

NPN-7108816

TN 10-0860580

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

TENNESSEE INSURANCE DIVISION,)
Petitioner,)
)
vs.)
)
AMY LEIGH TUCKER,)
Respondent.)

No: 10-073

CONSENT ORDER

The Insurance Division of the Tennessee Department of Commerce and Insurance ("Insurance Division"), by and through counsel, and Amy Leigh Tucker ("Respondent") hereby stipulate and agree, subject to the approval of the Commissioner 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 of the Commissioner.
2. The Commissioner has determined that the resolution set forth in this Consent Order is fair and reasonable and in the best public interest.
3. This Consent Order is executed by Respondent 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.

4. Respondent fully understands that this Consent Order will in no way preclude additional proceedings by the Commissioner against Respondent for acts and/or omissions not specifically addressed in this Consent Order or for acts and/or omissions that do not arise from the facts or transactions specified herein. Respondent also understands that this Consent Order may be used by the Commissioner or any Commissioner, Department or Board to revoke or refuse to issue any license Respondent currently holds or for which Respondent applies in the future.

5. 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 stipulation and imposition of discipline contained herein and the consideration and entry of said Consent Order by the Commissioner.

JURISDICTION

6. The Commissioner has jurisdiction pursuant to the Tennessee Insurance Law (the "Law"), TENN. CODE ANN. § 56-6-101 *et seq.*, and the Law places the responsibility for the administration of the Law on the Commissioner.

PARTIES

7. The Insurance Division is the lawful agent through which the Commissioner administers the Law and is authorized to bring this action for the protection of the public.

8. Respondent is a citizen and resident of the State of Tennessee. Respondent's insurance producer license, numbered 860580, was issued effective March 16, 2009.

FINDINGS OF FACT

9. From approximately September 29, 2008 through February 13, 2009, Respondent was employed by United Benefits of America ("UBA"). Respondent was employed as a Benefits Specialist and sold medical discount plans, limited indemnity group health insurance and other ancillary insurance products such as term life insurance and accidental death insurance over the

telephone to consumers throughout the United States.

10. Timothy Thomas, owner of UBA, advised Respondent that she was not required to have an insurance producer license to sell the UBA products. Respondent was not licensed as an insurance producer in any state to sell life insurance or health and accident insurance during her employment with UBA.

11. As a Benefits Specialist, Respondent sold in excess of two hundred (200) insurance products to approximately eighty-one (81) consumers residing in numerous states, including Tennessee. At no time was Respondent licensed to sell insurance in any of the affected states.

12. As a Benefits Specialist, Respondent falsely represented and marketed the medical discount plans as comprehensive health insurance.

13. After her employment with UBA ended, Respondent was employed by Liberty National Life Insurance Company ("Liberty") from approximately March 16, 2009 through June 29, 2009.

14. After her employment with Liberty ended, Respondent was employed by Bankers Life and Casualty Company ("Bankers") from approximately June 29, 2009 through September 1, 2009.

15. During her employment with Bankers, Respondent falsely represented to a Liberty policyholder that Bankers had purchased Liberty and convinced the Liberty policyholder to replace several existing Liberty policies with new Bankers policies.

16. On approximately July 8, 2009, Respondent represented to the Liberty policyholder that it was necessary for the Liberty policyholder to make a final payment on the existing Liberty policies. Based on Respondent's assertions, the Liberty policyholder gave Respondent a personal check made payable to the order of Liberty National Insurance in the amount of eighty-three dollars and eighty-two cents (\$83.82). Respondent subsequently altered the Liberty policyholder's check by striking a line through Liberty as payee and inserting Bankers Life as payee. Respondent then

submitted the altered check to Bankers along with three (3) Bankers life insurance applications in the Liberty policyholder's name. The Liberty policyholder subsequently cancelled the Bankers policies when she discovered that her check had been altered and that her Liberty policies were in good standing because Liberty had not been purchased by Bankers.

CONCLUSIONS OF LAW

17. TENN. CODE ANN. § 56-6-103 (2008) states that a person shall not sell, solicit, or negotiate insurance in this state for any class or classes of insurance unless the person is licensed for that line of authority in accordance with this part.

18. TENN. CODE ANN. § 56-6-112(a)(2) (2008) provides, in pertinent part, that the commissioner may place on probation, suspend, revoke or refuse to issue or renew a license and/or may levy a civil penalty for anyone who violates any law, rule, regulation, subpoena or order of the commissioner or of another state's commissioner.

19. TENN. CODE ANN. § 56-6-112(a)(4) (2008) provides, in pertinent part, that the commissioner may place on probation, suspend, revoke or refuse to issue or renew a license and/or may levy a civil penalty for anyone who improperly withholds, misappropriates or converts any moneys or properties received in the course of doing insurance business.

20. TENN. CODE ANN. § 56-6-112(a)(8) (2008) provides, in pertinent part, that the commissioner may place on probation, suspend, revoke or refuse to issue or renew a license and/or may levy a civil penalty for anyone who uses fraudulent, coercive, or dishonest practices, or demonstrates incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.

21. Based on the Findings of Fact cited above, the Commissioner finds that Respondent sold insurance without a license issued by this state or any other state, improperly withheld, misappropriated or converted moneys received in the course of doing insurance business and used

fraudulent, coercive or dishonest practices in the conduct of business in this state and elsewhere.

22. Such facts would constitute grounds for an Order revoking Respondent's insurance producer license in accordance with TENN. CODE ANN. § 56-6-112(a)(2), (4) and (8) (2008) and assessing a civil penalty in accordance with TENN. CODE ANN. § 56-2-305(a)(2) (2008). Respondent admits to the Findings of Fact and concedes that the Conclusions of Law are fair and reasonable as outlined above. Respondent enters this Consent Order for the sole purpose of avoiding further administrative action with respect to this cause.

ORDER

NOW, THEREFORE, based on the foregoing and the waiver of Respondent's rights to a hearing and appeal under the Law and Tennessee's Uniform Administrative Procedures Act, TENN. CODE ANN. §§ 4-5-101 *et seq.*, and the admission by Respondent of the jurisdiction of the Commissioner, the Commissioner finds that Respondent has agreed to the entry of this Consent Order and that this Consent Order is appropriate and in the public interest.

IT IS ORDERED, pursuant to TENN. CODE ANN. § 56-6-112(a) (2008) that:

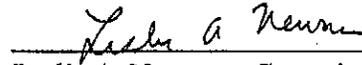
The insurance producer license, numbered 860580, issued to Amy Leigh Tucker, is hereby **REVOKED**.

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. By signature affixed below, Amy Leigh Tucker, affirmatively states that she has freely agreed to the entry of this Consent Order, that she has been advised that she may consult with legal counsel in this matter, that she waives the right to a hearing on the matters underlying this Consent Order and that no threats or promises of any kind have been made by the Commissioner, the Insurance Division or any agent thereof. 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 set forth in this Consent Order, are binding upon them.

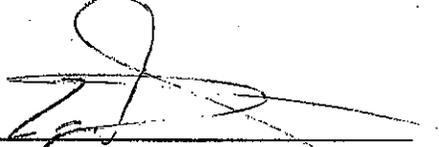
SO ORDERED.

23rd December
ENTERED this the 29th day of October, 2010.

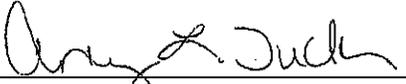


Leslie A. Newman, Commissioner
Department of Commerce and Insurance

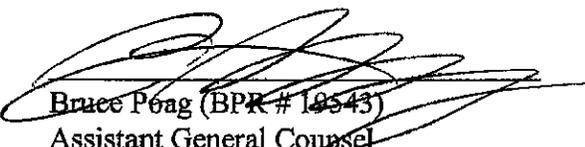
APPROVED FOR ENTRY:



Larry C. Knight, Jr.
Assistant Commissioner for Insurance
Department of Commerce and Insurance



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