

TN- Agent # 0950740  
NPN- 8780531

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

TENNESSEE INSURANCE DIVISION,  
Petitioner,

vs.

TAMEKO S. TOLIVER,  
Respondent.

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No: 10-053

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CONSENT ORDER

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The Insurance Division of the Tennessee Department of Commerce and Insurance ("Insurance Division"), by and through counsel, and Tameko S. Toliver ("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 herein addressed. 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 she 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 Tennessee, residing at 2153 Leyton Avenue, Memphis, Tennessee 38127.

9. Respondent has an insurance producer license, numbered 950740, which was issued in 2006.

## FINDINGS OF FACT

10. On approximately September 8, 2006, Respondent received an appointment with Mutual of Omaha Insurance Company ("Mutual").

11. On approximately November 22, 2008, Respondent received an appointment with Americo Financial Life and Annuity Insurance Company ("Americo").

12. In approximately August 2009, Americo conducted an investigation into Respondent's book of business and determined that approximately nineteen (19) policies that were issued through Respondent for sixteen (16) separate policyholders from approximately December 15, 2008 through August 26, 2009 were fraudulent. Americo determined that one (1) policyholder's identification was fictitious and the remaining fifteen (15) policyholders' identification were determined to have been established by identity theft and forged signatures. Americo terminated Respondent's appointment and referred the matter to the Insurance Division.

13. As a result of the fraudulent policies, Americo suffered financial damages of approximately twelve thousand one hundred seventy-four dollars (\$12,174) in advance commissions paid to Respondent.

14. On approximately November 23, 2009, two (2) policyholders notified Mutual that policies submitted through Respondent's agency, Global Horizon Financial, LLC ("Global"), in their names were issued without their consent and with their forged signatures.

15. Mutual conducted its investigation into Respondent's book of business and determined that approximately fifteen (15) policies that were issued through Global using fourteen (14) separate identities from approximately August 15, 2007 through October 12, 2009 were fraudulent. Mutual determined that the policies were established by identity theft and forged signatures. Mutual terminated Respondent's appointment and referred the matter to the Insurance Division.

16. As a result of the fraudulent policies, Mutual suffered financial damages of approximately forty thousand thirty-three dollars (\$40,033) in advance commissions paid to Respondent.

#### CONCLUSIONS OF LAW

17. TENN. CODE ANN. § 56-6-112(a)(8) (Supp. 2007) provides 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.

18. TENN. CODE ANN. § 56-6-112(a)(10) (Supp. 2007) provides 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 forges another's name to an application for insurance or to any document related to an insurance transaction.

19. TENN. CODE ANN. § 56-6-112(a)(8) (2008) provides 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.

20. TENN. CODE ANN. § 56-6-112(a)(10) (2008) provides 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 forges another's name to an application for insurance or to any document related to an insurance transaction.

21. Based on the Findings of Fact cited above, the Commissioner finds that such facts constitute grounds for an Order revoking Respondent's insurance producer license based on violations of TENN. CODE ANN. § 56-6-112(a)(8) and (10) and assessing a civil penalty in an amount

up to one thousand dollars (\$1,000) for each violation in accordance with TENN. CODE ANN. § 56-2-305(a)(2) (2008) and TENN. CODE ANN. § 56-6-112(e) (Supp. 2007). Respondent neither admits nor denies the Findings of Fact cited above but enters into this Consent Order for the sole purpose of avoiding further administrative action with respect to this cause. Respondent, however, does concede that the Conclusions of Law contained herein are fair and reasonable if the Respondent did act in the manner outlined above.

### **ORDER**

**NOW, THEREFORE**, based on the foregoing and the waiver of Respondent of her 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) that:

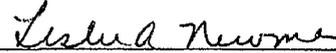
The insurance producer license, numbered 950740, issued to Tameko S. Toliver, is hereby **REVOKED**.

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, Tameko S. Toliver, 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 her 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.

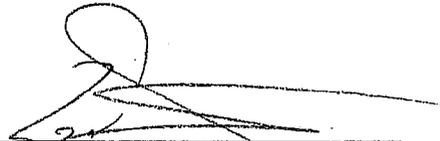
**SO ORDERED.**

ENTERED this the 8<sup>th</sup> day of September, 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



Tameko S. Toliver  
2153 Leyton Avenue  
Memphis, Tennessee 38127



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