

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

0960919

TENNESSEE INSURANCE DIVISION, )  
Petitioner, )  
vs. )  
PAUL HICKMAN, )  
Respondent. )

No: 07-008

RECEIVED

MAY 29 2007

DEPT OF COMMERCE & INSURANCE  
AGENT LICENSING

CONSENT ORDER

WHEREAS the Insurance Division of the State of Tennessee Department of Commerce and Insurance (hereinafter referred to as the "Division"), by and through counsel, and Paul Hickman (hereinafter referred to as "Respondent"), hereby stipulate and agree, subject to the approval of the Commissioner of Commerce and Insurance (hereinafter referred to as the "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 facts 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.

#### FINDINGS OF FACT

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

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, Paul Hickman, is a citizen and resident of the State of Tennessee, residing at 206 Memorial Drive, Chattanooga, Tennessee, 37415 and, at all times relevant to the events herein, has been licensed by the Division to sell insurance in the this state, having obtained said insurance producer license, numbered 960919, in 2006.

9. On July 8, 1997, Respondent pleaded guilty to two (2) "specifications" of indecent acts to a child under the age of sixteen (16) years, both comparable to felonies in the civilian justice system, in violation of Uniform Code of Military Justice Art. 134, 10 U.S.C. § 934 (1995). Respondent was sentenced to Sixty-two (62) months confinement in a U. S. Army correctional facility, dishonorably discharged and reduced to the grade of Private E-1.

10. On October 12, 2006, the Department of Commerce and Insurance received a "Uniform Application for Individual Insurance Producer License" (hereinafter referred to as the "Application") from Respondent.

11. Question One of the Application regarding background information asks, "Have you ever been convicted of, or are you currently charged with, committing a crime, whether or not adjudication was withheld?" Question One further defines "crime" to include a military offense.

12. Respondent falsely answered Question One of the Application by marking the space indicating "No."

### CONCLUSIONS OF LAW

13. Tenn. Code Ann. § 56-6-112(a)(6) provides that the Commissioner may place on probation, suspend, revoke or refuse to issue or renew a license for anyone convicted of a felony.

14. Based upon the Findings of Facts cited above, the Commissioner finds that Respondent was convicted of two (2) "specifications" of indecent acts to a child under the age of sixteen (16) years, both comparable to felonies in the civilian justice system, in violation of Uniform Code of Military Justice, Art. 134, 10 U.S.C. § 934 (1995). Such facts would constitute grounds for an order revoking Respondent's insurance producer license under this part in as a violation of Tenn. Code Ann. § 56-6-112(a)(6).

15. Tenn. Code Ann. § 56-6-112(a)(1) provides that the Commissioner may place on probation, suspend, revoke or refuse to issue or renew a license for anyone who provides incorrect, misleading, incomplete or materially untrue information in the license application.

16. Based upon the Findings of Facts cited above, the Commissioner finds that Respondent indicated on his Application that he had never been convicted of any crimes, including military offenses. Such facts would constitute grounds for an order revoking Respondent's insurance producer license under this part in violation of Tenn. Code Ann. § 56-6-112(a)(1).

**ORDER**

**NOW THEREFORE**, on the basis of 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) that:

The insurance producer license, numbered 960919, issued to Paul Hickman, 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, Paul Hickman, 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, and has had the opportunity to consult with legal counsel, 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 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 24<sup>th</sup> day of May, 2007.

Leslie A. Newman  
Leslie A. Newman, Commissioner  
Department of Commerce and Insurance

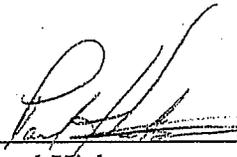
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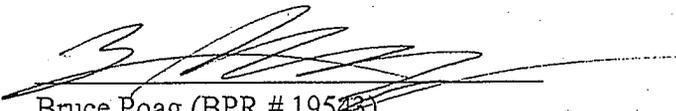
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*ASST. Commissioner for Insurance*



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