



State of Tennessee
Department of State
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April 16, 2018

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Omar Plummer
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Bronx, NY 10458

Omar Plummer
8155 Willow Brook Crossing
Blacklick, OH 43004

Omar Plummer
4752 West Atlantic Boulevard, #209
Pompano Beach, FL 33063

Concordis Group, Inc.
c/o Registered Agents, Inc.
5000 Thayer Center, Suite #C
Oakland, MD 21550

Trenton Scott Sommerville
Register Number #24801-017
Federal Prison Camp Pensacola
110 Raby Avenue
Pensacola, FL 32509

RE: In the Matter of: Concordis Group, Inc., Trenton Scott Somerville
and Omar L. Plummer
Docket No. 12.01-133146J

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

Administrative Procedures Division
Tennessee Department of State

/aem
Enclosure

RECEIVED

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**DEPT. OF COMMERCE AND INSURANCE
LEGAL OFFICE**

BEFORE THE COMMISSIONER OF THE TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE

IN THE MATTER OF:

CONCORDIS GROUP, INC.,
TRENTON SCOTT SOMMERVILLE AND
OMAR L. PLUMMER

DOCKET NO. 12.01-133146J

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 May 1, 2018.

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, 8th 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.

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

**TENNESSEE SECURITIES
DIVISION,**

Petitioner,

vs.

**CONCORDIS GROUP, INC.
TRENTON SCOTT SOMMERVILLE,
and OMAR PLUMMER**

Respondents.

Docket No. 12.01- 133146J

Order No. 2013-0015

INITIAL ORDER

This cause came on to be heard on the 20th day of December, 2017 by the Honorable Elizabeth Cambron, Administrative Law Judge, sitting on behalf of the Commissioner of the Department of Commerce and Insurance. On that date, the remaining matters in the case of Tennessee Securities Division (“TSD”) v. Concordis Group, Inc., (“Concordis”), Trenton Scott Somerville (“Somerville”), and Omar Plummer (“Plummer”), Docket No. 12.01-133146J, were considered. The Petitioner (“Petitioner”), the Tennessee Securities Division (“Division”), was represented by Assistant General Counsel Charles S. Herrell. The remaining Respondent, Omar Plummer, did not appear or send a representative on his behalf.

BACKGROUND

On March 15, 2016, a default judgment was entered against Respondents Concordis and Somerville. At the time of that hearing service of process had not been perfected on Plummer, and leave was granted by the Administrative Law Judge to proceed in a separate hearing if and when Plummer could be served with process.

ENTRY OF DEFAULT

The Tennessee Securities Act (“Act”) contains a provision for bringing respondents who are alleged to have violated the provisions of the Act before the Commissioner, or the Commissioner’s Designee, by an alternate method of service of process under the provisions of TENN. CODE ANN. § 48-1-124(f).¹

The Petitioner demonstrated substantial efforts to perfect service on Plummer via certified mail at a number of addresses in several states. Proof was offered of at least one such mailing that was returned to the Petitioner marked “refused” by the recipient.² After extensive efforts to obtain valid address information and related efforts to perfect service on Plummer, the Petitioner filed a “Motion to Deem Service of Process Complete and Sufficient” pursuant to TENN. CODE ANN. §§ 48-1-124, and 4-5-308(c), as well as TENN. COMP. R. & REGS. 1360-04-01-.06(2), and TENN. COMP. R. & REGS.1360-04-01-.06(3). The Court, upon sufficient showing of such efforts by the Division, granted the Motion.

In light of the evidence of the aforementioned efforts to locate and serve Plummer via conventional means that ultimately proved unsuccessful, and in accord with the provisions of TENN. CODE ANN. § 48-1-124(f), the Division moved for a default judgment. The Motion for Default was granted, and the Petitioner was given permission to proceed on an uncontested basis.

¹ TENN. CODE ANN. § 48-1-124(f) When any person, including any nonresident of this state, engages in conduct prohibited or made actionable by this part or any rule or order hereunder, and has not filed a consent to service of process under subsection (e) and personal jurisdiction over the person cannot otherwise be obtained in this state, the conduct shall be considered equivalent to the appointment of the commissioner or the commissioner's successor in office to be such person's attorney-in-fact to receive service of any lawful process to the same extent as if such person had filed a consent to service of process under subsection (e).

² The Uniform Administrative Procedures Act and the Uniform Rules of Procedure for Hearing Contested Cases Before State Administrative Agencies do not speak directly to the effect of certified mail being returned marked “refused.” However, Rule 4.05(5) of the Tennessee Rules of Civil Procedure provides that such a refusal “shall be deemed an actual and valid service of the summons, process, or notice.”

ENTRY OF ADMISSIONS

The Notice of Hearing and Charges addressed to all Respondents, including Plummer, was accompanied by a set of Requests to Admit. No response was made by any Respondent to the Requests to Admit; therefore, pursuant to Tenn. R. Civ. P. 36, the Requests to Admit are deemed to be admitted against Plummer for all applicable purposes.

FINDINGS OF FACT

1. The Tennessee Securities Act of 1980, as amended, TENN. CODE ANN. §§ 48-1-101 to 48-1-201 (2012) (“Act”), places the responsibility for the administration of the Act on the Commissioner of the Department (“Commissioner”). The TSD is the lawful agent through which the Commissioner discharges this responsibility. TENN. CODE ANN. §§ 48-1-112 and 48-1-115.
2. The TSD is authorized to bring this action based on the finding that such action is in the public interest, necessary for the protection of investors, and consistent with the purposes fairly intended by the policy and provisions of the Act. TENN. CODE ANN. § 48-1-116.
3. Respondent Concordis is a Maryland Corporation that is not authorized to do business in Tennessee. Concordis has a last known principal office address of 501 Burnt Mills Avenue, Silver Spring, Maryland 21201.
4. Respondent Sommerville (CRD #1800868) is believed to be a resident of Florida, with a last known address of Register Number 24801-017, Federal Prison Camp Pensacola, 110 Raby Ave., Pensacola, FL 32509.
5. The allegations of violations of the Act against Concordis and Sommerville were fully adjudicated in a hearing before the Honorable Elizabeth Cambron on March 15, 2016.
6. Respondent Plummer (CRD# 2967570) is believed to be a resident and citizen of Ohio, with a last confirmed known address of 8155 Willow Brook Crossing, Blacklick, Ohio 43004,

and alternate addresses of 4752 West Atlantic Boulevard #209, Pompano Beach, Florida 33063 and 2314 Crotana Avenue, Bronx, NY 10458.

7. None of the Respondents has been registered with the TSD for at least the last ten (10) years.

8. In November of 2011, Tennessee investor Cecil Bateman entered into an investment contract with Concordis and Sommerville, through their agent, Plummer, for the sale of a security described as a "convertible promissory note" in the amount of twenty thousand dollars (\$20,000).

9. The convertible promissory note was said by the Respondents to pay eight and one half percent (8 1/2%) interest, due on May 1, 2012.

10. At the direction of Plummer and Sommerville, payment for Mr. Bateman's investment was made by cashier's check, dated November 16, 2011, to Concordis Group, Inc. In turn, Mr. Bateman received a promissory note executed by Somerville who was described in the note as Chief Executive Officer of Concordis Group, Inc.

11. At no time in the course of the transaction with Mr. Bateman did Plummer reveal that he, Sommerville, and Concordis were not registered as Broker-Dealers, Broker-Dealer Agents, Investment Advisers or Investment Adviser Representatives in Tennessee as required by TENN. CODE ANN. § 48-1-109.

12. Plummer and Sommerville did not reveal to Mr. Bateman that the "convertible promissory note" sold to him was not registered with the TSD as required by TENN. CODE ANN. § 48-1-104.

13. Plummer and Sommerville did not reveal to Mr. Bateman that Plummer was the subject of a prior Cease and Desist Order issued in Colorado that is related to securities activity.

14. Plummer and Sommerville did not reveal to Mr. Bateman that Plummer was the subject of a prior Cease and Desist Order issued in Minnesota that is related to securities activity.

15. At no time in the course of the transaction with Mr. Bateman did Plummer or Sommerville, as the agents for Concordis, attempt to qualify Mr. Bateman as an accredited investor.

16. At no time in the course of the transaction with Mr. Bateman did Plummer or Sommerville, as the agents for Concordis, attempt to make a notice filing with the TSD of the sale of the security to an unaccredited investor.

CONCLUSIONS OF LAW

1. In accordance with TENN. COMP. R. & REG. 1360-04-01-.02(7), TSD bears the burden of proof in proving by a preponderance of the evidence that the facts alleged in the Notice of Hearing and Charges are true and that the issues raised therein should be resolved in its favor.

2. The facts as stated demonstrate that Plummer, acting as a broker-dealer agent, offered and/or sold a security in Tennessee, as defined in the Act that was not registered with the Division, in violation of TENN. CODE ANN. § 48-1-104(a).

3. The violation of TENN. CODE ANN. § 48-1-104(a) provides adequate grounds for the imposition of a civil penalty not to exceed ten thousand dollars (\$10,000) per violation under TENN. CODE ANN. § 48-1-104(b) against Plummer for a total of \$10,000 in civil penalties under this section.

4. The facts as stated demonstrate that Plummer, acting as a broker-dealer agent was not registered with the TSD when he offered and/or sold the promissory note to Cecil Bateman in violation of TENN. CODE ANN. § 48-1-109(a).

5. The violation of TENN. CODE ANN. § 48-1-109(a) provides adequate grounds for the imposition of a civil penalty against Plummer not to exceed ten thousand dollars (\$10,000) per violation under TENN. CODE ANN. § 48-1-109(e), for a total of \$10,000 in civil penalties under this section.

6. Plummer committed a fraudulent act when he sold an unregistered security to Cecil Bateman without disclosing the fact that that he and Sommerville, as individuals, and Concordis as a business, were not registered to sell securities in Tennessee.

7. Plummer committed a fraudulent act when he sold an unregistered security to Cecil Bateman that he, while acting as a broker-dealer agent, made material omissions of fact when he offered and/or sold the unregistered security without disclosing the fact that the security was not registered with the Division.

8. Plummer committed a fraudulent act when he offered and/or sold an unregistered security to Cecil Bateman, while acting as a broker-dealer agent, and material omissions of fact by failing to disclose the fact that he was the subject of existing Cease and Desist Orders issued in Colorado and Minnesota that were based on malfeasance in the securities business in those states.

9. The three (3) separate fraudulent acts of concealment described above provide sufficient grounds under TENN. CODE ANN. § 48-1-121 for the entry of an order assessing an appropriate civil penalty in the amount of five thousand dollars (\$5,000) per violation against Plummer for a total of fifteen thousand dollars (\$15,000) in civil penalties under this section.

10. The civil penalty for the violation of TENN. CODE ANN. § 48-1-104(b) combined with the civil penalty for the violation of TENN. CODE ANN. § 48-1-109(a), and the civil penalty for the three (3) violations of TENN. CODE ANN. § 48-1-121 are good and sufficient grounds for the imposition of a grand total of thirty-five thousand dollars (\$35,000.00) in civil penalties against Plummer.

JUDGMENT

WHEREFORE, IT IS HEREBY ORDERED as follows:

1. Respondent Plummer shall fully **COMPLY** with the Act, and all rules promulgated thereunder.
2. Respondent Plummer shall **BE PERMANENTLY BARRED** from any further conduct as a broker-dealer, broker-dealer agent, investment adviser, or investment adviser representative from or in the state of Tennessee.
3. Respondent Plummer shall **BE PERMANENTLY BARRED** from conducting securities transactions on behalf of others from, in, or into the state of Tennessee.
4. All persons in any way assisting, aiding, or helping Plummer in any of the aforementioned violations of the Act shall **CEASE AND DESIST** all such activities in violation of the Act.
5. **CIVIL PENALTIES** in the total amount of thirty-five thousand dollars (\$35,000) be assessed as follows:
 - Ten thousand dollars (\$10,000) for Respondent Plummer's violation of TENN. CODE ANN. § 48-1-104(a);
 - Ten thousand dollars (\$10,000) for Respondent Plummer's violation of TENN. CODE ANN. § 48-1-109(a);

- Five thousand dollars (\$5,000) per violation for a total of fifteen thousand dollars (\$15,000) for Respondent Plummer's three (3) violations of TENN. CODE ANN. § 48-1-121.

It is so ORDERED.

Entered and effective this the 16TH day of APRIL, 2018.

Elizabeth D. Cambron

**ELIZABETH D. CAMBRON
ADMINISTRATIVE JUDGE
ADMINISTRATIVE PROCEDURES DIVISION
OFFICE OF THE SECRETARY OF STATE**

Filed in the Administrative Procedures Division, Office of the Secretary of State, this the

16TH day of APRIL, 2018.

J. Richard Collier

**J. RICHARD COLLIER, DIRECTOR
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, 8th 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.