

Tennessee  
ID 0762584

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

NPN-  
5495684

<b>TENNESSEE INSURANCE DIVISION,</b>	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	<b>No: 10-060</b>
	)	
<b>JIMMIE RONALD HARDIN,</b>	)	
<b>Respondent.</b>	)	

**CONSENT ORDER**

The Insurance Division of the Tennessee Department of Commerce and Insurance ("Insurance Division"), by and through counsel, and Jimmie Ronald Hardin ("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 Respondent 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 47 Hughes Drive, Jackson, Tennessee 38308. Respondent's insurance producer license, numbered 762584, was issued in 1995.

## FINDINGS OF FACT

9. From approximately June 4, 2008 until February 8, 2010, Respondent was an appointed agent with Liberty Bankers Life Insurance Company ("Liberty").

10. From approximately July 2009 to December 2009, Respondent sold Liberty life insurance policies to George Butterworth, Mamie Butterworth and Jeffrey Sanders (collectively, the "Insureds").

11. The policies, though, were sold to the Insureds—with their complicity—for the sole purpose of qualifying Respondent for an incentive trip given by Liberty to its top insurance producers.

12. Respondent and the Insureds agreed that while the premiums were to be deducted directly from the Insureds' bank accounts, Respondent would personally reimburse them all amounts that were subsequently deducted from their bank accounts.

13. Mamie Butterworth and Sanders, however, received reimbursement checks from Respondent that were returned from the bank because insufficient funds were in the account on which the checks were drawn.

14. The Butterworths eventually canceled their life insurance policies, and Liberty reimbursed them the entire amount of their premium payments. Liberty, therefore, sustained a monetary loss of two thousand seven hundred forty-three dollars and eighty-nine cents (\$2,743.89).

15. On approximately December 18, 2009, Liberty issued a life insurance policy to Brent Grimes after receiving a life insurance application on his behalf. Grimes, however, never authorized the issuance of the life insurance policy and only became aware of its existence after reconciling his bank account. Upon discovering several monthly account deductions in the amount of eighty-three dollars and seventy-nine cents (\$83.79), Grimes contacted Liberty and was given the details of the life insurance policy.

16. On approximately June 2, 2010, Grimes filed a police report with the Savannah Police Department located in Savannah, Tennessee, alleging that the Respondent forged his name to a life insurance application.

17. The Butterworths, Sanders and Grimes were acquainted with Respondent and had previously purchased insurance policies from him.

18. On approximately February 8, 2010, Liberty completed its review and terminated Respondent's appointment for cause and notified the Insurance Division.

### CONCLUSIONS OF LAW

19. TENN. CODE ANN. § 56-6-112(a)(4) (2008) provides that the Commissioner may place on probation, suspend, revoke or refuse to issue or renew a license and/or levy a civil penalty for anyone who improperly withholds, misappropriates or converts any moneys or properties received in the course of doing insurance business.

20. 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 levy a civil penalty for anyone who uses fraudulent, coercive or dishonest practice or demonstrates incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.

21. 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.

22. TENN. CODE ANN. § 56-8-104(a)(8) (2008) provides that it is an unfair trade practice for anyone to knowingly permit or offering to make or making any policy of insurance, including, but not limited to, any life insurance policy or annuity, or accident and health insurance or other insurance, or agreement as to the contract other than plainly expressed in the policy issued thereon,

or paying or allowing, or giving or offering to pay, allow, or give, directly or indirectly, as any inducement to the policy, any rebate of premiums payable on the policy, or any special favor or advantage in the dividends or other benefits thereon, or any valuable consideration or inducement whatever not specified in the policy; or giving, or selling, or purchasing, or offering to give, sell, or purchase as inducement to the policy or annuity or in connection with the policy or annuity, any stocks, bonds or other securities of any insurance company or other corporation, association or partnership, or any dividends or profits accrued thereon, or anything of value whatsoever not specified in the policy.

23. Based on the Findings of Facts, cited above, the Commissioner finds that Respondent improperly withheld moneys received in the course of doing insurance business, engaged in fraudulent or dishonest practices or demonstrated untrustworthiness, forged another's name to an application for insurance and engaged in unfair trade practices.

24. Such facts constitute grounds for an Order revoking Respondent's insurance producer license based on violations of TENN. CODE ANN. §§ 56-6-112(a)(4), (8) and (10) (2008) and 56-8-104(a)(8) (2008) and assessing a civil penalty in an amount up to one thousand dollars (\$1,000) for each violation in accordance with TENN. CODE ANN. § 56-2-305(a)(2) (2008). Respondent admits to the Findings of Fact and 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 762584, issued to Jimmie Ronald Hardin, is hereby **REVOKED**.

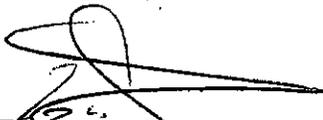
This Consent Order is in the public interest and in the best interests of the parties, and represents a compromise and settlement of the controversy between the parties and is for settlement purposes only. By signature affixed below, Jimmie Ronald Hardin, affirmatively states that he has freely agreed 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.**

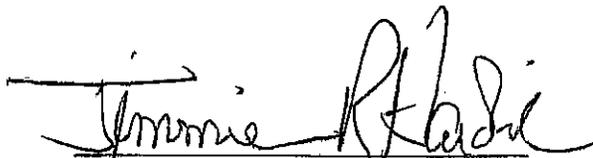
ENTERED this the 23<sup>rd</sup> day of November, 2010.

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



Jimmie Ronald Harbin  
47 Hughes Drive  
Jackson, Tennessee 38308



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