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

TENNESSEE INSURANCE DIVISION,	)	
Petitioner,	)	
	)	
vs.	)	**TID No.: 13-042**
	)	
KEVIN J. WOODY,	)	
Respondent,	)	

CONSENT ORDER

The Tennessee Insurance Division of the state of Tennessee Department of Commerce and Insurance ("Division"), Kevin J. Woody ("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 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 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.

6. Respondent voluntarily enters into this Consent Order to avoid formal charges and a contested case proceeding with respect to the matters described herein.

STIPULATED FINDINGS OF FACT

7. The Commissioner has jurisdiction pursuant to the Tennessee Insurance Law ("the Law"), Title 56 of Tennessee Code Annotated, and the Law places the responsibility for the administration of its provisions on the Commissioner.

8. 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.

9. Respondent, Kevin J. Woody, is a citizen and resident of Tennessee with an address of record at 1460 Peavine Firetower Road, Crossville, Tennessee 38571.

10. On April 5, 2010, the Division granted Respondent an insurance producer license, numbered 2005610, which expired on July 31, 2012. Respondent may, within twelve (12) months of the date of expiration, reinstate his license without passing a written examination by payment of a late penalty.

11. On February 1, 2012 Respondent entered a plea of guilty to the following, constituting a Class C Felony, resulting in his conviction thereof:

a. Conspiracy to Distribute and Possess with Intent to Distribute Oxycodone, a schedule II controlled substance, Hydrocodone, a schedule III controlled substance, and Alprazolam, a scheduled IV controlled substance in violation of 21 U.S.C. §§ 841 and 846. The conviction is subject to a maximum penalty of not more than twenty (20) years imprisonment and a fine of up to one million dollars ($1,000,000).

12. On or about August 31, 2012 a criminal judgment was issued in the United States District Court for the Middle District of Tennessee. As a result of his guilty plea, Respondent was sentenced to imprisonment for two (2) years and one (1) day, and three (3) years of supervised release.

STIPULATED CONCLUSIONS OF LAW

13. 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 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:

(6) Having been convicted of a felony;

14. Based on the Stipulated Findings of Fact cited above and the Stipulated Conclusions of Law contained herein, the Commissioner considers Respondent's actions to be in violation of TENN. CODE ANN. § 56-6-112(a)(6) for having been convicted of a felony. Respondent is therefore subject to sanctions set forth in TENN. CODE ANN. § 56-6-112.

15. Respondent does not deny the Findings of Fact cited above, and understands that such findings subject him to sanctions specified in TENN. CODE ANN. § 56-6-112. Respondent

hereby acknowledges the Commissioner's authority to administer the Law and concedes that the Commissioner's interpretations of the statute 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. This Consent Order represents the complete agreement between the parties as stipulated in the Stipulated Findings of Fact herein. According to those facts, no civil penalty is imposed upon the Respondent.

ORDER

NOW, THEREFORE, based on the foregoing and the waiver by Respondent of the right 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 entry of this Consent Order and that this Consent Order is appropriate, in the public interest, and necessary for the protection of the public.

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

1. Respondent's Tennessee insurance producer license number 2005610 is hereby **REVOKED. FURTHERMORE,** the Respondent hereby agrees to **cease and desist** in any and all acts of engaging in the business of insurance requiring licensure under the Tennessee Insurance Producers Act.

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 Stipulated Findings of Fact cited above.

This Consent Order is in the public interest and in the best interests 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, Kevin J. Woody, affirmatively states that he has: (a) freely agreed to entry of this Consent Order; (b) had an opportunity to consult with legal counsel in this matter; (c) reviewed the Stipulated Findings of Fact and Stipulated Conclusions of Law contained herein; and (d) waived 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 settlement set forth in this Consent Order, are binding upon them.

ENTERED this the 11th day of April, 2013.

Julie Mix McPeak, Commissioner of the
Department of Commerce and Insurance

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