



**BEFORE THE COMMISSIONER OF COMMERCE AND INSURANCE  
FOR THE STATE OF TENNESSEE**

TENNESSEE INSURANCE DIVISION,            )  
  )  
    **Petitioner,**                                    )  
  )  
    **vs.**    )  
  )  
    **DAVID P. ANTYPAS,**                            )  
  )  
    **Respondent.**                                    )

**TID No.:       20-146**

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**CONSENT ORDER**

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The Insurance Division of the Tennessee Department of Commerce and Insurance (“Division”) and David P. Antypas (the “Respondent”) hereby stipulate and agree to the entry and execution of this Consent Order, subject to the approval of the Commissioner of the Tennessee Department of Commerce and Insurance (“Commissioner”) as follows:

**I. GENERAL STIPULATIONS**

1. It is expressly understood that this Consent Order is subject to and requires the Commissioner’s acceptance and has no force and effect until such acceptance is evidenced by the Commissioner’s signature and execution of this Consent Order. Entry and execution of this Consent Order by the Commissioner shall occur once the Commissioner signs and dates this Consent Order.

2. This Consent Order is entered into by the Respondent for the purpose of avoiding further administrative action with respect to this cause. Should this Consent Order not be accepted by the Commissioner, it is agreed that presentation to and consideration of this Consent Order by

the Commissioner shall not unfairly or illegally prejudice the Commissioner from further participation or resolution of these proceedings.

3. The Respondent fully understands that this Consent Order will in no way preclude additional proceedings by the Commissioner against the Respondent for acts or omissions not specifically addressed in this Consent Order or for facts and/or omissions that do not arise from the facts or transactions addressed herein.

4. The Respondent fully understands that this Consent Order will in no way preclude proceedings by state government representatives, other than the Commissioner, for violations of the law addressed specifically in this Consent Order, or for violations of the law under statutes, rules, or regulations of the State of Tennessee, which may arise out of the facts, acts, or omissions contained in the Findings of Fact and Conclusions of Law stated herein, or which may arise as a result of the entry and execution of this Consent Order.

5. The Respondent expressly waives all further procedural steps and all rights to seek a hearing, judicial review, or to otherwise challenge or contest the validity of this Consent Order, the stipulations and imposition of discipline contained herein, and the consideration, entry and execution of this Consent Order by the Commissioner.

6. The Respondent fully understands that this Consent Order, when entered, will constitute a public document for purposes of any applicable statutes governing public access to government records.

## **II. AUTHORITY AND JURISDICTION**

7. The Commissioner has jurisdiction over insurance matters pursuant to Title 56 of the Tennessee Code Annotated ("Tenn. Code Ann."), specifically Tenn. Code Ann. §§ 56-1-202

and 56-6-112 (the "Law"). The Division is the lawful agent through which the Commissioner discharges this responsibility.

### **III. PARTIES**

8. The Division is the lawful agent through which the Commissioner discharges the administration of the Law, and it is authorized to bring this action for the protection of Tennessee citizens.

9. The Respondent is a licensee of the Insurance Division who is responsible for being compliant with the insurance laws and regulations of the State of Tennessee.

10. The Respondent's address on record with the Division is: 6223 Millbrook Road, Brentwood, Tennessee 37027.

11. The Respondent holds a valid Tennessee insurance producer license, number 0709034, which became active on or about May 4, 1993.

12. The Respondent was assigned National Insurance Producer Number 1719884 by the National Insurance Producer Registry ("NIPR"), a service of the National Association of Insurance Commissioners ("NAIC").

### **IV. FINDINGS OF FACT**

13. At all times relevant hereto, the Respondent was, and remains, licensed in Tennessee as a resident insurance producer.

14. On April 24, 2018, the Assistant Commissioner for Securities, on behalf of the Commissioner of the Department, entered an Order of Denial, denying the Respondent's applications for registration as a broker-dealer agent and investment adviser representative in Tennessee.

15. On May 10, 2019, Administrative Judge Leonard Pogue entered an Initial Order against the Respondent in the case Tennessee Securities Division vs. David Antypas, Docket Number 12.06-152464J, which became a Final Order on May 30, 2019, upholding the Order of Denial and assessing costs of five thousand dollars (\$5,000) to the Respondent.

16. On July 1, 2019, the Respondent entered a Letter of Acceptance, Waiver, and Consent with the Financial Industry Regulatory Authority ("FINRA") imposing a two (2) year suspension from association with any FINRA member firm in any capacity against the Respondent for violating FINRA Rule 2010.

17. The Respondent failed to timely disclose both the Final Order and the FINRA Letter of Acceptance, Waiver, and Consent to the Insurance Division.

#### **V. CONCLUSIONS OF LAW**

18. At all times relevant hereto, Tenn. Code Ann. § 56-6-112 has provided:

(a) The commissioner may place on probation, suspend, revoke or refuse to issue or renew a license issued under this part or may levy a civil penalty in accordance with this section or take any combination of those actions, for any one (1) or more of the following causes:

...

(2) Violating any law, rule, regulation, subpoena or order of the commissioner or of another state's commissioner[.]

...

(g) If, after providing notice consistent with the process established by § 4-5-320(c), and providing the opportunity for a contested case hearing held in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, the commissioner finds that any person required to be licensed, permitted, or authorized by the division of insurance pursuant to this chapter has violated any statute, rule or order, the commissioner may, at the commissioner's discretion, order:

- (1) The person to cease and desist from engaging in the act or practice giving rise to the violation;
- (2) Payment of a monetary penalty of not more than one thousand dollars (\$1,000) for each violation, but not to exceed an aggregate penalty of one hundred thousand dollars (\$100,000). This subdivision (g)(2) shall not apply where a statute or rule specifically provides for other civil penalties for the violation. For purposes of this subdivision (g)(2), each day of continued violation shall constitute a separate violation; and
- (3) The suspension or revocation of the person's license.

19. At all times relevant hereto, Tenn. Code Ann. § 56-6-119 has provided that:

- (a) A producer shall report to the commissioner any administrative action taken against the producer in another jurisdiction or by another governmental agency in this state within thirty (30) days of the final disposition of the matter. This report shall include a copy of any order entered or other relevant legal documents.

20. The Respondent violated Tenn. Code Ann. § 56-6-112(a)(2) when he failed to disclose the Final Order issued against him in the contested case hearing, Docket No. 12.06-152464J, and the FINRA suspension to the Insurance Division, within thirty (30) days, in violation of Tenn. Code Ann. § 56-6-119.

21. The Respondent hereby acknowledges the Commissioner's authority to administer the statutes cited herein, concedes that the interpretation of the statutes cited herein are reasonable and enforceable, and agrees to the Commissioner's entry and execution of this Consent Order, including each of the following sanctions ordered below.

#### **VI. ORDER**

**NOW, THEREFORE**, based on the foregoing, including the Respondent's waiver of the right to a hearing and appeal under the Law and the Tennessee Uniform Administrative Procedures

Act, Tenn. Code Ann. §§ 4-5-101 *et seq.*, and the Respondent's admission to the jurisdiction of the Commissioner, the Commissioner finds that the Respondent, for purposes of settling this matter, admits to the Findings of Fact and Conclusions of Law contained herein, agrees to the entry and execution of this Consent Order, and finds this Consent Order to be appropriate, in the best interest of the public, and necessary for the protection of the public.

**IT IS THEREFORE ORDERED**, pursuant to Tenn. Code Ann. § 56-6-112 that:

1. The Respondent's Tennessee insurance producer license, number 0709034, is hereby **SUSPENDED** for a period of two (2) years, beginning on January 1, 2021, and ending on December 31, 2022.

2. This Consent Order represents the complete and final resolution of and discharge of all administrative and civil claims, demands, actions, and causes of action by the Commissioner against the Respondent for violations of the Law with respect to the transactions involved in the above-referenced facts; however, excluded from, and not covered by this paragraph, are any claims by the Division arising from or relating to the enforcement of the Consent Order provisions contained herein.

3. This Consent Order is in the best interest of both the public, and the parties, and represents a compromise and settlement of the controversy between the parties. By the signature affixed below, the Respondent states that he has: (1) freely agreed to the entry and execution of this Consent Order; (2) been afforded the opportunity to consult with legal counsel in this matter; (3) reviewed the Findings of Fact and Conclusions of Law contained herein; and (4) waived his right to a hearing on the matters underlying this Consent Order and the enforcement of this Consent Order. The Respondent further states that no threats or promises of any kind have been made by

the Commissioner, the Division, or any agent or representative thereof with regard to this Consent Order.

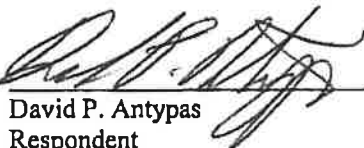
4. By signing this Consent Order, the parties affirmatively state their agreement to be bound by the terms of this Consent Order and aver that no promises or offers relating to the circumstances described herein, other than the terms of the settlement as set forth herein, are binding upon them.

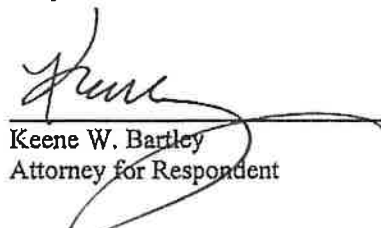
5. This Consent Order may be executed in two (2) or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same document. The facsimile, email or other electronically delivered signatures of the parties shall be deemed to constitute original signatures, and facsimile or electronic copies shall be deemed to constitute duplicate originals.


ENTERED AND EXECUTED April 22, 2021.

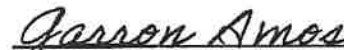
  
Carter Lawrence (Apr 22, 2021 13:43 CDT)  
Carter Lawrence, Commissioner  
Department of Commerce and Insurance

APPROVED FOR ENTRY AND EXECUTION:

  
David P. Antypas  
Respondent

  
Keene W. Bartley  
Attorney for Respondent

  
Bill Huddleston (Apr 22, 2021 12:11 CDT)  
Bill Huddleston  
Assistant Commissioner for Insurance  
Department of Commerce and Insurance

  
Garron Amos (BPR# 035924)  
Associate General Counsel  
Department of Commerce and Insurance