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

TENNESSEE INSURANCE DIVISION,	)	
Petitioner,	)	
	)	
vs.	)	**TID No.: 12-075**
	)	
JEFFERY O. ROBBINS,	)	
Respondent,	)	

CONSENT ORDER

The Tennessee Insurance Division ("Division") and Jeffery O. Robbins ("Respondent") hereby stipulate and agree to the entry of this Consent Order subject to the approval of the Commissioner of the Tennessee Department 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 an order by the Commissioner.

2. The Commissioner has determined that the resolution set forth in this Consent Order is fair, reasonable, and in the best interest of the public.

3. This Consent Order is executed by the 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, nor shall it be used for any purpose in furtherance of this case.

4. Respondent fully understands that this Consent Order will in no way preclude additional proceedings by the Commissioner against Respondent for acts or omissions not specifically addressed in this Consent Order or for facts and/or omissions that do not arise from the facts or transactions herein addressed.

5. Respondent expressly waives all further procedural steps and all rights to seek judicial review of or to otherwise challenge or contest the validity of this Consent Order, the stipulations and imposition of discipline expressly contained herein, and the consideration and entry of said Consent Order by the Commissioner.

FINDINGS OF FACT

6. The Commissioner has jurisdiction over this matter pursuant to the Tennessee Insurance Law ("Law"), Title 56 of the Tennessee Code Annotated. The Law places on the Commissioner the responsibility of the administration of its provisions.

7. The 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 the State of Tennessee, residing at 2419 Glenobey Road, Jamestown, Tennessee 38556. On August 15, 1988, the Division granted Respondent an insurance producer license, numbered 0695518.

9. On or about February 23, 2011 the Division received an anonymous complaint that Respondent was convicted of theft. Upon receipt of such notice, the Division began an investigation of Respondent pursuant to Inquisitorial Order No. 11-020.

10. On or about August 4, 2011 the Office of the District Attorney General – 8th Judicial District of Tennessee ("District Attorney") confirmed with the Division that Respondent had entered a plea of guilty to defrauding the State of Tennessee Department of Agriculture of twenty thousand dollars ($20,000) by using fraudulent invoices to obtain subsidies. The guilty plea was entered on March 9, 2009, in which Respondent pled guilty to one (1) Class C Felony for "Theft Greater than $10,000." As a result, Respondent was ordered to pay twenty thousand dollars ($20,000) to the Department of Agriculture, a two thousand five hundred dollar ($2,500) fine, and was placed on diversion until April, 2013. As a term of his four (4) year probation, Respondent was prohibited from participating in any new federal or state agriculture subsidy program.

11. Following the March, 2009 guilty plea and diversionary sentence, Respondent submitted an insurance producer license renewal application on June 1, 2009. Respondent answered "no" to the question of whether he had been convicted of a crime since his last renewal application. The application clearly defines "crime" to include a felony, and clearly defines "conviction" to include having entered a plea of guilty or having been given probation.

12. On or about June 1, 2011, Respondent submitted an insurance producer license renewal application in which he answered "no" to the question of whether he had a judgment withheld or deferred that had not been previously reported to the state.

CONCLUSIONS OF LAW

13. TENN. CODE ANN. § 56-6-112(a) provides that "[t]he commissioner may place on probation, suspend, revoke, or refuse to issue or renew a license issued under this part and/or may levy a civil penalty in accordance with this section or take any combination of those actions, for any one (1) or more of the following causes":

> (1) Providing incorrect, misleading, incomplete or materially untrue information in the license application;
>
> (2) Obtaining or attempting to obtain a license through misrepresentation or fraud;
>
> (6) Having been convicted of a felony[1];
>
> (8) Using fraudulent, coercive or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere;

14. Based upon the Findings of Fact stated above and the Conclusions of Law contained herein, the Commissioner considers the actions of Respondent to be in violation of TENN. CODE ANN. § 56-6-112(a)(1) for providing materially incorrect information on two (2) separate insurance producer license renewal applications; (a)(2) for misrepresenting his criminal record on two (2) separate insurance producer license renewal applications; (a)(6) for entering a plea of guilty to felony theft for the purposes of judicial diversion; and (a)(8) for using fraudulent and dishonest practices and demonstrating incompetence or untrustworthiness in the conduct of business in this state. Such facts constitute grounds for an order revoking Respondent's insurance producer license in accordance with TENN. CODE ANN. § 56-6-112. Such facts also provide grounds for an order imposing civil penalties against Respondent in an amount not more than

[1] For purposes of this Order "felony conviction" includes the definition found in the 2009 insurance license application which includes having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, or having been given probation, a suspended sentence, or a fine.

one thousand dollars ($1,000) for each separate violation committed after July 1, 2011 in accordance with TENN. CODE ANN. § 56-6-112(g) and an amount not more than twenty-five thousand dollars ($25,000) for each separate violation committed knowingly to all acts occurring prior to July 1, 2011 in accordance with TENN. CODE ANN. § 56-2-305.

15. Respondent neither admits nor denies the Findings of Facts but concedes that the Conclusions of Law contained herein are fair and reasonable as outlined above. Respondent enters this Consent Order for the sole purpose of avoiding further administrative action with respect to this cause. Respondent hereby acknowledges the Commissioner's authority to administer the Law and concedes that the Commissioner's interpretations of the statutes cited in the Conclusions of Law are reasonable and enforceable.

16. Respondent hereby agrees to the entry of this Consent Order in the interest of cooperation and settlement, and to avoid the costs associated with future administrative and judicial proceedings with respect to the above matter.

ORDER

NOW, THEREFORE, based on the foregoing and Respondent's waiver 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, Jeffery O. Robbins, has agreed to the entry of this Consent Order and that this Consent Order is appropriate, in the best interest of the public, and necessary for the protection of the public.

IT IS THEREFORE ORDERED, pursuant to TENN. CODE ANN. §§ 56-6-112 that:

1. The insurance producer license, numbered 0695518, issued to Respondent, Jeffery O. Robbins, is hereby **REVOKED**;

2. Respondent shall not, while without a license, conduct further business for which an insurance license is required under the Law; and

3. Respondent shall pay the Division a penalty in the total sum of three thousand dollars ($3,000).

This Consent Order represents the complete and final resolution and discharge of administrative remedies available to the Commissioner under TENN. CODE ANN. §§ 56-6-112 against Respondent for violations of the Law arising out of the Findings of Fact set forth in paragraphs 6 through 12 above. However, this Consent Order shall in no way preclude a third party or other authority from pursuing civil remedies or criminal action against Respondent which may otherwise be available.

This Consent Order is in the public interest and in the best interest of the parties, represents a compromise and settlement of the controversy between the parties, and is for settlement purposes only. By signature affixed below, Respondent, Jeffery O. Robbins, affirmatively states that he has: (1) freely agreed to the entry of this Consent Order; (2) had the opportunity to effectively consult with legal counsel in this matter; (3) reviewed the Findings of Fact and Conclusions of Law contained herein; and (4) waives his right to a hearing on the matters underlying this Consent Order. Respondent further states that no threats or promises of any kind have been made by the Commissioner, the Division, or any agent or representative thereof with regard to this Consent Order.

By signing this Consent Order, the parties affirm their agreement to be bound by the terms of this Consent Order and confirm that no promises or offers relating to the circumstances described herein, other than the terms of the settlement set forth in this Consent Order, are binding upon them.

IT IS SO ORDERED.

ENTERED this the 22nd day of May, 2013

Julie Mix McPeak, Commissioner
Department of Commerce and Insurance

APPROVED FOR ENTRY:

Larry C. Knight, Jr.
Assistant Commissioner for Insurance
Department of Commerce and Insurance
Davy Crockett Tower, 7th Floor
500 James Robertson Parkway
Nashville, Tennessee 37243

Jeffery O. Robbins
2419 Glenobey Road
Jamestown, Tennessee 38556

Lauren V. Dantche (BPR# 30126)
Assistant General Counsel
Department of Commerce and Insurance
Davy Crockett Tower, 8th Floor
500 James Robertson Parkway
Phone: (615) 253-3259
Fax: (615) 741-4000