

**STATE OF TENNESSEE
HEALTH FACILITIES COMMISSION
BEFORE THE EXECUTIVE DIRECTOR**

In The Matter of:)	
)	
Legacy Personnel, Inc.,)	
Temporary Staffing Agency,)	
License No. 164,)	Case No. 2025046201
)	
Respondent,)	
)	
Santa Clara, California,)	

CONSENT ORDER

This matter came to be heard before the Tennessee Health Facilities Commission (“Commission”), by and through the Office of Legal Services, and Legacy Personnel, Inc. (“Respondent”) that the Commission adopt this Consent Order, the terms of which have been agreed upon by the parties, as signified by their signatures below.

I. JURISDICTION

1. A temporary healthcare staffing agency shall not be operated, maintained, or advertised in this state without registering with the commission. Each separate location of a temporary healthcare staffing agency shall register and obtain a separate registration. T.C.A. § 68-11-2304(a).
2. Pursuant to T.C.A. § 68-11-2304(b), each application to operate a temporary healthcare staffing agency must be made on forms adopted by the commission. The commission shall promulgate rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to establish the application process for temporary healthcare staffing agency registration. The application must include:

- (1) The names and addresses of any controlling person;
 - (2) The names and addresses of any owner who does not meet the definition of a controlling person. If the owner is a corporation, then the application must include copies of the corporation's articles of incorporation and current bylaws, and the names and addresses of its officers and directors;
 - (3) The names and addresses of the person or persons under whose management or supervision the temporary healthcare staffing agency will be operated;
 - (4) Satisfactory proof that the temporary healthcare staffing agency will maintain compliance with this part;
 - (5) A policy and procedure that describes how the temporary healthcare staffing agency's records will be immediately available to the commission upon request; and
 - (6) Any other relevant information the commission determines is necessary to properly evaluate an application for registration.
3. The Commission shall deny an application for temporary healthcare staffing agency registration for failure to provide the information required by this section. T.C.A. § 68-11-2304(d).
 4. The commission shall revoke the registration of a temporary healthcare staffing agency that knowingly provides to a healthcare facility a direct care staff with an illegally or fraudulently obtained or issued diploma, registration, license, certificate, criminal records check, or other item required for employment by a healthcare facility. The commission shall immediately notify the agency that its registration will be revoked in thirty (30) days. T.C.A. § 68-11-2306(a).
 5. If a temporary healthcare staffing agency fails to comply with the reporting requirements in § 68-11-2305, then the Commission **shall assess** a penalty of one hundred dollars (\$100) for each day such agency is not in compliance. The commission **may waive**, in whole or

in part, any penalty upon a determination that there is good cause for such a waiver. T.C.A. § 68-11-2306(c).

6. The Commission **may suspend or revoke** the registration of, or impose a fine not to exceed five thousand dollars (\$5,000) per violation, against a temporary healthcare staffing agency that fails to comply with this part, or the rules promulgated by the commission in accordance with this part. T.C.A. § 68-11-2306(d).
7. A temporary healthcare staffing agency may request a contested case hearing to appeal a denial of an application for registration, revocation of registration, or an imposed monetary penalty. T.C.A. § 68-11-2306(e).
8. The contested case hearing required by this section must be conducted in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, except as otherwise provided in this section. T.C.A. § 68-11-2306(f).
9. Contested cases initiated pursuant to this section **must** be heard by an **administrative law judge sitting alone**. Petitions for contested cases received by the Commission must be forwarded immediately to the administrative division of the secretary of state's office for assignment to an administrative law judge. T.C.A. § 68-11-2306(g).
10. Pursuant to T.C.A. § 68-11-2307(a), if the Commission imposes sanctions on a temporary healthcare staffing agency following a disciplinary proceeding, then the Commission **may require** a temporary healthcare staffing agency to pay the actual and reasonable costs of the investigation and prosecution of the disciplinary proceeding, which include, but are not limited to, the following:
 - (1) All costs absorbed by the commission in connection with the investigation and prosecution of the matter, including all investigator time, travel, and lodging incurred during the prosecution;

- (2) All costs absorbed by the commission for the use of facilities and personnel for prosecution of the matter;
 - (3) All costs assessed against the commission for the appearance fees, transcripts, time, travel, and lodging of administrative law judges, court reporters, and witnesses required in the prosecution of the matter; and
 - (4) All costs attributed to and assessed against the commission in connection with the prosecution of the matter, including all attorney and paralegal time, travel, and lodging incurred during the prosecution of the matter.
11. The commission shall include in any order in which the payment of costs has been assessed an amount that is the maximum amount owed by the temporary healthcare staffing agency at the time the order is entered. Prior to the expiration of sixty (60) days from the effective date of the order, the commission shall send to the temporary healthcare staffing agency, by certified mail, return receipt requested, and by regular United States mail, a final costs assessment that does not exceed the maximum amount in the order. T.C.A. § 68-11-2307(b).

II. STIPULATIONS OF FACT

12. At all times pertinent hereto, Respondent, Legacy Personnel, Inc., 1680 Civic Center Dr., Suite 230 Santa Clara, California 95050, was licensed by the Commission as a temporary healthcare staffing agency, having been granted license number 164 on September 30, 2024, which currently has an expiration date of September 29, 2025.
13. On or about July 31, 2025, Respondent failed to submit the required biannual report to the Commission, for the time period of January 1, 2025, through June 30, 2025.

III. GROUNDS FOR DISCIPLINE

The facts in Section II, *supra*, are sufficient to establish that grounds exist for the discipline of Respondent's temporary healthcare staffing agency license. Specifically, Respondent has

violated the following statutes and/or rules, for which disciplinary action by the Commission is authorized.

14. The fact in paragraph thirteen (13) is sufficient to constitute a violation of Tenn. Comp. R. and Reg. 0720-46-.06(1), the relevant portion of which reads as follows:

An Agency shall submit biannual reports to the Commission pursuant to T.C.A. § 68-11-2305.

IV. REPRESENTATIONS OF RESPONDENT

15. Respondent understands and admits the allegations, charges, and stipulations in this Order.
16. Respondent understands the rights found in the Code, Rules, and the Uniform Administrative Procedures Act, TENN. CODE ANN. §§ 4-5-101 thru 4-5-404, including the right to a hearing, the right to appear personally and by legal counsel, the right to confront and to cross-examine witnesses who would testify against Respondent, the right to testify and to present evidence on Respondent's own behalf, as well as to the issuance of subpoenas to compel the attendance of witnesses and the production of documents, as well as the right to appeal for judicial review. Respondent voluntarily waives these rights in order to avoid further administrative action.
17. Respondent agrees that presentation of this Order to the Commission and the Commission's consideration of it and all matters divulged during that process shall not constitute unfair disclosure such that the Commission or any of its members become prejudiced requiring their disqualification from hearing this matter should this Order not be ratified. All matters, admissions, and statements disclosed during the attempted ratification process shall not be used against the Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.

18. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.
19. Respondent also agrees that the Commission may issue this Order without further process. If the Commission rejects this Order for any reason, it will be of no force or effect for either party.
20. Respondent agrees that the facility has not received any threats or promises of any kind by the State or any agent or representative thereof, except such as is detailed herein.

V. ORDER

NOW THEREFORE, Respondent, for the purpose of avoiding further administrative action with respect to this cause, agrees to the following:

21. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **one hundred dollars (\$100.00)** for a violation of Tenn. Comp. R. and Reg. 0720-46-.06(1) for failure to submit biannual reports.
22. The total assessed CMP amount is **one hundred dollars (\$100.00)**.
23. Payment shall be submitted to the following address within **thirty (30) calendar days** of the effective date of this Order.

**Tennessee Health Facilities Commission
Attention: Disciplinary Coordinator
Andrew Jackson Building, 9th Floor
502 Deaderick Street
Nashville, Tennessee 37243**

**PLEASE DO NOT REMIT PAYMENT UNTIL THE CONSENT ORDER HAS
BEEN RATIFIED AND APPROVED BY THE COMMISSION**

24. Respondent agrees to pay costs not to exceed one thousand dollars (\$1,000.00). A Final Assessment of Costs shall be issued by the Commission within sixty (60) days of the

effective date of this Order. Payment of costs shall be submitted to the Disciplinary Coordinator at the address listed above within thirty (30) days of issuance of the Final Assessment of Costs.

25. If not previously submitted, Respondent must provide financial data within thirty (30) days of ratification.
26. Each condition of discipline herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

[THIS SECTION LEFT INTENTIONALLY BLANK]

APPROVED FOR ENTRY:



Signature of Authorized Representative
Legacy Personnel, Inc.
License No. 164
Respondent

Anthony Alabaeter

Printed Name of Authorized Representative

CEO

Title of Authorized Representative

Seth Colón (BPR # 037137)
Associate General Counsel
Health Facilities Commission
Office of Legal Services
Andrew Jackson Building, 9th Floor
502 Deaderick Street
Nashville, Tennessee 37243
Office: (615) 741-2364
Fax: (615) 741-9884
Email: seth.colon@tn.gov

Approval by the Commission

Upon the agreement of the parties, and the record as a whole, this **CONSENT ORDER** was approved as a **FINAL ORDER** by a majority of a quorum of the Health Facilities Commission at a public meeting of the Commission and signed this _____ day of _____, 202__.

ACCORDINGLY, IT IS ORDERED that the agreement of the parties does hereby become the Final Order of the Commission.

Chairperson
Health Facilities Commission

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent, Legacy Personnel, Inc., c/o Administrator, 1680 Civic Center Dr., Suite 230, Santa Clara, California 95050, by delivering same in the United States regular mail and United States certified mail, number **7020 0640 0001 4807 8744**, return receipts requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to: talabaster@legacypersonnel.com.

This _____ day of _____, 202__.

Seth Colón
Associate General Counsel