



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

**TENNESSEE INSURANCE DIVISION,**     )  
  )  
      **Petitioner,**                                 )  
  )  
      **v.**   )  
  )  
      **Bob Kellum.**                                 ) **Matter No.: 19-00426**  
  )  
  )  
  )  
  )

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**CONSENT ORDER FOR VOLUNTARY REVOCATION**

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COMES NOW, the Insurance Division of the Tennessee Department of Commerce and Insurance (“Division”), and Bob Kellum (“Respondent”) hereby stipulate and agree to the entry and execution of this Consent Order for Voluntary Revocation (“Consent Order”), subject to the approval of the Commissioner of the Tennessee Department of Commerce and Insurance (“Commissioner”) as follows:

**GENERAL STIPULATIONS**

1. It is expressly understood that this Consent Order is subject to the Commissioner’s acceptance and has no force and effect until such acceptance is evidenced by the entry and execution of an order by the Commissioner.
  
2. This Consent Order is executed by the parties for the purpose of avoiding further administrative action with respect to this cause. Furthermore, 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 herein addressed.

4. The Respondent fully understands that this Consent Order will in no way preclude proceedings by state government representatives, other than the Commissioner, for alleged violations of the law addressed specifically in this Consent Order, violations of 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 by the Respondent.

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

#### **AUTHORITY AND JURISDICTION**

6. The Commissioner has jurisdiction of this action pursuant to the Tennessee insurance law, Title 56 of the Tennessee Code Annotated (“Tenn. Code Ann.”), specifically Tenn. Code Ann. §§ 56-1-103 and 56-6-112 (the “Law”). The Division is the lawful agent through which the Commissioner discharges this responsibility.

## PARTIES

7. The Commissioner administers the Law through the Division and authorizes the Division to bring this action for the protection of the public.

8. The Respondent was licensed by the Division at all times relevant, and was responsible for being compliant with the insurance laws and regulations of the State of Tennessee.

9. The Respondent is a resident of Tennessee.

10. The Respondent holds Tennessee resident insurance producer license, number 2366574, which became active on or about May 23, 2017.

11. The Respondent's insurance producer license expired on August 31, 2019.

## FINDINGS OF FACT

12. On or about May 21, 2018, the Division received a complaint from Farmers Insurance Group ("Farmers") concerning Respondent. The complaint alleged that Respondent wrote unauthorized insurance policies.

13. On or about November 6, 2018, Inquisitorial Order # 18-066 was issued.

14. Farmers received a complaint from a customer, Brittany Kennedy ("Ms. Kennedy") stating that she never authorized a policy that was issued in her name.

15. Farmers' internal audit showed that Respondent wrote the policy for Ms. Kennedy. The address listed in the policy was 7327 Hunting Camp Road, Fairview, TN 37062, and the phone number was (615) 955-0595, both the address and phone number are the numbers of record for Respondent.

16. Farmers uncovered a total of seven (7) unauthorized/ fictitious policies written by Respondent using Respondent's own address and phone number as contact information.

17. Farmer's business records show a written statement from Respondent indicating that the seven policies were family or friends that he did not have permission to charge for the policies. Respondent's statement stated that the purpose was to inflate his sales goals with Farmers.

18. Respondent's statement shows that the policies were paid with his bank account and he intended to cancel the policies but was unsuccessful.

19. As a result, the Division entered Inquisitorial Order 18-064 on December 18, 2018, initiating an investigation by the Financial Services Investigation Unit ("FSIU") into the Respondent's conduct.

### APPLICABLE LAW

20. At all times relevant hereto, Tenn. Code Ann. § 56-1-110 provides that:

(b)(1) The commissioner may, against any person, agency, or company licensed, registered, or permitted by or operating under a certificate of authority issued by the commissioner, or acting in an unlawful capacity that brings such person, agency, or company under the jurisdiction of the commissioner, assess the actual and reasonable costs of the investigation, prosecution, and hearing of any disciplinary action held in accordance with the contested case provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, part 3, in which sanctions of any kind are imposed on that person, agency, or company. These costs may include, but are not limited to, those incurred and assessed for the time of the prosecuting attorneys, investigators, expert witnesses, administrative judges, and any other persons involved in the investigation, prosecution, and hearing of the action.

21. 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 anyone (1) or more of the following causes:

...

(5) Intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance;

...

(7) Having admitted or been found to have committed any insurance unfair trade practice or fraud;

...

(8) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere;

...

(e) The commissioner shall retain the authority to enforce this part and impose any penalty or remedy authorized by this part and this title against any person who is under investigation for or charged with a violation of this part or this title, even if the person's license has been surrendered or has lapsed by operation of law.

(f) The commissioner may serve a notice or order in any action arising under this part by registered or certified mail to the insurance producer or applicant at the address of record in the files of the department. Notwithstanding any law to the contrary, service in the manner set forth in this subsection (f) shall be deemed to constitute actual service on the insurance producer or applicant.

(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.
- (h) In determining the amount of penalty to assess under this section, the commissioner shall consider:
- (1) Whether the person could reasonably have interpreted such person's actions to be in compliance with the obligations required by a statute, rule or order;
  - (2) Whether the amount imposed will be a substantial economic deterrent to the violator;
  - (3) The circumstances leading to the violation;
  - (4) The severity of the violation and the risk of harm to the public;
  - (5) The economic benefits gained by the violator as a result of noncompliance;
  - (6) The interest of the public; and
  - (7) The person's efforts to cure the violation.

### **CONCLUSIONS OF LAW**

22. The above Findings of Fact establish that the Respondent violated Tenn. Code Ann. § 56-6-112(a)(5) by intentionally misrepresenting the terms of an actual insurance contract or application for insurance.

23. The above Findings of Fact establish that the Respondent violated Tenn. Code Ann. § 56-6-112(a)(7) having admitted to the practice of fraud.

24. The above Findings of Fact establish that the Respondent violated Tenn. Code Ann.

§ 56-6-112(a)(8) in using fraudulent or dishonest practices, or untrustworthiness or financial irresponsibility in the conduct of business in this state.

### **ORDER**

**NOW, THEREFORE**, on the basis of the foregoing, and the Respondent's waiver of the right to a hearing and appeal under the Law and the Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-101 *et seq.*, and the Respondent's admission of jurisdiction of the Commissioner, the Commissioner finds that the Respondent, for the purpose of settling this matter, admits the Findings of Fact and Conclusions of Law, and agrees to the entry and execution of this Consent Order.

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

1. The Respondent submit to **VOLUNTARY REVOCATION** of his Tennessee insurance producer license number 2366574.
2. The Respondent shall be **BARRED** from applying for an insurance producer license in Tennessee and be barred from engaging in the business of insurance in Tennessee.
3. The Respondent shall **CEASE AND DESIST** from any activities requiring a license under Tenn. Code Ann. § 56-6-103.
4. This Consent Order represents the complete and final resolution of, and discharge with respect to all administrative and civil, claims, demands, actions and causes of action by the Commissioner against the Respondent for violations of the Law alleged by or currently known by the Division to have occurred with respect to the transactions involving the above-referenced facts contained herein.
5. This Consent Order is in the public interest and in the best interests of the parties


and represents a compromise and settlement of the controversy between the parties and is for settlement purposes only.

6. By the signature affixed below, the Respondent affirmatively states he has freely agreed to the entry and execution of this Consent Order, that the Respondent waives the right to a hearing on the matters underlying this Consent Order or the enforcement of this Consent Order, and to a review of the Findings of Fact and Conclusions of Law contained herein, and that no threats or promises of any kind have been made to him by the Commissioner, the Division, or any agent or representative thereof.

7. The parties, by signing this Consent Order, 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 settlement as set forth in this Consent Order, are binding upon them.

8. 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** June \_\_\_\_\_, 2023

  
Carter Lawrence (Jun 16, 2023 09:25 CDT)

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Carter Lawrence, Commissioner  
Department of Commerce and Insurance

**APPROVED FOR ENTRY AND EXECUTION:**



*Bob Kellum*

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Bob Kellum  
Respondent

*Courtney A. Smith*

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Courtney A. Smith (Jun 12, 2023 09:42 CDT)

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