



State of Tennessee
Department of State
Administrative Procedures Division
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June 19, 2019

Commissioner Carter Lawrence
Tennessee Department of Commerce &
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Office of Legal Counsel
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500 James Robertson Parkway
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Jason Campbell
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RE: In the Matter of: Jason Campbell

Docket No. 12.01-157392J

Enclosed is an Initial Order rendered in connection with the above-styled case.

Administrative Procedures Division
Tennessee Department of State

/aem
Enclosure

RECEIVED
JUN 21 2019
DEPT. OF COMMERCE AND INSURANCE
LEGAL OFFICE

NOTICE OF APPEAL PROCEDURESREVIEW OF INITIAL ORDER

Attached is the Administrative Judge's decision in your case before the **Commissioner of the Tennessee Department of Commerce & Insurance (the Commissioner)**, called an Initial Order, with an entry date of **June 19, 2019**. The Initial Order is not a Final Order but shall become a Final Order unless:

1. **A Party Files a Petition for Reconsideration of the Initial Order:** You may ask the Administrative Judge to reconsider the decision by filing a Petition for Reconsideration. Mail to the Administrative Procedures Division (APD) a document that includes your name and the above APD case number, and sets forth the specific reasons why you think the decision is incorrect. The APD must receive your written Petition no later than 15 days after entry of the Initial Order, which is no later than **July 5, 2019**. A new 15 day period for the filing of an appeal to the Commissioner (as set forth in paragraph (2), below) starts to run from the entry date of an order disposing of a Petition for Reconsideration, or from the twentieth day after filing of the Petition if no order is issued.

The Administrative Judge has 20 days from receipt of your Petition to grant, deny, or take no action on your Petition for Reconsideration. If the Petition is granted, you will be notified about further proceedings, and the timeline for appealing (as discussed in paragraph (2), below) will be adjusted. If no action is taken within 20 days, the Petition is deemed denied. As discussed below, if the Petition is denied, you may file an appeal. Such an Appeal must be received by the APD no later than 15 days after the date of denial of the Petition. See TENN. CODE ANN. § 4-5-317 and § 4-5-322.

2. **A Party Files an Appeal of the Initial Order:** You may appeal the decision to the Commissioner. Mail to the APD a document that includes your name and the above APD case number, and states that you want to appeal the decision to the Commissioner, along with the basis for your appeal. The APD must receive your written Appeal no later than 15 days after the entry of the Initial Order, which is no later than **July 5, 2019**. The filing of a Petition for Reconsideration is not required before appealing. See TENN. CODE ANN. § 4-5-317.
3. **The Commissioner of the Tennessee Department of Commerce & Insurance decides to Review the Initial Order:** In addition, the Commissioner may give written notice of his or her intent to review the Initial Order, within 15 days after the entry of the Initial Order.

If either of the actions set forth in paragraphs (2) or (3) above occurs prior to the Initial Order becoming a Final Order, there is no Final Order until the Commissioner renders a Final Order.

If none of these actions set forth in paragraphs (1), (2), or (3) above are taken, then the Initial Order will become a Final Order. **In that event, YOU WILL NOT RECEIVE FURTHER NOTICE OF THE INITIAL ORDER BECOMING A FINAL ORDER.**

STAY

In addition, you may file a Petition asking the Administrative Judge for a stay that will delay the effectiveness of the Initial Order. A Petition for a stay must be received by the APD within 7 days of the date of entry of the Initial Order, which is no later than **June 26, 2019**. See TENN. CODE ANN. § 4-5-316.

REVIEW OF A FINAL ORDER

1. **A Party may file a Petition for Reconsideration of the Final Order:** When an Initial Order becomes a Final Order, a party may file a Petition asking for reconsideration of the Final Order. Mail to the Administrative Procedures Division (APD) a document that includes your name and the above APD case number, and sets forth the specific reasons why you think the Final Order is incorrect. If the Initial Order became a Final Order without an Appeal being filed, and without the Commissioner deciding to modify or overturn the Initial Order, the Administrative Judge will consider the Petition. If the Commissioner rendered a Final Order, the Commissioner will consider the Petition. The APD must **receive** your written Petition for Reconsideration no later than 15 days after: (a) the issuance of a Final Order by the Commissioner; or (b) the date the Initial Order becomes a Final Order. If the Petition is granted, you will be notified about further proceedings, and the timeline for appealing the Final Order will be adjusted. If no action is taken within 20 days of filing of the Petition, it is deemed denied. *See* TENN. CODE ANN. § 4-5-317.
2. **A Party Files an Appeal of the Final Order:** A person who is aggrieved by a Final Order in a contested case may seek judicial review of the Final Order by filing a Petition for Review “in the Chancery Court nearest to the place of residence of the person contesting the agency action or alternatively, at the person’s discretion, in the chancery court nearest to the place where the cause of action arose, or in the Chancery Court of Davidson County,” within 60 days of the date of entry of the Final Order. *See* TENN. CODE ANN. § 4-5-322. The filing of a Petition for Reconsideration is not required before appealing. *See* TENN. CODE ANN. § 4-5-317. A reviewing court also may order a stay of the Final Order upon appropriate terms. *See* TENN. CODE ANN. §§ 4-5-322 and 4-5-317.
3. **A Party may request a stay of the Final Order:** A party may file a Petition asking for a stay that will delay the effectiveness of the Final Order. If the Initial Order became a Final Order without an Appeal being filed, and without the Commissioner deciding to modify or overturn the Initial Order, the Administrative Judge will consider the Petition. If the Commissioner rendered a Final Order, the Commissioner will consider the Petition. A Petition for a stay of a Final Order must be **received** by the APD within 7 days after the Initial Order becomes a Final Order. *See* TENN. CODE ANN. § 4-5-316.

FILING

To file documents with the Administrative Procedures Division, use this address:

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Administrative Procedures Division
William R. Snodgrass Tower
312 Rosa L. Parks Avenue, 8th Floor
Nashville, TN 37243-1102
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STATE OF TENNESSEE
BEFORE THE COMMISSIONER OF COMMERCE AND INSURANCE

TENNESSEE INSURANCE DIVISION,)
)
 Petitioner,)
)
 vs.) APD No.: 12.01-157392J
) TID No.: 18-016
JASON CAMPBELL,)
)
 Respondent.)

INITIAL ORDER

The hearing in this matter was held on March 25, 2019, before Administrative Judge Mattielyn B. Williams, appointed by the Secretary of State's Administrative Procedures Division, sitting for the Commissioner of the Tennessee Department of Commerce and Insurance (Department).

Assistant General Counsel Mr. Miles K. Brooks, Jr. represented the Petitioner/State. Respondent Jason Campbell has been representing himself, but did not appear for the hearing. No attorney appeared on behalf of the Respondent.

After consideration of the entirety of the record, it is **DETERMINED** that the Tennessee insurance producer license (No. 2020481) of Respondent Jason Campbell should be **REVOKED** and that Respondent Jason Campbell should be assessed a **CIVIL PENALTY** in the amount of **one thousand dollars (\$1,000.00)** for violation of Tennessee Insurance Law, plus costs.

ENTRY OF DEFAULT

Pursuant to Tenn. Code Ann. § 4-5-307, on February 14, 2019, the Petitioner filed the Notice of Hearing and Charges. This matter was set for a hearing on March 25, 2019. The Respondent did not appear at the hearing, so the Petitioner moved for a default against the Respondent pursuant to Tenn. Code Ann. § 4-5-309.

In support of the motion for default, the Petitioner presented evidence demonstrating that the Respondent's wife signed for receipt of the Respondent's copy of the Notice of Hearing and Charges. In addition, counsel for the Petitioner left multiple voicemails notifying the Respondent of the time and location of the hearing. It was **DETERMINED** that service upon the Respondent was legally sufficient, in accordance with Tenn. Code Ann. § 4-5-307 and Tenn. Comp. R. & Regs. ("Rule") 1360-04-01-.06. Based on the failure of the Respondent to appear, pursuant to Tenn. Code Ann. § 4-5-309 and Rule 1360-04-01-.15, the Respondent was held in default. Pursuant to Rule 1360-04-01-.15(2)(b), the hearing was held on an uncontested basis.

FINDINGS OF FACT

1. Respondent Jason Campbell is a resident of Tennessee. Respondent's current address of record on file with the Tennessee Insurance Division (Division) is 507 East Cottage Avenue, Apt. 7, Elizabethton, Tennessee 37643.
2. The Respondent held Tennessee resident insurance producer license number 2020481 from November 3, 2010, until its expiration on February 28, 2017.
3. Before the Respondent's license expired, the Respondent was convicted of a felony for aggravated assault and theft over one thousand dollars (\$1,000).
4. The Respondent did not disclose this felony to the Petitioner, as required.

CONCLUSIONS OF LAW


1. In accordance with Rules 1360-04-01-.02(7) and 1360-04-01-.15(3), it is **CONCLUDED** that the Petitioner has shown, by a preponderance of evidence, that the facts alleged in the Notice of Hearing and Charges, pertaining to the Respondent, are true and that the issues raised therein should be resolved in its favor.
2. Although it is recognized that the Respondent's license has expired prior to the commencement of this litigation, Tenn. Code Ann. § 56-6-112(e) specifically authorizes the present action and any penalty or remedy available under the law.
3. The conduct of the Respondent, in being convicted of a felony and failing to disclose it, creates grounds for the Petitioner to revoke the Respondent's license pursuant to Tenn. Code Ann. § 56-6-112(a)(6).
4. The conduct of the Respondent creates grounds for the Petitioner to assess a civil penalty against the Respondent pursuant to Tenn. Code Ann. § 56-6-112(g). Tenn. Code Ann. § 56-6-112(g)(2) states that a penalty for each violation is capped at one thousand dollars (\$1,000) for each violation.
5. Being convicted of a felony creates one (1) violation of Tenn. Code Ann. § 56-6-112(a)(6), which has a maximum penalty of one thousand dollars (\$1,000).
6. Tenn. Code Ann. § 56-6-112(h) states that 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.
7. On the one hand, the Respondent knew, or should have known, he was responsible for disclosing the felony conviction. Thus, Tenn. Code Ann. § 56-6-112(h)(1) weighs in favor of assessing the maximum civil penalty.
8. On the other hand, the Respondent no longer participates in the insurance industry and his license expired on February 28, 2017. Thus, Tenn. Code Ann. § 56-6-112(h)(2) and (5) weigh in favor of assessing a lower civil penalty.
9. The Respondent committed assault and stole over one thousand dollars (\$1,000). There is no apparent justification for the Respondent's actions. Thus, Tenn. Code Ann. § 56-6-112(h)(3) weighs in favor of assessing the maximum civil penalty.
10. The severity of the violation is significant because insurance producers are expected to handle client funds. The Respondent's felony conviction demonstrates that the Respondent is not trustworthy in dealing with money. Thus, Tenn. Code Ann. § 56-6-112(h)(4) weighs in favor of assessing the maximum civil penalty.
11. Insurance producers are expected to handle client funds. It is in the public interest that the Petitioner not license people convicted of stealing money. For this reason, Tenn. Code Ann. § 56-6-112(h)(6) weighs heavily in favor of assessing the maximum civil penalty.
12. The Respondent did not attempt to cure his violations. For this reason, Tenn. Code Ann. § 56-6-112(h)(7) weighs heavily in favor of assessing the maximum civil penalty.
13. Overall, it is **CONCLUDED** that the proof demonstrates that Respondent's violation provides adequate grounds for the imposition of the maximum monetary civil penalty of one thousand dollars (\$1,000) under Tenn. Code Ann. § 56-6-112(g).
14. Based on the proof presented, it is hereby **ORDERED** that Respondent's Tennessee insurance producer license, number 2020481, be revoked.


15. It is further **ORDERED** that the Respondent be assessed a civil penalty of one thousand dollars (\$1,000) for his statutory violation of Tennessee Insurance Law.
16. It is also **ORDERED** that the costs of this cause (to include the costs of the Administrative Procedures Division) be assessed against the Respondent, pursuant to Tenn. Code Ann. § 56-1-110(b)(1).
17. In addition, Respondent Jason Campbell is **ORDERED** to **COMPLY** fully with Tennessee Insurance Law and all Rules promulgated thereunder. Further, all persons in any way assisting, aiding, or helping the Respondent in his violation of the Tennessee Insurance Law are **ORDERED** to **CEASE** and **DESIST** all such activities.

This INITIAL ORDER, imposing sanctions against the Respondent, is entered to protect the public and consumers of insurance products in Tennessee, consistent with the purposes fairly intended by policy and provisions of Tennessee Insurance Law.

This INITIAL ORDER entered and effective this the 19th day of June/July, 2019.


MATTIELYN B. WILLIAMS
ADMINISTRATIVE JUDGE

19th Filed in the Administrative Procedures Division, Office of the Secretary of State, this the of June/July 2019.


J. RICHARD COLLIER, DIRECTOR
CHIEF ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE PROCEDURES DIVISION
OFFICE OF THE SECRETARY OF STATE