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DEPT OF COMMERCE AND INSURANCE
LEGAL OFFICE

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

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| **IN THE MATTER OF:** | ) | |
| | ) | |
| **JOSEPH R. LILLAGORE, JR.** | ) | **TID Order No. 15-040** |
| | ) | |
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**CONSENT ORDER**

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The Insurance Division of the Tennessee Department of Commerce and Insurance ("Division"), by and through counsel, and Joseph R. Lillagore, Jr. ("Lillagore") hereby stipulate and agree, 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 the Commissioner.

2. This Consent Order is executed by Lillagore 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.

3. Lillagore fully understands that this Consent Order will in no way preclude additional proceedings by the Commissioner for acts and/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.

4. Lillagore fully understands that this Consent Order will in no way preclude proceedings by state government representatives, other than the Commissioner, for violations of Title 56 of the Tennessee Code Annotated addressed specifically in this Consent Order, against Lillagore for violations of law under statutes, rules, or regulations of the State of Tennessee, which may arise out of the facts, acts, or omissions contained in the Findings of Fact and Conclusions of Law stated herein, or which arise as a result of the execution of this Consent Order by Lillagore.

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

## AUTHORITY AND JURISDICTION

6. The Commissioner has jurisdiction over this matter pursuant to the Tennessee Insurance Law ("Law"), Title 56 of the Tennessee Code Annotated, specifically Tenn. Code Ann. §§ 56-1-101, 56-1-202, 56-2-305 and 56-6-112. The Law places on the Commissioner the responsibility of the administration of its provisions.

## PARTIES

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. Lillagore is a citizen and resident of the State of Tennessee. Lillagore's address of record on file with the Division is 625 Baker's Bridge Ave., Unit #105, Franklin, Tennessee 37067. Lillagore obtained his resident insurance producer license number 1019878, on or about April 23, 2009. Lillagore's insurance producer license expired on November 30, 2013, and it is currently inactive.

## FINDINGS OF FACT

9. Lillagore and Jay Scott McIntyre ("McIntyre"), also a resident insurance producer, worked on client files as partners while the two (2) agents were employed by MetLife Insurance Company ("MetLife").

10. On or about September 2013, MetLife began sending letters to Lillagore and McIntyre's clients inquiring about unauthorized transactions on the client accounts and irregular signatures.

11. Consequently, the clients began contacting Lillagore and McIntyre about the letter from MetLife. Upon the client inquiries, Lillagore admitted to McIntyre that Lillagore had signed the client signatures on several Agent Change of Record forms.

12. At least five (5) clients responded to MetLife's letter stating that at least one (1) or more of the signatures on the documents sent for their review was not their signature.

13. On or about October 2013, the Division received faxed documents from MetLife, including policy applications and forms with unauthorized and forged signatures.

14. Lillagore and McIntyre were the agents associated with the policy applications and forms faxed to the Division from MetLife.

15. During an investigation by the Division, Lillagore admitted to signing and submitting an Agent Change of Record form for several client accounts.

16. Lillagore signed the Agent Change of Record forms without the knowledge or consent of the clients.

## CONCLUSIONS OF LAW

17. Tenn. Code Ann. § 56-6-112(a) provides that the 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:

> (8) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere; [and,]
>
> ....
>
> (10) Forging another's name to an application for insurance or to any document related to an insurance transaction[.]
>
> ....

18. Tenn. Code Ann. § 56-6-112 (2011), states in pertinent part:

> ....
>
> (e) The commissioner shall retain the authority to enforce this part and impose any penalty or remedy authorized by this part and this title against any person who is under investigation for or charged with a violation of

this part or this title, even if the person's license has been surrendered or has lapsed by operation of law.

. . . .

(g) If . . . the commissioner finds that any person required to be licensed, permitted, or authorized by the division of insurance pursuant to this chapter has violated any statute, rule or order, the commissioner may, at the commissioner's discretion, order:

(1) The person to cease and desist from engaging in the act or practice giving rise to the violation.

(2) Payment of a monetary penalty of not more than one thousand dollars ($1,000) for each violation, but not to exceed an aggregate penalty of one hundred thousand dollars ($100,000). This subdivision (g)(2) shall not apply where a statute or rule specifically provides for other civil penalties for the violation. For purposes of this subdivision (g)(2), each day of continued violation shall constitute a separate violation; and

(3) The suspension or revocation of the person's license.

(h) In determining the amount of penalty to assess under this section, the commissioner shall consider:

(1) Whether the person could reasonably have interpreted such person's actions to be in compliance with the obligations required by a statute, rule or order;

(2) Whether the amount imposed will be a substantial economic deterrent to the violator;

(3) The circumstances leading to the violation;

(4) The severity of the violation and the risk of harm to the public;

(5) The economic benefits gained by the violator as a result of noncompliance;

(6) The interest of the public; and

(7) The person's efforts to cure the violation.

19. Based upon the Findings of Fact stated above and the Conclusions of Law contained herein, the Commissioner considers the actions of Lillagore to be in violation of Tenn. Code Ann. §§ 56-6-112(a)(8) and (10) for forging consumer signatures on an Agent Change of Record form, a document related to an insurance transaction. Such facts provide grounds for the imposition of a five thousand dollar ($5,000) civil penalty for violation in accordance with Tenn. Code Ann. § 56-6-112(g).

20. In order to avoid any further expenses or costs associated with litigating this matter in any administrative or judicial proceedings, Lillagore hereby acknowledges the Commissioner's authority to administer the statutes cited herein, concedes that the Commissioner's interpretation of the statutes cited in the Conclusions of Law are reasonable and enforceable, and agrees to the entry of this Consent Order including each of the sanctions ordered by the Commissioner.

## ORDER

**NOW, THEREFORE,** on the basis of the foregoing, and Lillagore's waiver of the right to a hearing and appeal under the Law and the Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-101 to 4-5-404, and Lillagore's admission of jurisdiction of the Commissioner, the Commissioner finds that Lillagore, for the purpose of settling this matter agrees to the entry of this Order and agrees that this Order is in the public interest, and consistent with the purposes fairly intended by the policy and provisions of the Law.

**IT IS ORDERED,** pursuant to Tenn. Code Ann. § 56-6-112(g), that Lillagore:

1. Pay **CIVIL PENALTIES** in the amount of five thousand dollars ($5,000) according to the payment schedule set forth below. Payments must include a copy of the first page of this Order, shall be payable to "State of Tennessee" and mailed to:

**State of Tennessee**
**Department of Commerce and Insurance**
**Legal Office, Attn: Stephanie Crenshaw**
**Davy Crockett Tower**
**500 James Robertson Parkway**
**Nashville, Tennessee 37243**

The first payment of two hundred eight dollars and forty-one cents ($208.41) shall be made on or before December 15, 2015. Thereupon each subsequent payment of two hundred eight dollars and thirty-three cents ($208.33) shall be made on or before the fifteenth of every month consecutively until the entire amount of five thousand dollars ($5,000) has been paid in full to the Division. The final payment shall be due on or before November 15, 2017. Any missed payment will result in the Division having full discretion to demand the remaining balance of the five thousand dollar ($5,000) civil penalty or release the Commissioner from the terms of this Order to pursue the full legal remedy in this matter.

2. In addition, it is further **ORDERED** that all persons in any way assisting, aiding, or helping Lillagore in any of the aforementioned violations of Tenn. Code Ann. § 56-6-112 shall **CEASE AND DESIST** from all such activities in violation of the Law.

**IT IS ORDERED** that this Consent Order represents the complete and final resolution of, and discharge with respect to all administrative and civil, claims, demands, actions and causes of action by the Commissioner against Lillagore for violations of Tenn. Code Ann. § 56-6-112 alleged by the Division to have occurred with respect to the transactions involving the facts contained herein.

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 the signatures affixed below, Lillagore affirmatively states he has freely agreed to the entry of this Consent Order, that he waives the right to a hearing on the matters underlying this Consent Order and to a review of the Findings of Fact and Conclusions of Law contained herein, and that no threats or promises of any kind have been made to him by the Commissioner, the Division, or any agent or representative 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 the settlement as set forth in this Consent Order, are binding upon them.

**ENTERED** this 5th day of January, ~~2015~~ 2016.

Julie Mix McPeak, Commissioner
Department of Commerce and Insurance

**APPROVED FOR ENTRY:**

Joseph R. Lillagore, Jr.
625 Baker's Bridge Ave.
# 105
Franklin, Tennessee 37067

Michael Humphreys
Assistant Commissioner for Insurance
Department of Commerce and Insurance

Stephanie M. Crenshaw, BPR # 031517
Assistant General Counsel
500 James Robertson Parkway
Nashville, Tennessee 37243