

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

TENNESSEE INSURANCE DIVISION, )  
Petitioner, )  
vs. )  
WARD ARTHUR MOLITOR, )  
Respondent. )

No: 09-091

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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 Ward Arthur Molitor ("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 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 ("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 former resident of Tennessee whose current residential address is 200 Hunt Club Drive, #133, St. Charles, Illinois 60174.

9. Respondent has been licensed as an insurance producer by the Tennessee Department of Commerce and Insurance ("Department") since 2003. Respondent's insurance producer license, numbered 898223, is currently set to expire on April 30, 2011.

10. On approximately September 18, 1987, Respondent pleaded guilty to indecent assault, a felony, in the Circuit Court, Seventeenth Judicial Circuit for Broward County, Florida.

11. On approximately September 13, 2003, Respondent submitted a Uniform Application for Resident Individual Insurance Producer License to the Department. Respondent falsely indicated on his application that he had never been convicted of any misdemeanors or felonies. Respondent also failed to notify the Department on all subsequent insurance producer renewal applications that he submitted to the Department that he was convicted of a felony in 1987.

#### CONCLUSIONS OF LAW

12. TENN. CODE ANN. § 56-6-112(a)(1) (Supp. 2007) 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.

13. TENN. CODE ANN. § 56-6-112(a)(3) (Supp. 2007) provides that the Commissioner may place on probation, suspend, revoke or refuse to issue or renew a license for anyone who obtains or attempts to obtain a license through misrepresentation or fraud.

14. TENN. CODE ANN. § 56-6-112(a)(6) (Supp. 2007) provides that the Commissioner may place on probation, suspend, revoke or refuse to issue or renew a license for anyone convicted of a felony.

15. TENN. CODE ANN. § 56-6-112(a)(8) (Supp. 2007) provides that the Commissioner may place on probation, suspend, revoke or refuse to issue or renew a license for anyone using fraudulent, coercive or dishonest practices or demonstrates incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.

16. Based on the Findings of Facts cited above, the Commissioner finds that Respondent provided incorrect, misleading, incomplete or materially untrue information in his 2003 insurance producer license application (and subsequent renewal applications), obtained an insurance producer license through misrepresentation or fraud, is a convicted felon and has demonstrated incompetence,

untrustworthiness or financial irresponsibility in the conduct of business by failing to disclose to the Department that he is a convicted felon.

17. Such facts constitute grounds for an Order revoking Respondent's insurance producer license in accordance with TENN. CODE ANN. § 56-6-112(a)(1), (3), (6) and (8) (Supp. 2007). Such facts also constitute grounds for an Order assessing civil penalties against Respondent in an amount not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each separate violation of the Law in accordance with TENN. CODE ANN. § 56-6-112(e) (Supp. 2007). 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 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 the 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 898223, issued to Ward Arthur Molitor, 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, Ward Arthur Molitor, 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 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.

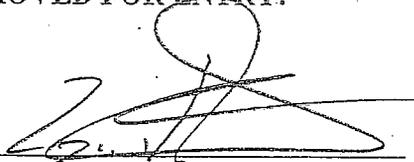
**SO ORDERED.**

ENTERED this the 3 day of May, 2010.

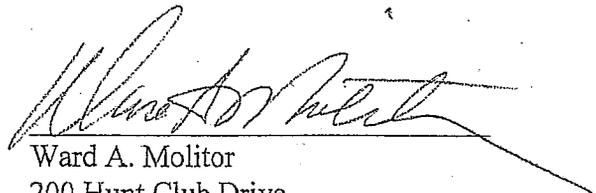


Leslie A. Newman, Commissioner  
Department of Commerce and Insurance

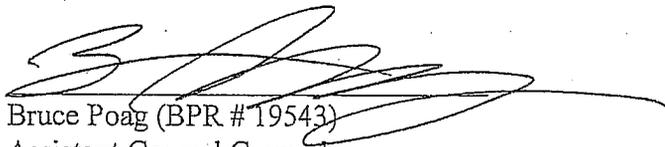
**APPROVED FOR ENTRY:**



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