

TN ID 0957725

NPN - 8891939

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

TENNESSEE INSURANCE DIVISION, )  
Petitioner, )  
vs. )  
DAWN MICHELLE OSBORNE, )  
Respondent. )

No: 10-028

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CONSENT ORDER

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The Insurance Division of the State of Tennessee Department of Commerce and Insurance ("Insurance Division"), by and through counsel, and Dawn Michelle Osborne ("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 she 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 (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 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 the State of Tennessee, residing at 6022 Highway 31 West, Portland, Tennessee 37148.

9. Respondent has an insurance producer license, numbered 957725, which was issued in 2006.

10. From approximately January 2000 till January 11, 2010, Respondent was employed by Kendall Welch State Farm Insurance ("Kendall Welch"), located at 691 West Main Street, Hendersonville, Tennessee 37075.

11. On approximately January 18, 2010, Respondent admitted to a State Farm Insurance ("State Farm") auditor that while she was employed at Kendall Welch she generated thirteen (13) fraudulent invoices totaling nine hundred twelve dollars and eighty-six cents (\$912.86) under the names of various State Farm policyholders without their knowledge and subsequently forged their signatures in order to deposit the related drafts into her personal bank account. Respondent provided a signed written statement confirming her activities to the auditor who subsequently notified the Tennessee Department of Commerce and Insurance.

### CONCLUSIONS OF LAW

12. TENN. CODE ANN. § 56-6-112(a)(2) (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 violates any law, rule, regulation, subpoena or order of the Commissioner or of another state's Commissioner.

13. 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 may levy a civil penalty for anyone who improperly withholds, misappropriates or converts any moneys or properties received in the course of doing insurance business.

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

15. Based on the Findings of Facts cited above, the Commissioner finds that Respondent violated the law by improperly withholding, misappropriating or converting moneys received in the course of doing insurance business and used fraudulent and dishonest practices or demonstrated untrustworthiness or financial irresponsibility in the conduct of business.

16. Such facts constitute grounds for an Order revoking Respondent's insurance producer license based on violations of TENN. CODE ANN. § 56-6-112(a)(2), (4) and (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 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 her 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:

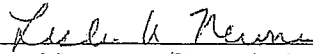
The insurance producer license, numbered 957725, issued to Dawn Michelle Osborne is hereby **REVOKED**.

This Consent Order is in the public interest and in the best interests of the parties. The Consent Order represents a compromise and settlement of the controversy between the parties and is for settlement purposes only. By signature affixed below, Dawn Michelle Osborne affirmatively states that she has freely agreed to the entry of this Consent Order, that she has been advised that she may consult with legal counsel in this matter, that she waives her 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

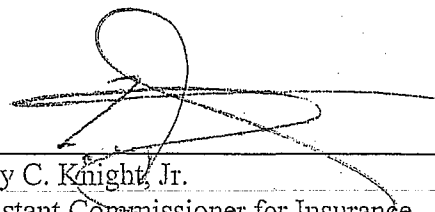
settlement set forth in this Consent Order, are binding upon them.

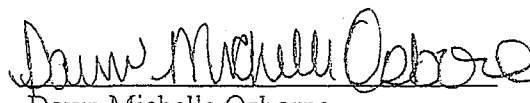
SO ORDERED.

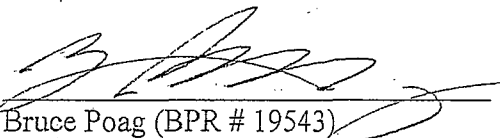
ENTERED this the 16<sup>th</sup> day of July, 2010.

  
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Leslie A. Newman, Commissioner  
Department of Commerce and Insurance

APPROVED FOR ENTRY:

  
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Larry C. Knight, Jr.  
Assistant Commissioner for Insurance  
Department of Commerce and Insurance

  
\_\_\_\_\_  
Dawn Michelle Osborne  
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Portland, Tennessee 37148

  
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