TN ID 0927977

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

NPN- 8449904

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| **TENNESSEE INSURANCE DIVISION,** | ) | |
| **Petitioner,** | ) | |
| | ) | |
| **vs.** | ) | **No: 10-052** |
| | ) | |
| **JASON S. HEFELFINGER,** | ) | |
| **Respondent.** | ) | |

## CONSENT ORDER

The Insurance Division of the Tennessee Department of Commerce and Insurance ("Insurance Division"), by and through counsel, and Jason S. Hefelfinger ("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 he 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 and resides at 3712 Moss Rose Drive, Nashville, Tennessee 37216. Respondent's insurance producer license, numbered 927977, was issued in 2005.

## FINDINGS OF FACT

9. From approximately August 20, 2009 until April 26, 2010, Respondent was an appointed agent of American Family Life Assurance Company of Columbus ("Aflac").

10. On approximately November 30, 2009, Respondent established a fictitious business, Professional Home Builders, in order to fraudulently submit eighteen (18) insurance applications for himself, Sarah Varney and Donald S. Hefelfinger, Respondent's father. Respondent forged his father's signature on six (6) Aflac insurance applications.

11. Soon thereafter, Respondent's father began receiving Aflac insurance application confirmation mailings. Respondent's father confronted Respondent who admitted to submitting false applications to Aflac. Respondent's father requested Aflac cancel the policies.

12. On approximately April 23, 2010, Aflac completed its review, and based on its findings, terminated Respondent's appointment and notified the Insurance Division.

## CONCLUSIONS OF LAW

13. 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.

14. 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.

15. Based on the Findings of Facts, cited above, the Commissioner finds that Respondent used fraudulent and dishonest practices and demonstrated untrustworthiness in the conduct of business and forged another's name to applications for insurance.

16. Such facts constitute grounds for an Order revoking Respondent's insurance producer license and assessing a civil penalty against him based on violations of TENN. CODE ANN. § 56-6-112(a)(8) and (10) (2008). Respondent concedes that the Conclusions of Law contained herein are fair and reasonable as outlined above. Respondent enters into 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 of his 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 927977, issued to Jason S. Hefelfinger, 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, Jason S. Hefelfinger, affirmatively states that he has freely agreed to the entry of this Consent Order, that he has been advised that he may consult with legal counsel in this matter, that he waives his 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 23rd day of August, 2010.

Leslie A. Newman

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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