

NPN # 16249491

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

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SECRETARY OF STATE

IN THE MATTER OF:)	
)	
TENNESSEE INSURANCE DIVISION,)	DOCKET NO. 12.01-138928J
)	
Petitioner,)	
vs.)	
)	
JULIE HUNTER,)	
)	
Respondent.)	
)	

FINAL ORDER

On or about April 7, 2017, the Petitioner Tennessee Insurance Division commenced this appeal of the Notice of Default and Initial Order entered by the Honorable Kim Summers, Administrative Law Judge with the Department of State, Administrative Procedures Division, on January 26, 2017, as modified by the Order Modifying the Initial Order entered on or about March 28, 2017.

Judge Kim Summers, in the Notice of Default and Initial Order, as amended by the Order Modifying the Initial Order, (hereinafter, collectively, the "Amended Initial Order") found that Respondent Hunter had committed violations of Tenn. Code Ann. § 56-6-112(a)(1), (3), (7), (8), and (10). In that Amended Initial Order, Judge Summers revoked Respondent Hunter's Insurance Producer's license number 2288993 and issued a civil penalty in the amount of one thousand dollars (\$1,000) against Respondent Hunter.

In accordance with the Scheduling Ordered entered in this matter, the Petitioner Tennessee Insurance Division filed a brief in support of the appeal. Respondent Hunter

did not file a brief. Upon review of the briefs filed in this matter and the record, the Commissioner hereby enters this Order.

SUMMARY OF EVIDENCE

The Summary of Evidence section as set out in the Amended Initial Order is hereby adopted in its entirety as the Summary of Evidence in this Final Order.

FINDINGS OF FACT

The Findings of Fact section as set out in the Amended Initial Order is hereby adopted in its entirety as the Findings of Fact in this Final Order.

APPLICABLE LAW

The Applicable Law section as set out in the Amended Initial Order is hereby adopted in its entirety as the Summary of Evidence in this Final Order.

CONCLUSIONS OF LAW

The Conclusions of Law as set out in the Amended Initial Order are not adopted. Based on a review of this matter, and review of the factors set out in Tenn. Code Ann. § 62-6-112(h), the Commissioner finds that she is not required to consider whether the Respondent has been disciplined in Alabama for the misconduct occurring in the state as set out in Conclusion of Law 5 in the Amended Initial Order. As such, the Commissioner hereby issues the following Conclusions of Law:

1. Respondent violated Tenn. Code Ann. § 56-6-223(a)(1) and (3) by failing to disclose her felony conviction on her NAIC questionnaire for her Tennessee license.
2. For the failure to disclose her felony conviction, the Respondent is assessed a civil penalty of \$1,000 pursuant to Tenn. Code Ann. § 56-6-112(g)(2). The maximum

fine is deemed appropriate because the Respondent's action of obtaining a license through deceit is contrary to the public interest.

3. Respondent committed four (4) violations of Tenn. Code Ann. § 56-6-112(a)(7), (8), and (10) due to her dishonest practices in obtaining four (4) insurance policies for Jennifer and Joey Gray and Tammy and Charlie Noah without their knowledge and against their express wishes.
4. Respondent is hereby assessed a civil penalty in the amount of \$1,000 pursuant to Tenn. Code Ann. § 56-6-112(g)(2) for **EACH** of the four (4) policy that she procured through dishonest practices.
5. Petitioner has proven by a preponderance of the evidence that the Respondent violated Tenn. Code Ann. § 56-6-112(a)(10) by forging the signature of Joey Gray on the document to submitted to CICA.
6. Petitioner has proven by a preponderance of the evidence that the Respondent violated Tenn. Code Ann. § 56-6-112(a)(10) by forging the signature of Tammy Noah on the document to submitted to CICA.
7. Respondent is hereby assessed a civil penalty in the amount of \$1,000 pursuant to Tenn. Code Ann. § 56-6-112(g)(2) for **EACH** of the two (2) forged signatures in violation of Tenn. Code Ann. § 56-6-112(a)(10).
8. Based on the dishonesty shown by the Respondent in applying for her Tennessee license and in her transactions with the Grays and Noahs, her Tennessee Insurance Producer's License No. 2288993 is hereby **REVOKED**.
9. Respondent is hereby assessed **civil penalties in the amount of \$7,000**, as set out above.

10. The Respondent shall cease and desist from any future activity in violation of any laws of the State of Tennessee mentioned herein.
11. All costs associated with the investigation and hearing of this matter shall be assessed against the Respondent. The Division shall file its Itemized Assessed Bill of Costs within fifteen (15) days of the filing of this Final Order and said costs are hereby incorporated.

NOTICE OF RECONSIDERATION AND APPEAL PROCEDURES

Within fifteen (15) days after the Final Order is entered, a party may file a Petition for Reconsideration of the Final Order, in which the Petitioner shall state the specific reasons why the Final Order was in error. If no action is taken within twenty (20) days of filing of the Petition for Reconsideration, the Petition is deemed denied. Tenn. Code Ann. § 4-5-317. A party may submit to the agency a petition for stay of effectiveness of the Final Order within seven (7) days after its entry unless otherwise provided by statute. The agency may take action on the petition for stay, either before or after the effective date of the Final Order. Tenn. Code Ann. § 4-5-316.

A party who is aggrieved by a final decision in a contested case may seek judicial review of the Final Order by filing a petition for review in Davidson County Chancery Court within sixty (60) days after the entry of the Final Order, or if a Petition for Reconsideration is granted, within sixty (60) days of the entry date of the Final Order disposing of the Petition for Reconsideration. The filing of a Petition for Reconsideration does not itself act to extend the sixty (60) day period, if the petition is not granted. A reviewing court also may order a stay of the Final Order upon appropriate terms. Tenn. Code Ann. §§ 4-5-322 and 4-5-317.

IT IS SO ORDERED.

This 13 day of December, 2017.



Julie Mix McPeak, Commissioner

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been sent via hand delivery to Charles S. Herrell, Esq., counsel for the Tennessee Insurance Division, has been filed with the Tennessee Administrative Procedures Division, and has been sent via Certified Mail, Return Receipt Requested, to Respondent Julie Hunter at 5020 County Road #85, Clanton, AL 35046, this 15th day of December, 2017.



Michael D. Driver