at 10-14, 17-18; Staff Resp. Closing Arg. at 8-12.

¹⁵⁴ Staff Initial Closing Arg. at 12-14; Staff Resp. Closing Arg. at 9-11.

¹⁵⁵ Defendant’s Closing Argument (Juneau Initial Closing Arg.) at 4, 29-33.

theme was that “[t]he Evan Juneau of today bears no resemblance to the man” who offended “10 plus years ago,” but is instead a person of “high character,” “integrity,” and “honesty,” for whom there would presently be no legitimate basis for TDI to deny licensure.¹⁵⁶ Mr. Juneau emphasized what he regards as “eight years of exemplary conduct and successful rehabilitation”¹⁵⁷ achieved and/or reflected through therapy, college educational achievement, employment history, full compliance with his demanding deferred-adjudication terms and conditions (including passing all required polygraphs), and—since 2023—a happy and successful marriage.¹⁵⁸

To these intended ends, Mr. Juneau offered nineteen exhibits, seventeen of which were admitted and the remaining two (both TDI publications relating to the agency’s treatment of criminal history in licensing) were officially noticed.¹⁵⁹ The admitted exhibits consisted chiefly of documents aimed at demonstrating his rehabilitation or rehabilitative efforts, including records from his therapy program;¹⁶⁰ documentation reflecting that he has been passing all of the polygraphs required

¹⁵⁶ *E.g.*, Juneau Initial Closing Arg. at 2-3.

¹⁵⁷ Defendant’s Reply to TDI Closing Argument (Juneau Resp. Closing Arg.) at 7.

¹⁵⁸ Juneau Initial Closing Arg. at 12-16; Tr. 145-47.

¹⁵⁹ Tr. 27-32. As Staff pointed out, the two TDI publications predated more recent amendments to relevant statutes and rules. Accordingly, the ALJ took official notice of these documents as concerning merely the statutes and rules in effect at the time of publication, but has based his analysis on the current, applicable versions of those enactments.

¹⁶⁰ Juneau Exs. 6-8.

under his community-supervision terms and conditions;¹⁶¹ a college transcript;¹⁶² a resume;¹⁶³ and eight recommendation letters.¹⁶⁴ Mr. Juneau also presented testimony from six witnesses: himself; his mother and father, Gary and Suzanne Juneau; his wife, Rachel Juneau; and two of the persons who had written recommendation letters in support of him, Gaye Jackson and C. Chappell Temple, Ph. D.

A. MR. JUNEAU’S TESTIMONY & RELATED EXHIBITS

Mr. Juneau began by fixing blame for his online-solicitation offense on “[m]yself and solely myself,” adding that he had “never” wavered from that view. Nor, Mr. Juneau testified, had he ever hidden the episode from teachers, employers, friends, or others having a role in his life, but had instead divulged it. And he denied any effort to hide it from TDI.¹⁶⁵

Regarding his Asperger’s Syndrome, Mr. Juneau attested to his understanding that it “is a condition where I don’t understand . . . social interactions very well, for example, tonality of body language or what might be appropriate or inappropriate to talk about with friends,” but is “not an intelligence thing or anything along those lines.” He acknowledged that Asperger’s did not prevent him

¹⁶¹ Juneau Ex. 4.

¹⁶² Juneau Ex. 5.

¹⁶³ Juneau Ex. 10.

¹⁶⁴ Juneau Ex. 11-17, 19. Mr. Juneau’s remaining exhibits are copies of his community-supervision terms and conditions (Ex. 3); his sex-offender-registry information (Ex. 9); and the January 22, 2024 letter from TDI staff noting that he had disclosed criminal history and requesting additional information (Ex. 18). Exhibits 3 and 18 are also included within Staff’s exhibits, as noted previously.

¹⁶⁵ Tr. 148-49.

from doing right or wrong, and that he had known that he was doing wrong when he solicited a person thought to be a minor girl in 2015.¹⁶⁶

Mr. Juneau then turned to what he regarded as his journey toward rehabilitation, a process he had also described in the document containing his 2025 written statements to TDI.¹⁶⁷ The catalyst for change, according to Mr. Juneau, came after he had been arrested in 2017 on the online-harassment charge, conduct that also violated his bond conditions on the then-pending 2015 online-solicitation charge. He recounted that he had gone with his parents to the Montgomery County Courthouse regarding the bond conditions and were informed by his defense attorney that he was likely “going away” (to jail) for a long time. This news, Mr. Juneau testified, caused his father Gary, who “never cries” and whom Mr. Juneau had ever seen cry only a single time previously (at the funeral of Gary’s mother), to begin crying. It was at that moment, Mr. Juneau attested, he realized how “bad” the situation was, that he “needed to change” for the better, and that he resolved to do so. (And, by that point in his testimony, Mr. Juneau was also crying himself.)¹⁶⁸

¹⁶⁶ Tr. 149-50.

¹⁶⁷ See Staff Ex. 4A at Bates 140-44.

¹⁶⁸ Tr. 153. As Mr. Juneau described these events in his 2025 written account:

It was in that instant [after his father began crying], more than any other, that I realized just how monumentally serious this was. I couldn’t take back what I had done. There was no fixing it.

But I could make sure this was the last time my dad ever cried because of me.

I made a silent promise to myself in that moment. No matter what happened next, no matter how long it took, I would change. I would be better. I didn’t know how yet but I *would* find a way.

Staff Ex. 4A at Bates 140.

After his bond conditions were revoked, Mr. Juneau further testified, he was jailed for what turned out to be nine months leading up to his May 2018 guilty plea and deferred-adjudication order. All but “the first couple of days” in jail were spent in solitary confinement, a safety measure thought “prudent” after another inmate had attacked him. Thus, lacking “a whole lot to do” aside from one daily hour of “outside time,” according to Mr. Juneau, he availed himself of the opportunity for self-reflection, studying the Bible and other books, and “just thinking of how I can improve.”¹⁶⁹

Thereafter, Mr. Juneau attested, he has complied fully with the terms and conditions of his deferred-adjudication order, including monitoring of his cellphone, computer, and Internet access; regular visits to his probation officer; passing semiannual polygraphs; and movement limitations that largely confine him to his home and preclude “Uncle Evan” from visiting even his young relatives or the mall.¹⁷⁰ They have also required him, since February 2019, to undergo therapy with Vivian Lane, a licensed professional counselor and licensed sex-offender treatment provider with the Greater Houston Psychological Institute. The therapy has entailed attending weekly group sessions for one-and-a-half hours each—*i.e.*, hundreds of

¹⁶⁹ Tr. 150-51. In his 2025 written statement, Mr. Juneau elaborated that the books he studied addressed “human psychology, body language, social skills, and faith—anything that might help me understand what I had been missing all my life”; explained to him “cognitive biases, behavioral triggers, and how emotions drive decision-making”; and brought him to the “revelation and painful truth” of “just how much I had misunderstood the way people worked.” Staff Ex. 4A at Bates 141.

¹⁷⁰ Tr. 151-53, 180.

sessions lasting still more hundreds of hours—and also “homework” in which he is to apply learned concepts or techniques on his own.¹⁷¹

Mr. Juneau described the content and nature of this therapy at some length, and copies of his individualized treatment plan and two most recent annual progress reports were also in evidence.¹⁷² To summarize, the therapy has entailed disclosing and taking ownership of his offense rather than denying it (which he claimed to have done immediately); psychologically unpacking and understanding the life experiences, thought processes, and “triggers” that led him to offend and could risk setting him on a path to reoffend; and developing techniques to head off the risk. A key point of emphasis, in addition to personal introspection, has been developing empathy for the person who would be the victim and the impact on them.¹⁷³

Mr. Juneau credited the therapy with making a “[n]ight and day difference” in him and being, along with wife Rachel, “the biggest drivers in the change I have demonstrated.”¹⁷⁴ He also attested that he is not only on track to complete the therapy program, but actually finished all of his “homework” for the entire program four or five years early, such that he has been requesting extra “homework” to aid and inform how he addresses issues arising in his day-to-day life, such as grief (a topic to which he would return later in his testimony). Mr. Juneau added that he is being

¹⁷¹ Tr. 153-63; *see also* Juneau Ex. 19 (recommendation letter from Ms. Lane).

¹⁷² Juneau Ex. 6 (individualized treatment plan); Juneau Ex. 7 (2024 annual progress report); Juneau Ex. 8 (2025 annual progress report).

¹⁷³ Tr. 153-63; *see also* Juneau Ex. 19.

¹⁷⁴ Tr. 163-64.

considered for placement on “maintenance,” requiring attendance at sessions only every other week, a step usually reserved for participants within their final year of the program.¹⁷⁵

Ms. Lane’s written comments on the annual progress reports in evidence echo that Mr. Juneau “is on track for successful discharge,” “is doing well in treatment,” “continues to request assignments to complete on his own time,” and “is able to identify issues, especially those that deal with relationships[,] and work through them.”¹⁷⁶ Ms. Lane also wrote a recommendation letter in February 2025 stating, similarly, that Mr. Juneau had “made significant progress in treatment”; “been consistently dedicated to internalizing treatment concepts and making the necessary improvements that have allowed him to remain on track for successful discharge”; and exhibited a “work ethic” and “demonstrated commitment to change” that have “helped him to complete many treatment assignments early.”¹⁷⁷

Mr. Juneau next testified concerning his efforts in college. He recounted that he had been attending Wharton Junior College prior to his online-solicitation arrest and was able to resume his college studies during the fall of 2019 (the initial total ban on Internet access had precluded it during the first year of his community supervision), initially at Houston Community College (HCC). Mr. Juneau desired to return to college, he explained, because his father “had drilled into him” that

¹⁷⁵ Tr. 162-65.

¹⁷⁶ Juneau Ex. 8 at Bates 6; Juneau Ex. 7 at Bates 6.

¹⁷⁷ Juneau Ex. 19.

going to college “shows discipline” and he also perceived that a degree was necessary “to get your foot in the door” in business unless you were launching your own enterprise, which he lacked the funds to do. He attended HCC in person, which required him to obtain court permission entailing approval of a “safety plan” he devised that detailed his times of arrival and departure at HCC, what he would be doing while there, and how he would respond to various contingencies that could result in “incidental contacts” prohibited by his terms and conditions (*e.g.*, waiting until a restroom had emptied of other persons before using it or leaving a room if someone brought a child there). Mr. Juneau would go on to graduate HCC in the spring of 2021, earning an associate degree in business with highest honors and a 3.92 grade point average (GPA).¹⁷⁸

After HCC, Mr. Juneau continued his college pursuits at the University of Houston (UH), which entailed a similar process of required court approvals and also registration each semester with that institution’s safety officer.¹⁷⁹ He observed that the student body’s size, “40,000 people all at once,” was “a bit overwhelming,” but attested that his therapy, particularly “the empathy” component, had aided him in navigating “the pretty significant amount of social interaction” and even making friends who would later attend his wedding to Rachel. As Mr. Juneau put it, “I realized that people just want to be heard and that it doesn’t do me any benefit to

¹⁷⁸ Tr. 165-68; Juneau Ex. 10.

¹⁷⁹ Tr. 169; *see also* Juneau Ex. 9 at Bates 6-7 (correspondence reflecting Mr. Juneau’s registration with UH each semester).

just talk about myself,” so he “listened to people and learned a lot about them and became friends with them.”¹⁸⁰

Mr. Juneau would go on to earn an undergraduate degree from UH’s Bauer College of Business, graduating in December 2023 with a major in marketing, minor in sales, and a 3.5 GPA.¹⁸¹ Along the way, Mr. Juneau testified, he “fell in love” with “selling” and gained admission into the highly competitive (only about 55 or 60 students admitted each semester) “Program for Excellence in Selling,” where he obtained over 200 hours of experience in making real-world live sales to companies.¹⁸² Antara Mohsin, who stated that he had “coach[ed]” Mr. Juneau in the Program for Excellence in Selling and also became “a mentor,” wrote a recommendation letter “attest[ing] to [Mr. Juneau’s] outstanding character, strong work ethic, and commitment to everything he puts his mind to.” He added that Mr. Juneau “has consistently demonstrated continuous attention to detail and deep understanding of ethical principles”; “approaches each person he interacts with and each task he is responsible for with kindness and dedication;” and is “open to constructive criticism to better himself each day.”¹⁸³ Another UH faculty member, Associate Professor Johannes Habel, wrote that he had taught Mr. Juneau in his Spring 2023 Digital Sales class and, “based solely on my academic interactions with Mr. Juneau and his performance in my class,” could “attest to [Mr. Juneau’s]

¹⁸⁰ Tr. 169-70.

¹⁸¹ Tr. 170; Juneau Ex. 5.

¹⁸² Tr. 171-72; Juneau Ex. 10.

¹⁸³ Juneau Ex. 12.

commitment to bettering himself and his conscientious approach to his studies and professional growth.” Professor Habel further praised Mr. Juneau for having “consistently demonstrated a high level of engagement, punctuality, and a deep commitment to his academic and professional development”; being “the first student to arrive in class sessions, actively participating and contributing thoughtful insights that enhanced our class discussions”; and “often” seeking feedback outside of class hours.¹⁸⁴

Also, as a component to one of his early UH classes, Mr. Juneau had his “very first internship,” a placement with a nonprofit organization, Shelters to Shutters, then run by Executive Director Gaye Jackson (who would later write a recommendation letter and also testify on Mr. Juneau’s behalf during the hearing). Mr. Juneau recounted that he had chosen Ms. Jackson’s organization over various other options because her work, “helping the homeless,” was “very, very important to me,” as he believed he would have ended up homeless himself “because of what I had done” if not for his parents. Although the internship lasted only one semester, Mr. Juneau testified that he continued working with Shelters to Shutters as a volunteer for approximately another two years thereafter, handling a newsletter the organization issued and assisting with events. According to Mr. Juneau, he had confided in Ms. Jackson “very early on . . . what I had done in 2015,” and she had responded not by condemning him as a “terrible person or anything like that,” but

¹⁸⁴ Juneau Ex. 13.

by assuring him, “I can tell that this is not who you are today.” “And that just meant the world to me,” he stated.¹⁸⁵

Following his graduation from UH, Mr. Juneau recounted, he began working in January 2024 for Symmetry Financial Group, an insurance company, in a remote position in which he assisted in securing appointments from “warm leads.”¹⁸⁶ It was during this period that Mr. Juneau applied to TDI for a life-agent license, and the agency’s proposal to deny his license and delay thereafter would ultimately prompt him to “step away . . . to get this sorted out.”¹⁸⁷ In the meantime, according to Mr. Juneau, he had almost-daily contact with Grant Leber of the Leber Agency (apparently a component of Symmetry), a superior who had hired him to his Symmetry position and with whom he would also attend a two-day Symmetry seminar.¹⁸⁸ Mr. Leber would write a recommendation letter for Mr. Juneau in June 2024, attesting that he had known Mr. Juneau “for almost a year” and that Mr. Juneau had “consistently demonstrated honesty, integrity, and a willingness to better himself” that had “helped him build trust with those around him, including myself.” He praised Mr. Juneau for “his honesty” in being “upfront about his past, including a second-degree felony charge” that Mr. Juneau “has chosen to share openly” rather than “hiding” and “taking full ownership of his actions.” Mr. Leber

¹⁸⁵ Tr. 173-74; *see* Juneau Ex. 17.

¹⁸⁶ Tr. 167, 174; Juneau Ex. 10.

¹⁸⁷ Tr. 174.

¹⁸⁸ Tr. 174-75.

urged that Mr. Juneau “should be given the opportunity to have an insurance license and have a fair ‘second chance’ to thrive in the insurance business.”¹⁸⁹

More recently, Mr. Juneau testified, he had been working remotely for No Worry Business Solutions, an “online reputation specialist.” He described his role there as making “cold calls” to companies whom he had identified on Google as having room to improve their online reviews and stars and selling services to “help bump [their] numbers up.”¹⁹⁰ His resume also lists employment between March and December 2023 (during his final year at UH) with AMGE Auto Transport, in a sales representative role.¹⁹¹

Mr. Juneau next addressed the polygraph testing he was required to undergo as one of the terms and conditions of his community supervision. He observed that he has been tested twice annually and that the questions (yes-no) inquire as to whether he had violated any of either the “general conditions” of his supervision (*e.g.*, whether he had any new arrests, used alcohol or drugs, or lied to his probation officer) or the “special conditions” relating to prohibited sexual conduct, conduct with minors, or unmonitored Internet access. He added that the results go to his probation officer and to Ms. Lane, his therapist, and that neither had ever indicated anything wrong with his tests or that he had failed.¹⁹² Documentation included in his

¹⁸⁹ Juneau Ex. 14.

¹⁹⁰ Tr. 172.

¹⁹¹ Juneau Ex. 10.

¹⁹² Tr. 176-77.

exhibits similarly reflect “no deception indicated” (*i.e.*, he had “passed”) on every test administered through July 2025.¹⁹³

Mr. Juneau further testified that while he considered his college and employment to be part of his rehabilitation and that each had afforded him the opportunity to apply lessons learned in therapy, the culminating event in that regard was his marriage to wife Rachel. He recounted that the pair had originally met in a computer class at HCC and had been married, as of time of hearing, for two years and three months. He credited his therapy with aiding the development of their relationship, particularly communication, being “upfront and honest,” and “empathy about how to relate to her.” And, he added, “[t]here has been some grief”—he described, tearfully at times, how the couple had suffered two miscarriages. Though acknowledging that this grief was a “trigger,” Mr. Juneau recounted that he had been able to share his feelings with Rachel and others close to him and “pushed through.” When asked directly whether such grief had caused him to “relapse” (*i.e.*, violate his terms and conditions), Mr. Juneau responded, “No, not even after holding my son” after the second miscarriage.¹⁹⁴ (He would later elaborate that he and Rachel “watch[ed] him pass away in my arms.”)¹⁹⁵

Of final note on direct, Mr. Juneau believed that if he were licensed as a life agent, he would be an asset to the people he served, and that his experiences had

¹⁹³ Juneau Ex. 4.

¹⁹⁴ Tr. 178-83; *see id.* 198.

¹⁹⁵ Tr. 194.

actually made him more so. He added that one of the reasons he still wanted to go into insurance was because Rachel had been widowed and, if not for a life-insurance policy of her late husband, he never would have met her at HCC.¹⁹⁶

Under cross-examination (by Mr. Harry), Mr. Juneau acknowledged that his written statements about the 2015 online-solicitation offense did not include an explicit declaration that “I take full and sole responsibility,” but disputed that this had been asked of him.¹⁹⁷ Regarding the role of Asperger’s in that offense, Mr. Juneau reiterated his view that the condition “is not the fault, but it does play a part,” namely the “missed social cue” of perceiving at the time that it was okay for him to communicate with a fifteen-year-old, a step that he now knows “is not okay.”¹⁹⁸ In response to questioning insinuating that community service equated to the court system not “trusting” him, Mr. Juneau pointed to his full compliance with his terms and conditions for over seven years, passing all polygraphs, *etc.*, and attested to his understanding that Texas law required him to serve the full ten-year term due to the nature of his offense regardless of his performance and was not “a matter of trust.”¹⁹⁹

Mr. Juneau was also asked about “triggers,” and he noted, in addition to grief, the “minor” one of anger and described a technique he used for defusing it that

¹⁹⁶ Tr. 185-86.

¹⁹⁷ Tr. 187-88.

¹⁹⁸ Tr. 189.

¹⁹⁹ Tr. 191-92.

involved visualizing his feet in warm sand at a beach.²⁰⁰ However, Mr. Juneau attested that the most prevalent trigger for him was boredom, to which he would respond by doing “something to put myself in motion,” such as reading a new book or running around the block.²⁰¹

B. MS. JACKSON’S TESTIMONY

Similar to Mr. Juneau’s account, Ms. Jackson attested that she had met Mr. Juneau when he interned with her nonprofit organization. She provided the further context that she had a background in entrepreneurship, having once owned one of the fastest growing businesses in Houston during the 1990s; regarded UH’s Bauer school to be “one of the most respected schools for business, particularly in the state, but well known in the country, too”; and that the internship was a “regular” semester-long course that she graded.²⁰² Ms. Jackson further recounted that Mr. Juneau had been among a group of eight interning Bauer students tasked with devising a marketing plan for her nonprofit and that he had been “the leader,” terming him “more mature than the other ones.”²⁰³

During the internship, Ms. Jackson testified, Mr. Juneau—whom she described as initially “very shy” and “a little uncomfortable”—asked her to help

²⁰⁰ Tr. 193-96.

²⁰¹ Tr. 196-97.

²⁰² Tr. 212-14, 216, 219.

²⁰³ Tr. 213-14; *see* Juneau Ex. 17 (similarly recounting that “Evan turned out to be the lead person on the team as he was dedicated to the project and cause”).

him with networking skills. The two began having a weekly phone call on Friday mornings for about 30 minutes “just to do small talk and learn how to network and get to know people,” such as “things you would say to people sitting next to you” in class.²⁰⁴ Following the internship, she added, Mr. Juneau had offered to volunteer with her organization and been tasked with creating a monthly digital newsletter to send out to the organization’s donors. “He did great” in her view, adding that “it wouldn’t have happened without him,” that his work earned him “volunteer of the month,” and was later replicated in nine other cities. Ms. Jackson also credited Mr. Juneau with compiling and maintaining a database of the organization’s donor contacts.²⁰⁵ And it was evident from Ms. Jackson’s testimony that the two had become personal friends—a “good friend,” as she put it in her recommendation letter²⁰⁶—recounting that Mr. Juneau had told her about Rachel when they had begun dating, she later met Rachel, and she had even seen Rachel’s engagement ring before Mr. Juneau proposed (though she was out of town at the time of their wedding and had to miss).²⁰⁷

Regarding Mr. Juneau’s community supervision and the reasons for it, Ms. Jackson attested that Mr. Juneau had “explained the whole situation to me” and that she “respected him for his honesty” in “reveal[ing] that to a teacher-type or

²⁰⁴ Tr. 218-20.

²⁰⁵ Tr. 212-15, 217; *see* Juneau Ex. 17 (similarly recounting that “Evan agreed to stay on as a volunteer and became the editor of our quarterly newsletter that was a big success in spreading the word in our community”).

²⁰⁶ Juneau Ex. 17.

²⁰⁷ Tr. 218.

mentor-type person.”²⁰⁸ He had also “told me all that had happened” in regarding to the 2017 arrest, she added, and had also discussed with her “some of the issues with Asperger’s, with feeling comfortable around others and that sort of thing.”²⁰⁹ In fact, Ms. Jackson insisted, Mr. Juneau was “honest” and “forthright” with her “more so than he probably even needed to be.”²¹⁰ She termed him “very truthful,” observing that “he did not have to tell me some of the things that he’s told me,” but did “because it was in his heart and his mind that he wanted to be honest and wanted me to know.”²¹¹

Ms. Jackson further termed Mr. Juneau “very respectful” in his interactions with others.²¹² In fact, Ms. Jackson described Mr. Juneau as “one of the kindest men I know,” stating that he had “checked up on me” while she was caring for her mother in hospice, and that she also seen how “loving and caring” he is with Rachel.²¹³ She opined that Mr. Juneau had “matured” and “grown up,” and was “probably a totally different person” than he was when offending.²¹⁴

²⁰⁸ Tr. 215.

²⁰⁹ Tr. 220-21.

²¹⁰ Tr. 216.

²¹¹ Tr. 220.

²¹² Tr. 218.

²¹³ Tr. 222.

²¹⁴ Tr. 222; *see* Juneau Ex. 17 (“The issues of [Mr. Juneau’s] past I feel have absolutely nothing to [do] with the person he is today.”).

Cross-examination by Staff (now Ms. Andrews) elicited additional details about the project that Mr. Juneau and his fellow Bauer interns did for Ms. Jackson, the extent to which they had been in her residence, additional volunteer work they had performed, and whether any children had been present.²¹⁵ Ms. Jackson assured Staff that Mr. Juneau had been in her home and that no children had been present there, nor at fundraising events attended by adults in business suits. She added that Mr. Juneau had been “very conscientious about doing the right thing” in complying with his restrictions.²¹⁶

Staff then turned to a line of questioning about “the particulars,” “specifics,” and “exactly” what Mr. Juneau had told her about the 2015 incident that had caused him to be under community supervision. In response, Ms. Jackson repeatedly emphasized that it was “hard for [her] to remember” such details told to her “a long time ago” and that she was reluctant to attempt to state exactly or quote what Mr. Juneau had said, lest she “say the wrong thing” or (as she understood it) “lie” under oath. However, Ms. Jackson recounted that Mr. Juneau had told her that “he had solicited a minor,” that “[h]e told me what he had asked for” of a minor whom she thought he had told her he thought was 15. When pressed as to whether she knew what online solicitation of a minor was, Ms. Jackson assured Staff that from watching shows like Dateline “that trap the people,” and also living in Houston and

²¹⁵ Tr. 224-30.

²¹⁶ Tr. 277-30.

“see[ing] the raids,” she knew it to be “solicit[ing] someone for sex that you think is underage and that you’re going to meet them.”²¹⁷

Under similar questioning regarding the 2017 incident, Ms. Jackson recalled that “[i]t was very blunt and graphic” and that Mr. Juneau “was caught.” However, as with the 2015 incident, she would not attempt to state verbatim under oath what Mr. Juneau had told her.²¹⁸

C. MS. SUZANNE JUNEAU’S (MOTHER’S) TESTIMONY

Ms. Suzanne Juneau (Suzanne) emphasized that her son, Mr. Evan Juneau, “is responsible one hundred percent” for his online-solicitation offense.²¹⁹ The chief focus of her direct testimony, however, concerned events from 2018 forward. She recounted that, after being discharged from Tangram, Mr. Juneau had resided with her and husband Gary, with at least one of them required to be present with Mr. Juneau at all times. Because their original family home was within the prohibited proximity of a school, this meant that the family had to rent a second residence where Mr. Juneau would live and the two parents would alternate staying with him. The family had continued with this arrangement until mid-2023, when, in connection with his marriage, Mr. Juneau had obtained court permission to live with Rachel and her mother instead.²²⁰ Consequently, Suzanne testified from the perspective not only

²¹⁷ Tr. 230-33.

²¹⁸ Tr. 233-34.

²¹⁹ Tr. 249.

²²⁰ Tr. 248-50.

of the mother of this now-adult son, but one who in combination with her husband had been constantly overseeing him for approximately five years as he underwent therapy, returned to college, met and married Rachel, and other intervening events.

The basic gist of Suzanne’s testimony was that she had observed Mr. Juneau “maturing” and “grow[.]” into a “different man” than she had known in 2015, one whom she “trust[ed] . . . completely now.”²²¹

Under a brief cross-examination (again Ms. Andrews), Suzanne confirmed that she knew Mr. Juneau had been arrested in 2015 for online solicitation of a minor, which she agreed was a serious offense. When asked “what happened” in 2017, Suzanne recounted that law enforcement had “received a complaint from whomever this lady was” that Mr. Juneau “had been saying bad things about her, and so she reported that.” Staff did not inquire further on these topics.²²² In a concluding line of questioning insinuating that Suzanne’s love for her son should be reason to disregard her testimony, she responded, “I am always going to always hold him accountable for his behavior, but that doesn’t mean I don’t love him. I love him, yes; but love . . . can be holding people accountable.”²²³

²²¹ Tr. 250-57.

²²² Tr. 260.

²²³ Tr. 262-63.

D. MR. GARY JUNEAU’S (FATHER’S) TESTIMONY

Mr. Gary Juneau (Gary) testified concerning his son’s arrests in 2015 and 2017, as well as more recent events. Regarding the 2015 incident, Gary recounted that he and his son “really didn’t talk that much about it,” though Mr. Juneau had disclosed details to his lawyer, some of which the lawyer had shared with him. Rather, Mr. Juneau’s “whole thing,” as Gary put it, was that “[h]e was extremely sorry for what he did” and took responsibility for it. Gary agreed that his son was responsible for his 2015 arrest.²²⁴

As for the 2017 arrest, Gary recounted that law enforcement “had evidence that [Mr. Juneau] was on the computer, wrote some letters about this lady who worked at the health club” and Mr. Juneau had “initially denied it.” However, during their private conversation that followed, according to Gary, Mr. Juneau admitted his involvement and that it was he, not Gary, who made the decision to confess. Gary added that his son “was very sorry for what he did.” He also corroborated his son’s account that he and Suzanne would bring Mr. Juneau books during weekend visits to the Montgomery County jail.²²⁵

Following Mr. Juneau’s 2018 release from Tangram, Gary recounted (like wife Suzanne) that the couple had rented a second residence and alternated staying with Mr. Juneau until his 2023 marriage to Rachel, thereby affording Gary the

²²⁴ Tr. 267-68.

²²⁵ Tr. 268-70, 278-79.

opportunity to observe Mr. Juneau throughout that period.²²⁶ He attested to seeing positive change in his son, including his becoming more “responsible,” “a completely different person” in his empathy for others, “cordial,” “helpful,” “engaging in conversation,” expressive of his feelings, and “very loving.”²²⁷ Gary added that he trusted his son to tell the truth today, and that he had not always done so.²²⁸ Regarding Mr. Juneau’s marriage to Rachel, Gary opined that his son “has matured a hundred percent” and that “[t]hey are just like the perfect couple.”²²⁹ He added that the couple’s “very traumatic” experience of two miscarriages (and providing the added details that they had even named the second child and had a “very emotional” burial service for Riley) had not caused Mr. Juneau to violate his terms and conditions.²³⁰ And, Gary further noted that whenever he and Suzanne visited Mr. Juneau and Rachel in their home, Mr. Juneau “says prayers before we eat.”²³¹

The basic gist of Staff’s cross-examination (again Ms. Andrews) was to inquire about the events in 2015 and 2017 and whether Mr. Juneau had been furtive or misleading with his parents back then.²³² Staff also attempted to highlight the fact

²²⁶ Tr. 273-74.

²²⁷ Tr. 275-76, 278, 281-82.

²²⁸ Tr. 278.

²²⁹ Tr. 279.

²³⁰ Tr. 279-80.

²³¹ Tr. 281-82.

²³² Tr. 282-87, 291-93.

that Mr. Juneau had been under community-supervision terms and conditions that required the two-residence, continual-supervision arrangement and other restrictions.²³³

E. MS. RACHEL JUNEAU’S (WIFE’S) TESTIMONY

Ms. Rachel Juneau (Rachel) testified that she had first met Mr. Juneau in January 2020, when the two were students in the same course at HCC and struck-up conversations led to friendship. She described her future husband at the time as “seem[ing] very sweet, kind,” though he “had some problems communicating sometime.” “Pretty early on,” she recounted, Mr. Juneau had told her, “‘You know, I’m enjoying becoming friends with you, but there’s something I want you to know,’” and told her about the incidents in both 2015 and 2017, to be “upfront about it all” and make sure that she “wanted to be his friend, or not, about it.” She recalled that Mr. Juneau “told me that, I think it was in 2015, he was charged with online solicitation of a minor. And then in 2017, it was about an online Craigslist ad. Basically, kinda harassment, I think,” and of a sexual nature. When asked whether this disclosure caused her any hesitation about continuing her relationship with Mr. Juneau, Rachel responded, “not really,” and that she “was very thankful for his honesty,” “felt there was a sincerity in him,” and “really did respect” that “he just wanted to be upfront about this whole situation.”²³⁴

²³³ Tr. 287-90.

²³⁴ Tr. 295-98; *see also id.* 304-05 (specifically denying that she knew Mr. Juneau in 2015 or 2017).

Rachel corroborated various other aspects of Mr. Juneau's testimony regarding his activities during the intervening years, including that he went to weekly therapy sessions; had therapy "homework" that he had completed ahead of schedule; had worked for an insurance agency (which, she noted, Mr. Juneau "greatly enjoyed"); had interned and later volunteered with Ms. Jackson's Shelters to Shutters nonprofit (noting that the cause "was very dear to him" and that Ms. Jackson had become a friend); underwent semiannual polygraphs without any issues; and had complied with his community-supervision terms and conditions.²³⁵ She added that Mr. Juneau had continued to request "homework" assignments, though not required, "simply to . . . make himself a better person and to really progress in life."²³⁶ And Rachel also observed, similarly, that "[w]e've had our fair share of grief" — the two miscarriages — and that they "bonded and leaned on each other and talk and sing to each other." She added that Mr. Juneau had also requested and completed additional "homework" from his therapist to "help deal with the grief of it all."²³⁷

Rachel further testified that Mr. Juneau had evolved since their first meeting in that [h]e's really tried to interact and be more sociable" and "try to make connections with people now."²³⁸ She described her husband as "sincere, sweet," one who "would give you the shirt off his back if you needed it," and "really a

²³⁵ Tr. 298-303, 306-07.

²³⁶ Tr. 306-07.

²³⁷ Tr. 306-07.

²³⁸ Tr. 305-06.

genuine person.”²³⁹ She attested that she had never observed Mr. Juneau being untruthful with her or anyone else.²⁴⁰

Under cross-examination (by Ms. Andrews), Rachel explained that she knew her husband was ahead of schedule in therapy “homework” not merely from his own representations, but because the therapist had told her directly and had further indicated that he was excelling, although confidentiality constrained the therapist from divulging specifics. Rachel also stated that the chief focus of the therapy (from what she knew) was communication skills and empathy, “how do[] your actions affect other people.”²⁴¹

There followed a series of questions aimed at eliciting Rachel’s acknowledgement that prison could be a consequence if her husband violated his community-supervision terms and conditions. Rachel answered to the effect that she did not believe that Mr. Juneau would be sent to prison because he had no “black marks” thus far and the couple were committed to keeping it that way.²⁴²

Staff then turned to probing the extent to which Rachel knew specific details of the 2015 acts underlying the online-solicitation charge. Rachel confirmed that she knew what online solicitation of a minor was, “talking to someone underage,

²³⁹ Tr. 305.

²⁴⁰ Tr. 303.

²⁴¹ Tr. 311-12.

²⁴² Tr. 312-15.

requesting sex.” She was then asked whether Mr. Juneau had told her “the specifics” of “what he said,” and answered that he had not, observing, “It’s pretty obvious what online solicitation of a minor is.”²⁴³

Staff then began a line of questioning that, while under color of trying to develop its theory that Mr. Juneau “routinely deceives, misrepresents, and leaves out key details” to “make his actions look less severe” even with his loved ones, was perceived by Mr. Juneau to be chiefly aimed at embarrassing and harassing his wife and him—and did indeed appear to the ALJ to be accompanied by a smug, sadistic glee on the part of the questioner. Staff first insisted that Rachel read aloud an excerpt from the 2015 police report regarding her husband’s offense and arrest—including the sexually explicit language attributed to him and his plans to purchase condoms on the hourlong drive to Montgomery County, discussed in Part III.B, above.²⁴⁴ Rachel acknowledged that the content surprised her “[a] little bit,” but asserted, “I guarantee this is not the person I know today.”²⁴⁵

Continuing along this same path, Staff then inquired of Rachel what she knew about the 2017 incident. Rachel responded that “it was basically a Craigslist ad” concerning “a girl that he was trying to become friends with, and I think it was he posted her phone number, requesting inappropriate pictures.” Staff went on to make Rachel read the ad aloud, explicit sexual content and all, quoted in Part III.C.3 above.

²⁴³ Tr. 315-16.

²⁴⁴ Tr. 316-19; *see* Staff Ex. 4B at Bates 147.

²⁴⁵ Tr. 319.

Staff elicited Rachel's acknowledgment that she had not seen the contents of the ad itself previously, but Rachel added, "this does not sound like him whatsoever" and in her view reflected someone who had difficulties with empathy and "how to connect with people correctly."²⁴⁶

Then, Staff similarly confronted Rachel about the content of other Craigslist ads that had also been linked to her husband during the 2017 investigation. These additional ads were not in themselves criminal acts, nor has Staff pleaded them as a basis for denying licensure (or even mentioned them in their closing arguments), but they did happen to be included in Craigslist's production of documents under subpoena and, in turn, Det. Farrell's investigative report. They are best summarized as graphically sexual "want ads" posted during the 2016-17 time frame, prior to Mr. Juneau's arrest for online harassment.²⁴⁷ Staff required wife Rachel to read aloud the contents of three such ads. Staff elicited her acknowledgement that she had not known of these ads, only the ad giving rise to the online-harassment charge.²⁴⁸ However, in subsequent questioning, Rachel pushed back on a notion posited by Staff that her husband had not been "honest" with her or "lied" by omitting any of the details she had been made to read.²⁴⁹

²⁴⁶ Tr. 319-22.

²⁴⁷ Mr. Juneau had acknowledged that these postings, like the Craigslist ad giving rise to his online-harassment charge, had violated his bond conditions. Tr. 53.

²⁴⁸ Tr. 322-23.

²⁴⁹ Tr. 327-29.

In a brief redirect, Rachel testified that nothing Staff had made her read caused her to change her opinion of the person Mr. Juneau is today. As Rachel put it, “He’s definitely not the same person he was. He’s very trusting, loving, and caring; and it has not changed my opinion of him whatsoever.”²⁵⁰

On a re-cross, Staff inquired as to whether Rachel’s trust in her husband would extend to his business as an insurance agent were he to be licensed. Rachel assured Staff that it would, adding that insurance was “very important” to both of them. She elaborated (similar to Mr. Juneau’s testimony) that she had been widowed by the sudden heart-attack death of an earlier spouse and that his life insurance had “saved” her, enabling her to afford college, a house, and a vehicle.²⁵¹

F. DR. TEMPLE’S TESTIMONY

Dr. Temple attested that he holds a Ph. D. from Rice University in church history and religious studies, teaches at Baylor University (more specifically in its Truett School of Theology, per his recommendation letter),²⁵² and has been a Methodist pastor for 50 years. Dr. Temple recalled that he first met Mr. Juneau around 2014, while pastoring the Juneau family’s congregation in Sugar Land, which he indicated had about 4,000 members and a youth program of around 100 high school and junior high schoolers and 30-40 college-age participants. However,

²⁵⁰ Tr. 333.

²⁵¹ Tr. 333-37.

²⁵² Juneau Ex. 15.

Dr. Temple did not “really know [Mr. Juneau] on an interpersonal basis until around 2016,” when Mr. Juneau sought his counsel.

Dr. Temple recounted that the two met for coffee at a Starbucks, Mr. Juneau “shared what happened with that” (the 2015 events), they “talked about it some,” and Dr. Temple “prayed with him and encouraged him.” Thereafter, the pair “began meeting on a fairly regular basis” that had continued into the current year, although had become less frequent since Dr. Temple had moved from Sugar Land to Fulshear about a year and a half earlier and “kind of retired.” Dr. Temple “still consider[ed] [Mr. Juneau] a valued person, one of my former parishioners, and a friend.”²⁵³

Dr. Temple described the substance of their discussions as including “what happened in 2015,” but not solely this. “[A] lot of it was just life, just a young man finding his way through schooling, parents, girlfriend,” as well as “Bible questions and theology and all kinds of things.” But to the extent their conversations did address his 2015 acts, Dr. Temple testified, Mr. Juneau always took ownership, “was very forthright about it,” and “seemed very chagrined by the whole thing.” Dr. Temple added that he had counseled people for 50 years, “can tell when someone has been forthright about it or whether they’re hiding something,” and “never felt like [Mr. Juneau] was hiding anything from me.”²⁵⁴

²⁵³ Tr. 342-43.

²⁵⁴ Tr. 342-44.

Dr. Temple praised Mr. Juneau as “a very smart” and thoughtful individual who had also “matured quite a lot,” observing that “[t]he young man I first began talking with nine years ago is not at all the man he is now.” He cited the example of Mr. Juneau initially striking him as “kind of sloppy looking” and “just a little bit on the lazy side,” stating that “I don’t see that now at all.” Another was having “more substantive conversations about most of his life.” And, Dr. Temple recounted, “I went through the Rachel years and probably was the most happy person on earth when they finally got married,” perceiving that “she’s good for him; and he’s good for her.” Dr. Temple was also “very honored” to perform the couple’s marriage ceremony.²⁵⁵

When asked whether he thought Mr. Juneau would be a good insurance agent, Dr. Temple answered in the affirmative, observing that Mr. Juneau “is very detail oriented with folks” and “very careful with other people’s things.” In fact, Dr. Temple added, “I would buy insurance from him.”²⁵⁶ Dr. Temple further stated that that he considered Mr. Juneau “trustworthy,” believed that he would “be honest in his dealings with people,” and that a person would feel comfortable being alone in a room with him.²⁵⁷

Cross examination by Staff (Ms. Andrews once again) inquired as to what Mr. Juneau had told Dr. Temple about the 2015 incident. Dr. Temple responded

²⁵⁵ Tr. 344-47.

²⁵⁶ Tr. 349-50.

²⁵⁷ Tr. 351-52.

that while he “never thought it was my place to be an interrogatory about what had happened” so “didn’t press on the details of it,” he “was aware that it involved a sting operation, that it involved some solicitation of someone [thought] to be underage, but was actually a police officer.” Dr. Temple also assured Staff that he knew what online solicitation of a minor was, describing it as “inappropriate contact with someone who is, in this case, thought to be underage with the purposes of engaging in sexual activity.” Dr. Temple did not recall having any conversations with Mr. Juneau about the 2017 incident.²⁵⁸

Under further questioning, Dr. Temple agreed with a proposition posited by Staff that “some adults, even when they are grown up and mature, still make drastic mistakes.” As the 50-year Methodist minister put it, “I wouldn’t really have a job if they didn’t.”²⁵⁹ Next, upon being challenged as to whether he could “really know about everyone’s introspection,” Dr. Temple explained that he had counseled “people from all different kinds of places,” including inmates in the Brazoria County Jail and “an insane asylum,” and acknowledged that “some . . . were never willing to accept responsibility for themselves.” But, Dr. Temple added, “[t]hat’s one thing I never saw in Evan,” as “he accepted the responsibility for his actions.”²⁶⁰

In a final line of questioning, Staff endeavored to draw a contrast between the laws of humankind (such as TDI is charged with administering) and Dr. Temple’s

²⁵⁸ Tr. 354-55.

²⁵⁹ Tr. 357.

²⁶⁰ Tr. 357-58.

purview, inquiring of him whether “the things you say and the things you express to people” in counseling was “more dealing with the love and grace of God than it is to the world around them.” Dr. Temple responded, “Well, Counselor, [if] you’re asking me if there’s a big distinction between how one loves God and how one loves people around them; [] as I read the scripture, there’s not. ‘Love the Lord, your God, with all your heart and mind and soul and strength and love your neighbor as yourself.’ I think it has to involve both.”²⁶¹

G. OTHER RECOMMENDATION LETTERS

In addition to the recommendation letters already discussed in the context of related testimony, Quique Autrey, a licensed professional counselor with Katy Teen & Family Counseling, wrote in January 2024 of having “the privilege of working with [Mr. Juneau] in a therapeutic capacity” and observing him “consistently exhibit[ing] genuine remorse for past actions,” a “remarkable commitment to personal growth and positive change,” and an “empathetic quality . . . contributing to the development of a well-rounded and socially conscious individual.”²⁶² Also, Kara Lummus, who “had the privilege of knowing [Mr. Juneau] for the past two years” through “extensive interaction with [him] in an academic context” (from this and other context in the letter, an apparent reference to being a fellow college student or peer), wrote that “Evan’s remorse for his past actions is sincere and deeply felt” and that he “daily . . . demonstrates a commitment to self-improvement,” including

²⁶¹ Tr. 358-60.

²⁶² Juneau Ex. 11.

“reflective practices, seek[ing] opportunities for personal development, and . . . mak[ing] amends wherever possible.”²⁶³

V. ANALYSIS

As noted previously, Staff has pleaded two alternative grounds for denying Mr. Juneau’s license application: (1) criminal history for which it contends denial is authorized under Chapter 53 and TDI Rule 1.502; and (2) that Mr. Juneau “has attempted to obtain a license by . . . misrepresentation,” a ground for denying licensure per Texas Insurance Code Section 4005.101(b)(3).²⁶⁴ The ALJ will address the second ground first because it can be disposed of quickly.

A. ATTEMPTING TO OBTAIN LICENSE BY MISREPRESENTATION

That analysis begins with the statute defining the ground and application of familiar principles guiding statutory construction. Judges are to interpret and apply statutes as a matter of law, determined *de novo*, based on the objective public meaning of the words chosen by the Legislature, read in context.²⁶⁵ The meaning-informing context can include the statute read as a whole, the broader framework of related statutes, and other background law.²⁶⁶ The words are to be given their common, ordinary meaning, typically looking first to dictionary definitions, unless statutory

²⁶³ Juneau Ex. 16.

²⁶⁴ See Staff Ex. 1 at Bates 12 and 11.

²⁶⁵ See, e.g., *In re Office of the Att’y Gen. of Tex.*, 456 S.W.3d 153, 155-56 (Tex. 2015) (orig. proceeding) (per curiam); *In re Ford Motor Co.*, 442 S.W.3d 265, 271 (Tex. 2014) (orig. proceeding).

²⁶⁶ See, e.g., *Worsdale v. City of Killeen*, 578 S.W.3d 57, 69 (Tex. 2019); *Ochsner v. Ochsner*, 517 S.W.3d 717, 721 (Tex. 2016); *In re Allen*, 366 S.W.3d 696, 706 (Tex. 2012).

text or context provides a technical or other differing meaning.²⁶⁷ And judges are to apply these same principles when construing agency rules.²⁶⁸

Texas Insurance Code Section 4003.101(b)(3) authorizes TDI to deny Mr. Juneau’s license application if, in material part, Staff proves, by a preponderance of the evidence, that he “has . . . attempted to obtain a license by . . . misrepresentation.”²⁶⁹ The ordinary meaning of “misrepresentation” in such a context is “[t]he act or instance of making a materially false or misleading assertion about something, usu[ally] with the intent to deceive.”²⁷⁰ “Materially” false denotes “[h]aving some logical connection with the consequential facts” and “[o]f such a nature that knowledge . . . would affect a person’s decision-making; significant; essential.”²⁷¹ However, “misrepresentation” alone or *per se* is not a ground for denying licensure. Rather, “misrepresentation” is the object of a prepositional phrase “by misrepresentation” that modifies “has . . . attempted to obtain a license.” Consequently, Staff must prove that Mr. Juneau made a misrepresentation (*i.e.*, a materially false or misleading assertion, one that would make a difference in TDI’s decision-making) as the means of attempting to induce TDI into granting his

²⁶⁷ See, e.g., *Estate of Burt*, 689 S.W.3d at 280-28; *City of Rockwall v. Hughes*, 246 S.W.3d 621, 625-26 (Tex. 2008).

²⁶⁸ *Texas Comm’n on Envtl Quality v. Maverick Cnty.*, 642 S.W.3d 537, 544 (Tex. 2022) (quoting *Patients Med. Ctr. v. Facility Ins. Co.*, 623 S.W.3d 336, 341 (Tex. 2021), and citing *TGS-NOPEC Geophysical Co. v. Combs*, 340 S.W.3d 432, 439 (Tex. 2011)).

²⁶⁹ Tex. Ins. Code § 4005.101(b)(3).

²⁷⁰ See “Misrepresentation,” in *Black’s Law Dictionary* (12th ed. 2024).

²⁷¹ See “Material,” in *Black’s Law Dictionary* (12th ed. 2024).

license application, or put more simply, lying to TDI to try to fool it into licensing him.

Staff failed to prove that Mr. Juneau made any materially false or misleading assertion to TDI, let alone did so as an intended means of inducing TDI to grant his license application.

From the inception, Mr. Juneau disclosed his online-solicitation offense to TDI, as TDI's own representative acknowledged; this is not a case where some applicant tried to falsely deny the existence of their criminal history. Staff instead criticizes Mr. Juneau's "Description of Event" while omitting critical context surrounding it that would be necessary to determine whether Mr. Juneau was making a materially false statement in response to any question asked of him or could have been trying to induce TDI to issue him a license. As pointed out in Part III.B, Staff presented only a partial version of the licensing file of Mr. Juneau it had falsely certified to be "complete" (Staff Exhibit 3). Among these omissions from Staff's "complete" licensing file were the precise question being asked of Mr. Juneau and what Mr. Juneau had already disclosed about his 2015 offense.

Staff's sole evidence regarding the question or questions to which Mr. Juneau was responding is a vague assertion by Ms. Young during her testimony that "[i]t states to provide a detailed statement."²⁷² Ms. Young did not elaborate as to whether she was purporting to quote the specific question asked or was merely paraphrasing.

²⁷² Tr. 112.

Regardless, the ALJ does not find Ms. Young's testimony to be credible, especially considering her false assertion that Staff Exhibit 3 was "the complete copy" of Mr. Juneau's "license application file."²⁷³ (It may also speak volumes that TDI's Enforcement attorneys insisted on their professed need to conduct their own months-long "thorough review" of Mr. Juneau's application even after Ms. Young and her Administrative Review Team had already proposed to deny it, as if not lending much credence to her, either.)

But more critically, Staff's criticisms of the "Description of Event" and the two subsequent narratives would hardly establish the "rampant misrepresentation" it purports to decry, let alone any calculated to induce TDI to issue Mr. Juneau a license. Rather, Staff quibbles about asserted omissions or inaccuracies in merely peripheral details that would not render his statements *materially* false, a difference-maker in one's decision-making, so as to be a "misrepresentation." Staff's position is akin to faulting a former bank robber who, though forthrightly disclosing that he was convicted of or received deferred adjudication for that offense, did not also detail that he purchased bullets for his gun in advance, drove an hour to get to the location, or cursed at one of the tellers. And with regard to the 2017 online-harassment charge, the logic of Staff's position would imply that if an applicant has a prior conviction for indecent exposure, he'd better not only disclose that fact to TDI but also send in any photo that captured him in the act.

²⁷³ Tr. 92.

At most, Staff points out a discrepancy between Mr. Juneau’s accounts of developing a relationship with the minor persona over several days back in 2015 versus the police-report account of only one or two days (an analog to differing about the length of time the former-bank-robber applicant spent in “casing the joint” or plotting beforehand). But the ALJ found credible Mr. Juneau’s explanation that his written accounts had been based on his memory of the duration and extent of the prior communications rather than an attempt to lie or mislead, though could have been mistaken as compared to a police report purporting to rely directly on the communications themselves. After all, Mr. Juneau’s communications with the minor persona had taken place in 2015, roughly nine or ten years (respectively) before he wrote his statements about them. Moreover, that Mr. Juneau would remember a greater extent of relationship development is consistent with the outsized significance he had also attributed to his passing encounters with RG (the online-harassment victim) during that troubled phase of his life. Indeed, such misperception and/or mis-remembering is a far more logical explanation for the discrepancy than Staff’s theory that Mr. Juneau had intentionally lied in attempting to induce TDI to issue him a license, especially on such a peripheral detail so unlikely to make any difference in the licensing decision.

Furthermore, Staff’s accusations of misrepresentation in the 2025 statements ignore the context in which he gave them. By that juncture, as Mr. Juneau observes, he was not writing on a blank slate, as if disclosing the underlying events to a previously unaware TDI, but was addressing facts “already in the file.”²⁷⁴ In fact, it

²⁷⁴ Juneau Initial Closing Arg. at 3; Juneau Resp. Closing Arg. at 1-2.

would appear from the record that it was Mr. Juneau himself, not any legwork or diligence on the part of TDI personnel, who provided TDI with, *inter alia*, his deferred-adjudication order with community-supervision terms and conditions; the police report concerning his 2015 online-solicitation offense; and the police report regarding his 2017 online-harassment arrest. In any case, the underlying facts were “on the table” and known, and nothing in the statements Mr. Juneau wrote under those circumstances could reasonably be considered materially false or misleading, potentially a difference-maker in TDI’s decision-making, let alone calculated to lie or mislead TDI into issuing him a license.

Indeed, the context of these 2025 statements tends to belie any possibility that they could have potentially swayed Staff’s licensing decision at all—on the contrary, it strongly suggests that Staff may have elicited them merely as pretext for the “misrepresentation” argument Staff makes now, however flimsy, in an attempt to shore up its evidentiary support for denial. Recall the circumstances under which the Enforcement attorneys elicited the statements, discussed in Part III.B. Whether out of indecision regarding a close case or simply bureaucratic inertia, Enforcement attorneys had sat on Mr. Juneau’s application for many months after TDI had already proposed denial, refusing to refer the matter to SOAH and afford Mr. Juneau his statutory right to a contested-case hearing where he could test the merits of that proposed denial based on evidence and law. With Mr. Juneau’s counsel eventually threatening to pursue mandamus relief to compel that time of reckoning (*i.e.*, anticipation of the likely SOAH litigation), Enforcement attorneys requested that Mr. Juneau write the additional statements, among several other items in a list, all of which could later be used later against him. Thus are the origins of the 2025

statements that Staff now relies upon in trying to manufacture an additional ground for denial for use in the contested-case hearing testing, in lieu of its relying solely on Mr. Juneau’s now-decade-old criminal history and what had become a powerful case supporting his fitness for licensure (as discussed in the next section). If there has been any dishonesty in regard to Mr. Juneau’s two 2025 statements, it would be not in the content Mr. Juneau has provided but instead Staff’s tactics.

In sum, Staff did not prove by a preponderance of the evidence that Mr. Juneau made any “misrepresentation” to TDI, let alone as a means of attempting to induce TDI to issue him an insurance license. Consequently, TDI cannot lawfully deny Mr. Juneau’s application on that ground.

B. 2018 DEFERRED ADJUDICATION FOR 2015 OFFENSE

1. Initial Burden

Turning to the issues that this case is ultimately about, the ALJ concludes that Staff met its initial burden to prove a criminal-history-related ground for denial under TDI Rule 1.502—namely, that Mr. Juneau “has been . . . placed on deferred adjudication” for “an offense having the essential elements of . . . online solicitation of a minor, as described by Penal Code § 33.021,” which Rule 1.502 declares to categorically be “directly related to the duties and responsibilities” of a licensed insurance agent, and thus a ground for denial, as well as categorically “of prime

importance in determining fitness for licensure or authorization” in the Section 53.023(a) analysis.²⁷⁵

However, the ALJ makes no findings or conclusions as to whether Staff has proven, independently from Rule 1.502 alone, that Mr. Juneau’s offense is “directly related” to the business of insurance under the analysis that would be required under Texas Occupations Code Section 53.022, nor that TDI would be authorized to deem Mr. Juneau’s deferred adjudication to be a “conviction” under the standards prescribed in Texas Occupations Code Section 53.021. In Staff’s zeal to paint Mr. Juneau as a persistent liar, it has not engaged with these issues in any meaningful way and makes nary a mention of them in its written closing arguments. Staff came no closer during the hearing than eliciting Ms. Young’s assertions to the effect that Mr. Juneau’s offense is indicative of a generally unethical person who will cheat his

²⁷⁵ See 28 Tex. Admin. Code § 1.502(d), (f)(4)(L). To be precise, Subpart (f) states that TDI considers the “guideline” offenses listed there “to be of such serious nature that they are directly related to the duties and responsibilities of the licensed occupation *or* are of prime importance in determining fitness for licensure or authorization.” *Id.* § 1.502(f) (emphasis added). The disjunctive “or” would typically signify two alternative categories, so as to cause (f) to mean that the listed offenses would be *either* a “directly related” ground for denial *or* “of prime importance in determining fitness for licensure (the Section 53.023(a) analysis), but without specifying into which of the two categories each particular offense fit. Nor is there any inherent identity between a “directly related” offense and one being “of prime importance” in the Section 53.023(a) fitness analysis; rather, these are distinct concepts, with the range of “directly related” offenses tending to be narrower and more specific than the range that might inform the broader fitness-for-licensure analysis.

Under this reading, Staff’s criminal-history case would collapse because it demonstrated no more than that Mr. Juneau’s online-solicitation offense would be *either* a “directly related” offense *or* of prime importance in determining fitness for licensure, but not which one. This is so because Staff has placed singular reliance on the proposition that (1) because online solicitation of a minor is listed in the Subpart (f) “guideline” offenses, (2) this automatically means that it is a “directly related” offense, without any further showing. See Staff Resp. Closing Arg. at 3, 4-5. However, the ALJ has ultimately concluded that this is how Subpart (f) must be read within the context of the statutory scheme in which it operates, particularly Texas Occupations Code Sections 53.021 and 53.023(a). In the context of the former’s “directly related” standard for denying licensure and the latter’s broader analysis of fitness applicable once a “directly related” offense is proven, the “or” in Subpart (f) effectively functions as an “and,” with the meaning that the listed offenses would each meet the “directly related” standard “or” “be of prime importance” in the Section 53.023(a) fitness analysis, *i.e.*, do both.

insurance clients. The connection is attenuated at best, tantamount to simply declaring Mr. Juneau to be a pariah unworthy of licensure no matter what. Left wholly unexplained is how or why Mr. Juneau would ever have occasion to repeat his offense, even if he were inclined to do so. After all, Mr. Juneau is seeking to sell life-insurance products to adults having contractual capacity, not, *e.g.*, ice cream or Labubus to minors, the victim class of his offense. And, to the extent there is some concern about Mr. Juneau being in physical proximity to adult clients, his experience in working for Symmetry Financial Group illustrates that his work in the insurance industry need not entail in-person contact with them, but could be structured as a remote or in-office position not involving any in-person contact.

Yet TDI's Rule 1.502, as written, does not require Staff to prove any of these additional elements found in statute, only that Mr. Juneau was placed on deferred adjudication for an offense that shows up somewhere in its "guideline" list. This ALJ is bound to apply Rule 1.502 as written (though a reviewing court, were this case to "go up," might have other ideas).

2. Fitness Analysis

Why Staff would labor so strenuously and single-mindedly to paint Mr. Juneau as a present-day liar becomes obvious once one turns to the Section 53.023(a) fitness analysis. Although Rule 1.502 declares that Mr. Juneau's online-solicitation offense is categorically "of prime importance in determining fitness for licensure," that is not the end of the analysis because the same rule also requires TDI to consider the

Section 53.023(a) factors, as well as the Section 53.022 “directly related” factors, in its ultimate decision whether to deny based on that offense.²⁷⁶

“The extent and nature of the person’s past criminal activity.” Without question, Mr. Juneau committed a serious crime in 2015 when he was arrested for online solicitation of a minor in a sting operation; indeed, it was a second-degree felony. Mr. Juneau acknowledges this. Yet it was a crime whose nature has a tenuous-at-best connection to the actual day-to-day duties and responsibilities of a licensed life agent, as observed above. The same is true of the online-harassment offense Mr. Juneau admitted committing in 2017; indeed, online harassment is not even included in TDI’s “guideline” offenses under Rule 1.502.

And it is in 2017, going on nine years ago, that this “past criminal activity” of Mr. Juneau ends. Period, full stop. As in, no other criminal activity committed ever since. That evidence is undisputed.

Moreover, to properly consider “the nature of” Mr. Juneau’s criminal activity that ended in 2017, one must take account of additional circumstances providing important context for those acts. Although Mr. Juneau adamantly refused to attribute his past criminal activity to his diagnosed Asperger’s Syndrome, it is evident from the record that the condition had significantly framed the world in which he lived and was trying to find his way as a young man. In addition to his various texts and postings from this period already discussed, some of the most

²⁷⁶ See 28 Tex. Admin. Code § 1.502(e).

compelling evidence in this regard, ironically, is found in the very Craigslist ads and the like that Staff resorted to rubbing wife Rachel Juneau's nose in under the guise of cross-examination. These ads, as well as other portions of Det. Farrell's report recounting his interviews with Mr. Juneau and also RG, tend to bespeak an individual having little concept of how one interacts with other persons, *e.g.*, how one carries on a conversation with someone else and what sorts of subjects are discussed or disclosed, with consequent great difficulties, isolation, and being thought strange. As folks in a Texas small town might put it, "that boy wasn't right."

Suffice it to say that the Mr. Juneau who testified during the hearing (twice), whose demeanor and credibility the ALJ could thus assess firsthand, and whose character and fitness have been subjected to such excruciating scrutiny since filing his application in early 2024, was not even remotely the same person who was evident back in 2015 and 2017. Every person connected to the hearing and having knowledge of the current Mr. Juneau said materially the same thing, other than Staff.

"The age of the person when the crime was committed" and "the amount of time that has elapsed since the person's last criminal activity." Mr. Juneau was a few weeks past his twenty-third birthday when arrested for online solicitation of a minor. He was twenty-four when posting the Craigslist ad for which he was later arrested and charged with online harassment. By time of hearing, Mr. Juneau was thirty-three years of age.

During the intervening years, moreover, Mr. Juneau has finished college (earning two business degrees, in fact, and both with solid grades); has managed to

find employment tailored to be consistent with the strict terms and conditions of his community supervision, including a position in the insurance industry; has met and married Rachel, in a relationship dating back to 2020; and has been trying with Rachel to start a family, though encountering successive tragedies that are themselves significant life challenges and maturing experiences. In short, Mr. Juneau is older, wiser, more seasoned, more tested, and more of a grown-up pursuing and caring about grown-up things than the struggling young man in his early twenties whom Dr. Temple described as “kind of sloppy looking” c. 2016 and 2017. And, even if one would tend to discount the accounts of intervening positive growth and change told by Mr. Juneau himself or his loving parents, one ought to at least take seriously the 50-year Methodist minister’s testimony that “[t]he young man I first began talking with nine years ago is not at all the man he is now,” having “matured quite a lot.”²⁷⁷

“Evidence of the person’s compliance with any conditions of community supervision.” The evidence was undisputed that Mr. Juneau has fully complied with all the terms and conditions of his community supervision since its inception in 2018—now going on eight years of the ten years total. And this is quite a remarkable accomplishment, considering how restrictive, demanding, and comprehensive those terms and conditions are.

²⁷⁷ Staff’s argument to the effect that Mr. Juneau has obeyed the law merely out of fear of having his community supervision revoked is addressed below in the context of rehabilitation and rehabilitative efforts.

Of further significance here, Mr. Juneau was able to comply with his terms and conditions even while employed in an insurance-industry position, with Symmetry Financial Group, by working remotely, a now-commonplace arrangements among working professionals. (Indeed, even the hearing in this case was conducted remotely, as SOAH’s hearings now typically are, and the ALJ likewise wrote this proposal for decision from his residence on a laptop computer linked to SOAH’s servers.) Ms. Young’s expressed concern that licensing would create a “conflict” is, consequently, illusory, as Mr. Juneau can reconcile the two by continuing to comply with his terms and conditions, including selecting and tailoring any insurance-industry employment as necessary—just as he has done since 2018.

Conversely, the fact that Mr. Juneau is presently not quite finished with his ten-year community-supervision term is not a bar to licensure, as Ms. Young and Staff have grudgingly acknowledged. Such a limitation appears nowhere in Chapter 53. In fact, the Legislature in Chapter 53 has explicitly contemplated that a license applicant “who is on community supervision, mandatory supervision, or parole” could (and in some cases, must) be issued, in the very least, a one-year “provisional license” made contingent on complying with the law, their terms and conditions, and the laws and rules of their profession, with full licensure thereafter.²⁷⁸ This type of licensure would be another means of reconciling Ms. Young’s perceived “conflict” between a life-agent license and Mr. Juneau’s community-supervision terms and conditions.

²⁷⁸ See Tex. Occ. Code § 53.0211.

“Evidence of the person’s rehabilitation or rehabilitative effort while incarcerated or after release.” Mr. Juneau presented extensive evidence of a personal journey toward rehabilitation that he has pursued with great dedication, diligence, and persistence, and continues to pursue. That journey began shortly after his 2017 online-harassment arrest, when the low point of witnessing the rarity of his father crying brought about an epiphany and a commitment to change himself toward the better. While in solitary jail confinement he began a deep introspection, including the reading of books brought to him, and has continued through his court-ordered therapy endeavoring to better understand the roots of his prior behaviors, “triggers” and how to head them off, and the critical role of empathy. Mr. Juneau has worked hard in that therapy, as echoed by Ms. Lane’s assessments. He is years ahead in his “homework,” and has taken on additional “homework” despite not being required, including as guidance while he and Rachel “pushed through” the crippling grief of two miscarriages. Mr. Juneau credits his therapy with making a “[n]ight and day difference” in him. His witnesses and other supporters uniformly spoke of that turn for the better in him.

Staff made no serious attempt to controvert this extensive evidence of rehabilitation and rehabilitative effort, or at least none aside from its attempts to paint Mr. Juneau as a present-day liar (discussed shortly). Rather, Staff argues to the effect that the ALJ should simply ignore or dismiss all that evidence. Staff urges, in part, that the only rehabilitation that matters is “true rehabilitation,” which by Staff’s definition can begin to occur only after Mr. Juneau completes his community-supervision term. Staff’s premise would add an element to Section 53.023(a) and Chapter 53 that the Legislature did not chose to include in that statute,

taking the “evidence of the person’s rehabilitation or rehabilitative effort” as written and adding limitations to the effect of “but only after any community-supervision term is finished because nothing beforehand counts.” And the practical effect would be to preclude licensure for any applicant who is still under community supervision—again contrary to Chapter 53, as discussed in the preceding section.

To similar effect, Staff insists that Mr. Juneau’s rehabilitative efforts and any broader record of good behavior must have been motivated not by any sincere purpose or desire on his part to change for the better, but merely his base self-interest in avoiding having his community supervision revoked for failing to, *e.g.*, attend court-ordered therapy sessions or obey the law. Staff would similarly wave off any significance in Mr. Juneau’s college experience and achievement, work, or marriage, reasoning to the effect of “everybody does that.” The ALJ is unpersuaded by Staff’s superficial (and rather jaded) interpretation of the record.

As readily apparent from the summary of Mr. Juneau’s evidence in Part IV, he is not a fellow who is merely “checking the boxes” in complying with community-supervision terms and conditions, biding his time and being a “good boy” until he hits ten years in 2028, only to then revert to past misbehaviors, as Staff tries to insinuate. What the evidence overwhelmingly shows is, instead, a much broader, foundational, and profoundly positive transformation of Mr. Juneau from the person he once was, one rooted in a sincere commitment to that change that began back in 2017 and is ongoing. And whether one thinks of Mr. Juneau’s path through college, employment, and marriage in terms of “rehabilitation” versus

simply “maturing” or “growing up,” these significant life steps are further confirmation of the positive evolution Mr. Juneau has made.

“The conduct and work activity of the person before and after the criminal activity.” As discussed in Part III.C, Staff presented evidence that Mr. Juneau, in addition to committing the offense of online solicitation of a minor in 2015 and online harassment in 2017, initially attempted to lie to law enforcement to conceal his involvement in the online harassment during his September 2017 interview with Det. Farrell, although came clean and confessed within a few minutes. As stated there, this could fairly be considered the sort of “bad conduct” that should be weighed in the Section 53.023(a) analysis, along with the offenses themselves, particularly given TDI’s policy emphasis on ensuring that licensees are “honest, trustworthy, and reliable.”

Yet that utterance, the most recent of these events, dates back to 2017, now roughly eight-and-a-half years ago, with commensurate weakening of the strength of this evidence as it would weigh against the evidence reflecting favorably on Mr. Juneau’s fitness today, summarized above. Again, Mr. Juneau’s record since then of complying with the law and with his demanding community-supervision terms and conditions is literally perfect. He presents extensive evidence of good conduct in his work activity and other pursuits.

Facing this now-years-long and also qualitative gap between the Mr. Juneau of 2015 and 2017 and the Mr. Juneau of today, Staff has endeavored to devise *some* way to impugn his *present* character, to think of *some* halfway-colorable reason to accuse

him of *presently* lacking the honesty that TDI is said to care so much about. The chosen means—and Staff’s primary focus, even more so than Mr. Juneau’s criminal history as such—has been its attempt to paint Mr. Juneau as a persistent liar about his past, not only with TDI but even wife Rachel, his parents, and other witnesses who testified and/or wrote recommendation letters in support of his licensing.²⁷⁹

Staff’s arguments are a variant on its “misrepresentation” theories addressed in Part V.A, above, and are even less persuasive. In terms of an analogy the ALJ made during that discussion, Staff is not merely claiming “misrepresentation”/“dishonesty” if the former-bank-robber applicant, though disclosing that offense to TDI, did not also detail the peripheral circumstances that he purchased bullets beforehand, drove an hour to reach the location, cursed at one of the tellers, or may have been mistaken about the time spent “casing the joint.” Rather, Staff reasons to the effect that the former bank robber would have engaged in “misrepresentation”/“dishonesty” if he, though disclosing that offense to his family and friends—and having no legal obligation to tell them about it in the first place—did not also share with them the additional details about buying bullets, driving an hour, cursing, or casing. But then Staff goes out ever farther on this limb to urge the ALJ to infer such asserted “misrepresentation”/“dishonesty” on the part of Mr. Juneau because various of his witnesses did not or could recite these sorts of peripheral details about his offense when cross-examined years after any conversation they would have had about them. Staff even seemed to think that not telling one’s spouse about any embarrassing (though not-unlawful) content one

²⁷⁹ Staff Initial Closing Arg. at 12-14; Staff Resp. Closing Arg. at 9-11.

posted online several years before even meeting the spouse would be further indicia of this same “misrepresentation”/“dishonesty.” Staff’s arguments are not only unpersuasive, but rather out of line with basic human interaction. This is especially so considering that Staff is faulting the likes of Rachel Juneau, Ms. Jackson, Dr. Temple, and Mr. Juneau’s mom and dad for not knowing or recalling peripheral facts about explicit sexual references and genitalia.

In short, Staff’s persistent attempts to paint Mr. Juneau as a present-day liar prove to be devoid of honesty, trustworthiness, or reliability themselves. Consequently, Mr. Juneau’s record of conduct ultimately boils down to bad conduct dating back to 2017 versus a compelling record of good conduct ever since.

“Other evidence of the person’s fitness, including letters of recommendation.” This final factor in the Section 53.023(a) analysis has largely been addressed in the preceding discussion, but the ALJ will note again that Mr. Juneau presented eight recommendation letters attesting to his rehabilitative efforts, positive change, and good character; and two of the authors, Ms. Jackson and Dr. Temple, also testified. Aside from its flailing attempts to paint Mr. Juneau as a persistent liar, Staff presented no evidence to controvert Mr. Juneau’s favorable evidence of present-day fitness and good character.

* * *

Based on the foregoing evidence analyzed under Section 53.023(a), the ALJ finds that Mr. Juneau has proven himself presently fit for licensure as a life agent, possessing the requisite honesty, trustworthiness, and reliability to perform that role,

such that his application should not be denied based on his 2018 deferred adjudication. And, because Staff did not meet its burden to prove any other ground for denial, the ALJ recommends that the Commissioner grant Mr. Juneau's application. In the alternative, recognizing that Mr. Juneau does still have roughly two years remaining on his community-supervision term, Mr. Juneau should in the least be issued a provisional license conditioned on his continued compliance with his community-supervision terms and conditions, as the Legislature has explicitly contemplated in Chapter 53.²⁸⁰

In further support of these recommendations, the ALJ has prepared the following Findings of Fact and Conclusions of Law.

VI. FINDINGS OF FACT

1. On January 15, 2024, Evan Juneau applied to the Texas Department of Insurance (TDI) for a life-agent license.
2. By letter dated March 1, 2024, TDI staff (Staff)—more specifically, the Director of TDI's Agent and Adjuster Licensing Office—proposed to deny Mr. Juneau's application, stating that he “may have committed an act for which we can deny your license (Texas Insurance Code (TIC) 4005.101)” and notified him of his right to a hearing before the State Office of Administrative Hearings (SOAH).
3. On or around March 11, 2024, Mr. Juneau timely requested a hearing on his license application.

²⁸⁰ See Tex. Occ. Code § 53.0211(g).

4. Staff acknowledged receipt of Mr. Juneau's hearing request and transferred the matter internally to TDI's Enforcement section.
5. Staff did not refer the matter to SOAH for hearing until April 16, 2025.
6. On April 28, 2025, Staff issued a notice of hearing to Mr. Juneau. The notice attached and incorporated by reference a petition setting forth its allegations in this case, and also attached an Order Scheduling Hearing on the Merits prescribing that the hearing would be conducted by Zoom and providing access information.
7. On September 30, 2025, an Order Extending Hearing on the Merits added a second day to the hearing and provided Zoom access information.
8. The notice of hearing, petition, and aforementioned orders 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 particular sections of the statutes and rules involved; and the factual matters asserted.
9. The hearing was held via Zoom videoconferencing before SOAH Administrative Law Judge (ALJ) Robert Pemberton. Staff was represented by TDI Enforcement attorneys Jacob Harry and Stephanie Andrews. Mr. Juneau was represented by attorney Mark Weitz. The hearing convened on October 28, 2025, and again on October 29, 2025, when it concluded. The record was held open to allow for the preparation and filing of the hearing transcript and then written closing arguments, and ultimately closed on January 9, 2026, the deadline for filing responsive closing arguments.
10. On November 4, 2015, Mr. Juneau was arrested and later charged with online solicitation of a minor when he attempted to meet, for purposes of a prearranged sexual encounter, an individual whom he had believed to be a fifteen-year-old female but turned out to be law enforcement conducting a sting operation.
11. In April 2017, while his online-solicitation charge was pending and he was out on bond, Mr. Juneau posted a Craigslist ad under the assumed identity of a female acquaintance who had rejected an overture he had made for friendship.

The ad purported to solicit sex under the acquaintance's identity and invited suitors to send explicit photographs to her Facebook page.

12. In September 2017, Mr. Juneau was interviewed by law enforcement concerning the Craigslist ad and, while initially denying any involvement, confessed a few minutes later.
13. In connection with the April 2017 incident, Mr. Juneau was charged with online harassment.
14. The April 2017 incident also caused the revocation of Mr. Juneau's bond conditions related to the 2015 online-solicitation charge to be revoked, resulting in his confinement in the Montgomery County Jail for approximately nine months, nearly all in solitary confinement, while that charge remained pending.
15. In May 2018, in the 435th Judicial District Court of Montgomery County, Mr. Juneau pleaded guilty to online solicitation of a minor and received ten years' deferred-adjudication community supervision.
16. The terms and conditions of Mr. Juneau's community supervision are very demanding and, *inter alia*, impose strict limitations on his proximity to children and locations where they may gather, require participation in therapy and semiannual polygraph testing, and include more general prohibitions against alcohol or drugs.
17. Assuming Mr. Juneau successfully completes his community-supervision term and is discharged, and the online-solicitation charge is dismissed, Mr. Juneau will still have to register as a "sex offender" for another ten years thereafter.
18. Mr. Juneau's online-harassment charge was ultimately dismissed without a conviction or deferred adjudication.
19. Mr. Juneau has been diagnosed with Asperger's Syndrome, a condition that has historically created great challenges for him when interacting with other persons, including having empathy and understanding for others, grasping social cues, and knowing what is appropriate to say or not say, with resultant

difficulties in forming meaningful relationships, isolation, and being thought strange.

20. Mr. Juneau's path toward rehabilitation began in 2017, around the time his bond was revoked, when he was moved by the rarity of seeing his father cry and committed himself to making a change for the better.
21. Mr. Juneau's commitment to changing himself for the better was—and continues to be—sincere, and is not driven merely by any community-supervision terms or conditions.
22. Since so committing himself, Mr. Juneau has committed no further criminal activity.
23. Also, now going on eight years into the ten-year term, Mr. Juneau has fully complied with the demanding terms and conditions of his community supervision—including passing all semiannual polygraphs to ensure compliance.
24. When committing his online-solicitation offense, Mr. Juneau was a few weeks past his twenty-third birthday. He was twenty-four when posting the Craigslist ad that gave rise to his online-harassment charge.
25. By time of hearing, Mr. Juneau was thirty-three years of age.
26. Over ten years have elapsed since Mr. Juneau's 2015 online-solicitation offense, and between approximately eight-and-a-half and nine years since any wrongdoing in 2017.
27. While jailed in solitary confinement, Mr. Juneau studied books aimed at aiding his self-improvement.
28. Mr. Juneau has participated in hundreds of weekly therapy session of one-and-a-half hour each, plus additional "homework" exercises in which he applies learned concepts or techniques on his own.
29. Mr. Juneau has availed himself of the benefits of his court-ordered therapy and gone well beyond what is required, including finishing "homework" years ahead of schedule and requesting additional "homework" for guidance in

working through the tremendous grief from experiencing two miscarriages with his wife.

30. Mr. Juneau's hard work in therapy has greatly benefitted him in understanding the roots of his prior behaviors, "triggers" and how to head them off, and the critical role of empathy.
31. In the meantime, Mr. Juneau has gone back to college, earned an associate's business degree from Houston Community College (HCC) in 2021, then an undergraduate degree from the University of Houston's (UH's) Bauer School of Business in 2023, both with solid grades.
32. While at UH, Mr. Juneau won admission into the selective Program for Excellence in Selling, where he obtained over 200 hours of experience making real-word sales to companies.
33. Mr. Juneau interned, then volunteered for approximately two years, with a nonprofit organization that works to aid the homeless. The organization's executive director during that time lauded Mr. Juneau's work, his honesty, and his kindness.
34. Since 2023, Mr. Juneau has been married to wife Rachel, whom he met while both were students at HCC.
35. Mr. Juneau and wife Rachel have been trying to start a family, but have met the tragedy of two miscarriages.
36. Mr. Juneau has undergone a foundational and profoundly positive transformation from the person he once was c. 2015 and 2017.
37. Mr. Juneau presently can be entrusted with serving insurance clients honestly and reliably.
38. The license that Mr. Juneau seeks would authorize him to sell life-insurance-related products to adults having contractual capacity, as opposed to any products sold to minors or children.

39. Mr. Juneau formerly worked for an insurance agency, Symmetry Financial Group, in a remote position tailored to ensure compliance with his community-supervision terms and conditions.
40. Mr. Juneau's work experience with Symmetry demonstrates that if he is licensed, his work in the insurance industry could be structured so as to avoid any in-person contact with clients, let alone with any minors or children, were that still perceived to be a concern.

VII. CONCLUSIONS OF LAW

1. The Commissioner of Insurance and TDI have jurisdiction over this matter. Tex. Ins. Code §§ 4001.002(a)(7), .105, 4005.101, .102; Tex. Occ. Code § 53.021-.023.
2. SOAH has authority to conduct a contested-case hearing in 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 §§ 40.001-.005.
3. Mr. Juneau received timely and sufficient notice of hearing. Tex. Gov't Code ch. 2001; Tex. Ins. Code § 4005.104.
4. As pertinent here, TDI may deny a license application if an applicant "has . . . attempted to obtain a license by . . . misrepresentation." Tex. Ins. Code § 4005.101(b)(3).
5. As pertinent here, TDI rule authorizes it to deny a license application if the applicant "has been . . . placed on deferred adjudication for . . . any offense that directly relates to the duties and responsibilities of the licensed occupation," with said offenses defined to include all of the offenses appearing in its "guideline" list, including "any offense with the essential elements of . . . online solicitation of a minor, as described by [Texas] Penal Code § 33.021." 28 Tex. Admin. Code § 1.502(d), (f)(4)(L); *but cf.* Tex. Occ. Code §§ 53.021(a), (d), .022.
6. If the preceding ground for denial exists, TDI is required to consider the factors specified in Texas Occupations Code Sections 53.022 and .023 in its

ultimate decision whether to deny an application based on that ground versus granting it. 28 Tex. Admin. Code § 1.502(e).

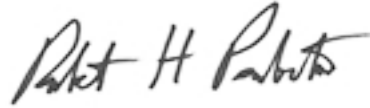
7. Texas Occupations Code Section 53.022 requires a licensing authority to consider each of “the nature and seriousness of the crime”; “the relationship of the crime to the purposes for requiring a license to engage in the occupation”; “the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved”; “the relationship of the crime to the ability or capacity required to perform the duties and discharge the responsibilities of the licensed occupation”; and “any correlation between elements of the crime and the duties and responsibilities of the licensed occupation.” Tex. Occ. Code § 53.022.
8. Texas Occupations Code Section 53.023 requires a licensing authority to consider each of the following factors that bear upon the applicant’s present fitness for licensure: “the extent and nature of the person’s past criminal activity”; “the age of the person when the crime was committed”; “the amount of time that has elapsed since the person’s last criminal activity”; “the conduct and work activity of the person before and after the criminal activity”; “evidence of the person’s rehabilitation or rehabilitative effort while incarcerated or after release”; “evidence of the person’s compliance with any conditions of community supervision, parole, or mandatory supervision”; and “other evidence of the person’s fitness, including letters of recommendation.” Tex. Occ. Code § 53.023(a).
9. “For purposes of determining a person’s fitness to perform the duties and discharge the responsibilities of the licensed occupation, a licensing authority may not consider an arrest that did not result in the person’s conviction or placement on deferred adjudication community supervision.” Tex. Occ. Code § 53.0232.
10. TDI considers all of the offenses in its “guideline” list, including “any offense with the essential elements of . . . online solicitation of a minor, as described by [Texas] Penal Code § 33.021,” to be “of prime importance in determining fitness for licensure.” 28 Tex. Admin. Code § 1.502(f).

11. TDI “considers it very important” that its licensees and applications “be honest, trustworthy, and reliable,” given the “complex and varied nature of insurance [and] insurance-related products” and the need for the public to trust and rely on them. 28 Tex. Admin. Code § 1.502(a), (c).
12. Staff has the burden to prove any grounds for denying Mr. Juneau’s license application, while Mr. Juneau has the burden to prove his fitness for licensure despite any criminal history that could be a basis for denial. 1 Tex. Admin. Code § 155.427; *see* Tex. Occ. Code § 53.023.
13. The standard of proof is by a preponderance of the evidence. *See Granek v. Texas State Bd. of Med. Examn’rs*, 172 S.W.3d 761, 777 (Tex. App.—Austin 2005, no pet.); *Southwestern Pub. Servs. Co. v. Pub. Util. Comm’n of Tex.*, 962 S.W.2d 207, 213-14 (Tex. App.—Austin 1998, pet. denied).
14. Staff did not meet its burden to prove that Mr. Juneau “has . . . attempted to obtain a license by . . . misrepresentation.” Tex. Ins. Code § 4005.101(b)(3).
15. Staff did meet its burden to prove that Mr. Juneau “has . . . been placed on deferred adjudication for” an “offense with the essential elements of . . . online solicitation of a minor, as described by [Texas] Penal Code § 33.021,” a ground for denial under TDI rules. 28 Tex. Admin. Code § 1.502(d), (f)(4)(L).
16. Mr. Juneau met his burden to prove that he is presently fit to be licensed as a life agent despite his deferred adjudication.
17. Mr. Juneau’s license application should be granted.
18. Alternatively, Mr. Juneau should be issued a provisional license conditioned on his continued compliance with the terms and conditions of his community supervision.

2026-9984

Signed March 9, 2026

ALJ Signature:

A handwritten signature in black ink, appearing to read "Robert H. Pemberton". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Robert Pemberton

Presiding Administrative Law Judge

2026-9984**Exhibit B**

State Office of Administrative Hearings

FILED
454-25-17062
4/15/2026 10:10 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Jessica Rodriguez, CLERK

Kristofer S. Monson
Chief Administrative Law Judge

ACCEPTED
454-25-17062
4/15/2026 10:34:34 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Jessica Rodriguez, CLERK

April 15, 2026

Jacob Harry & Stephanie M. Andrews
For Petitioner

VIA EFILE TEXAS

Mark A. Weitz
For Respondent

VIA EFILE TEXAS

RE: SOAH Docket Number 454-25-17062.C
TDI Enforcement File No. 34312
Texas Department of Insurance v. Evan Juneau

Dear Parties:

The Administrative Law Judge (ALJ) does not propose any changes to the Proposal for Decision (PFD) in response to Staff's exceptions. However, he will offer the following comments in the hope of assisting the Commissioner in her consideration of it.

First, the ALJ would respectfully invite and encourage the Commissioner, an experienced attorney, to read the PFD herself, although it is a bit lengthy. Said length reflects the ALJ's effort and care in exactly reviewing the pleadings and evidence, neutrally applying the governing law, and calling the "balls and strikes" as best he saw them. In that process, moreover, the ALJ drew upon his experience from over 20 years of judicial service, including a prior 15-year stint on the Third Court of Appeals when it was still Texas's chief intermediate appellate court handling administrative-law issues.

Your TDI Staff now accuses this ALJ of "mistat[ing] and wrongfully omitting key pieces of information," even "attempt[ing] to create new evidence," and (still

worse) “go[ing] so far as to serve as the legal representative for Respondent by essentially making a closing argument on his behalf,” though more frequently frames its arguments in terms of repeated claims that the ALJ has “misapplied the law.” Stripped of the unfortunate hyperbole, the substance of these attacks is merely to second-guess the ALJ’s findings (or non-findings) of basic fact and his assessments of witness credibility, all of which are well-grounded in the evidence (as the PFD explains at length). These decisions are also the province of the ALJ as fact-finder, respectfully, per APA Section 2001.058(e).¹

Staff’s exceptions do, however, provide the Commissioner with an illustration of the unfortunate manner in which Staff has conducted this case against Mr. Juneau, his supportive family members and friends, and now apparently also the ALJ. Simply put, Staff’s strategies and tactics, sadly, have often seemed more a means to vent vitriol as an end in itself than any effort to persuade any tribunal of any material fact.

Though everyone agrees that Mr. Juneau has some serious (albeit increasingly remote) criminal history, Staff’s fixation on tangents and other lesser things caused it nearly to fumble its criminal-history case entirety—it failed even to brief in closing arguments why or how the Commissioner would have discretion to treat Mr. Juneau’s deferred adjudication as a “conviction” under the requirements of Texas Occupations Code § 53.021(d). Consequently, Staff’s criminal-history case ultimately hangs only by the fingernail of TDI’s Rule 1.502, which literally states (and the ALJ, consequently, must apply) that TDI can deny a license based on any deferred adjudication for any offense listed in Rule 1.502(f). (This is the ALJ’s point in the discussion at PFD pages 88-90).

Rather, Staff has devoted most of its efforts during the hearing and thereafter to a meandering attempt to portray Mr. Juneau as a persistent liar. The PFD explains at pages 82-89 and 98-99 why the ALJ found these theories to be factually

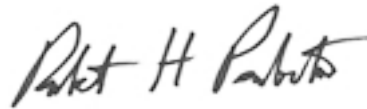
¹ Staff’s “misapplication of law” arguments are largely repeated iterations of (1) Staff assumes the version of underlying facts and credibility assessments that it prefers but did not persuade the ALJ to find; (2) Staff applies legal standards to its preferred underlying facts; (3) Staff reached a legal conclusion that differs from the ALJ’s; (4) Staff deduces, *ergo*, that the ALJ “misapplied the law.” While couched in terms calculated to circumvent the limits of APA 2001.058(e), it remains that Staff is ultimately seeking to second-guess the ALJ’s findings of basic fact and credibility assessments.

unconvincing, and they were also largely unmoored from any statutory or rule-based ground for denying Mr. Juneau's license application.

Careening even farther off the rails, Staff attempted to abusively humiliate Mr. Juneau's wife, Rachel Juneau, under a frivolous pretext during cross-examination.² This was followed by an exchange in which Ms. Andrews began yelling over the ALJ as he attempted to rule on an objection. Other sharp tactics have included trying to pass off an incomplete (and, it appeared, selectively edited) version of Mr. Juneau's license file as a "complete copy" in an attempt to prejudice Mr. Juneau.³ (Now *that's* a misrepresentation). Suffice it so say that Staff has done itself no favors in this case that is supposedly about "honesty, trustworthiness, and reliability." Fortunately, this has not been the ALJ's experience in other cases with other TDI lawyers.⁴

With these comments, the PFD is ready for the Commissioner's consideration.

ALJ Signature:



Robert Pemberton,

Presiding Administrative Law Judge

CC: Service List

² See PFD at 74-77.

³ See PFD at 19-20, 26-27. Contrary to Staff's brush-off attempt in its exceptions, this is not merely a matter of optional completeness, but Staff (and its representative witness) making an affirmative false statement that Staff Exhibit 3 is the "complete copy of the AGENT AND ADJUSTER LICENSE APPLICATION FILE FOR EVEN THOMAS JUNEAU." It plainly wasn't, as its own contents reflect.

⁴ *E.g.*, SOAH Docket No, 454-26-02371.C, TDI Enforcement File No. 37357, *Texas Department of Insurance v. Brenda Demery*, Proposal for Decision (Mar. 18, 2026).