



**State of Tennessee**  
**Department of State**  
Administrative Procedures Division  
312 Rosa L. Parks Avenue  
8<sup>th</sup> Floor, William R. Snodgrass Tower  
Nashville, Tennessee 37243-1102  
Phone: (615) 741-7008/Fax: (615) 741-4472

September 03, 2013

James R. Witham  
Assistant General Counsel  
Department of Commerce and Insurance  
Davy Crockett Tower  
500 James Robertson Pkwy, 12<sup>th</sup> Floor  
Nashville, Tennessee 37243

Timothy Thomas  
5011 Country Club Drive  
Brentwood, TN 37027

**RECEIVED**

SEP 09 2013

DEPT OF COMMERCE AND INSURANCE  
LEGAL OFFICE

#5181

#0647390

RE: In the Matter of: United Benefits of America, LLC, & Timothy W. Thomas  
Docket No. 12.04-110577J

Enclosed is an order rendered in the above-styled cause of action.

Administrative Procedures Division  
Tennessee Department of State

/lad  
Enclosure

BEFORE THE COMMISSIONER OF THE  
TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE

IN THE MATTER OF:

TENNESSEE INSURANCE DIVISION,

*Petitioner,*

v.

UNITED BENEFITS OF AMERICA, LLC,  
And TIMOTHY W. THOMAS,

*Respondents.*

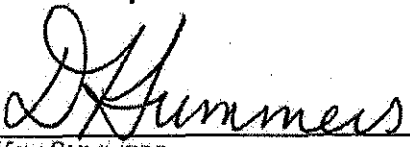
DOCKET NO: 12.04-110577J

**ORDER GRANTING THE MOTION FOR SUMMARY JUDGMENT**

On August 1, 2013, an Order to Show Cause was issued by the undersigned Administrative Judge, giving the Respondents until August 16, 2013, to respond to the Motion for Summary Judgment filed by the Petitioner's on June 20, 2013. As of the date of this Order, no response has been filed. Accordingly, as specified in the Order to Show Cause, Summary Judgment is hereby **GRANTED** in favor of the Petitioners, and the insurance producer licenses of the Respondent are hereby **REVOKED**. Any further proceedings in this matter are **DISMISSED**.

It is so **ORDERED**.

Entered and effective this the 3 day of September 2013.

  
KIM SUMMERS  
ADMINISTRATIVE JUDGE  
ADMINISTRATIVE PROCEDURES DIVISION  
OFFICE OF THE SECRETARY OF STATE



**RECEIVED**

SEP 11 2013

**State of Tennessee**  
**Department of State**  
Administrative Procedures Division  
312 Rosa L. Parks Avenue  
8<sup>th</sup> Floor, William R. Snodgrass Tower  
Nashville, Tennessee 37243-1102  
Phone: (615) 741-7008/Fax: (615) 741-4472

DEPT OF COMMERCE AND INSURANCE  
LEGAL OFFICE

September 10, 2013

Commissioner Julie Mix McPeak  
Tennessee Department of Commerce &  
Insurance  
Office of Legal Counsel  
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500 James Robertson Parkway  
Nashville, TN 37243

Timothy Thomas  
5011 Country Club Drive  
Brentwood, TN 37027

RE: In the Matter of: United Benefits of America, LLC and Timothy W. Thomas  
Docket No. 12.04-110577J

Enclosed is an Initial Order rendered in connection with the above-styled case.

Administrative Procedures Division  
Tennessee Department of State

/aem  
Enclosure

BEFORE THE COMMISSIONER OF THE TENNESSEE  
DEPARTMENT OF COMMERCE AND INSURANCE

IN THE MATTER OF:

UNITED BENEFITS OF AMERICA, LLC  
AND TIMOTHY W. THOMAS

DOCKET NO. 12.04-110577J

NOTICE

ATTACHED IS AN INITIAL ORDER RENDERED BY AN ADMINISTRATIVE JUDGE WITH THE ADMINISTRATIVE PROCEDURES DIVISION.

THE INITIAL ORDER IS NOT A FINAL ORDER BUT SHALL BECOME A FINAL ORDER UNLESS:

1. THE ENROLLEE FILES A WRITTEN APPEAL, OR EITHER PARTY FILES A PETITION FOR RECONSIDERATION WITH THE ADMINISTRATIVE PROCEDURES DIVISION NO LATER THAN September 25, 2013.

YOU MUST FILE THE APPEAL, PETITION FOR RECONSIDERATION WITH THE ADMINISTRATIVE PROCEDURES DIVISION. THE ADDRESS OF THE ADMINISTRATIVE PROCEDURES DIVISION IS:

SECRETARY OF STATE  
ADMINISTRATIVE PROCEDURES DIVISION  
WILLIAM R. SNODGRASS TOWER  
312 ROSA PARKS AVENUE, 8<sup>th</sup> FLOOR  
NASHVILLE, TENNESSEE 37243-1102

IF YOU HAVE ANY FURTHER QUESTIONS, PLEASE CALL THE ADMINISTRATIVE PROCEDURES DIVISION, 615/741-7008 OR 741-5042, FAX 615/741-4472. PLEASE CONSULT APPENDIX A AFFIXED TO THE INITIAL ORDER FOR NOTICE OF APPEAL PROCEDURES.

BEFORE THE COMMISSIONER OF THE  
TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE

IN THE MATTER OF:

TENNESSEE INSURANCE DIVISION,

*Petitioner,*

v.

UNITED BENEFITS OF AMERICA, LLC,  
And TIMOTHY W. THOMAS,

*Respondents.*

DOCKET NO: 12.04-110577J

**ORDER GRANTING THE MOTION FOR SUMMARY JUDGMENT - Amended**

On August 1, 2013, an Order to Show Cause was issued by the undersigned Administrative Judge, giving the Respondents until August 16, 2013, to respond to the Motion for Summary Judgment filed by the Petitioner's on June 20, 2013. As of the date of this Order, no response has been filed. Accordingly, as specified in the Order to Show Cause, Summary Judgment is hereby **GRANTED** in favor of the Petitioners, and the insurance producer licenses of the Respondents are hereby **REVOKED**. Any further proceedings in this matter are **DISMISSED**.

It is so **ORDERED**.

Entered and effective this the 10<sup>th</sup> day of SEPT. 2013.



KIM SUMMERS  
ADMINISTRATIVE JUDGE  
ADMINISTRATIVE PROCEDURES DIVISION  
OFFICE OF THE SECRETARY OF STATE

**APPENDIX A TO INITIAL ORDER  
NOTICE OF APPEAL PROCEDURES**

**Review of Initial Order**

This Initial Order shall become a Final Order (reviewable as set forth below) fifteen (15) days after the entry date of this Initial Order, unless either or both of the following actions are taken:

(1) A party files a petition for appeal to the agency, stating the basis of the appeal, or the agency on its own motion gives written notice of its intention to review the Initial Order, within fifteen (15) days after the entry date of the Initial Order. If either of these actions occurs, there is no Final Order until review by the agency and entry of a new Final Order or adoption and entry of the Initial Order, in whole or in part, as the Final Order. A petition for appeal to the agency must be filed within the proper time period with the Administrative Procedures Division of the Office of the Secretary of State, 8<sup>th</sup> Floor, William R. Snodgrass Tower, 312 Rosa L. Parks Avenue, Nashville, Tennessee, 37243-1102. (Telephone No. (615) 741-7008). See Tennessee Code Annotated, Section (T.C.A. §) 4-5-315, on review of initial orders by the agency.

(2) A party files a petition for reconsideration of this Initial Order, stating the specific reasons why the Initial Order was in error within fifteen (15) days after the entry date of the Initial Order. This petition must be filed with the Administrative Procedures Division at the above address. A petition for reconsideration is deemed denied if no action is taken within twenty (20) days of filing. A new fifteen (15) day period for the filing of an appeal to the agency (as set forth in paragraph (1) above) starts to run from the entry date of an order disposing of a petition for reconsideration, or from the twentieth day after filing of the petition, if no order is issued. See T.C.A. §4-5-317 on petitions for reconsideration.

A party may petition the agency for a stay of the Initial Order within seven (7) days after the entry date of the order. See T.C.A. §4-5-316.

**Review of Final Order**

Within fifteen (15) days after the Initial Order becomes a Final Order, a party may file a petition for reconsideration of the Final Order, in which petitioner shall state the specific reasons why the Initial Order was in error. If no action is taken within twenty (20) days of filing of the petition, it is deemed denied. See T.C.A. §4-5-317 on petitions for reconsideration.

A party may petition the agency for a stay of the Final Order within seven (7) days after the entry date of the order. See T.C.A. §4-5-316.

**YOU WILL NOT RECEIVE FURTHER NOTICE OF THE INITIAL ORDER BECOMING A FINAL ORDER**

A person 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 a Chancery Court having jurisdiction (generally, Davidson County Chancery Court) within sixty (60) days after the entry date of a 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. (However, the filing of a petition for reconsideration does not itself act to extend the sixty day period, if the petition is not granted.) A reviewing court also may order a stay of the Final Order upon appropriate terms. See T.C.A. §4-5-322 and §4-5-317.