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Department of State
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LEGAL SERVICES
DEPT OF COMMERCE & INSURANCE

January 27, 2009

Commissioner Leslie Schecter Newman
Tennessee Department of Commerce & Insurance
5th Floor, Davy Crockett Tower
500 James Robertson Parkway
Nashville, Tennessee 37243-5065

Bruce Poag
Assistant General Counsel
Tennessee Department of Commerce & Insurance
2nd Floor, Davy Crockett Tower
500 James Robertson Parkway
Nashville, TN 37243

Wendy Monique Perry
6911 Flagstone Drive
Ooltewah, TN 37363

RE: In the Matter of: Wendy Monique Perry Docket No. 12.01-101067J

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

Administrative Procedures Division
Tennessee Department of State

/aem
Enclosure

768290

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SECRETARY OF STATE

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

TENNESSEE INSURANCE DIVISION, Petitioner,	)	
	)	No: 12.01-101067J
vs.	)	
WENDY MONIQUE PERRY, Respondent.	)	

ORDER

This matter came to be heard before Administrative Judge Marion Wall sitting on behalf of the Commissioner of the Department of Commerce and Insurance (the "Department") on January 20, 2009 at 500 James Robertson Parkway, Nashville, Tennessee 37243. The Department was represented by Bruce Poag. Respondent was not present nor was she represented by counsel. Upon satisfactory proof of service notifying Respondent of the date, time and location of the hearing, the Department's motion for a default judgment was granted. Based on the entire record, including oral testimony and documentary evidence, Respondent's insurance producer license, numbered 768290, shall be immediately revoked. In addition, Respondent shall be assessed a civil penalty in the amount of three thousand dollars ($3,000).

FINDINGS OF FACTS

In making its determination to revoke Respondent's insurance producer license, the Court identified the following Findings of Facts:

1. Wendy Monique Perry ("Respondent") is a citizen and resident of Tennessee, residing at 6911 Flagstone Drive, Ooltewah, Tennessee 37363. Respondent first obtained an insurance producer license, numbered 768290, from the Department in 1996 under the name Wendy Butler Kimbrow. Respondent's insurance producer license subsequently expired in 1997 when it was not

renewed by her. On July 18, 2007, Respondent obtained another insurance producer license, also numbered 768290, which is scheduled to expire on July 17, 2009.

2. On February 29, 2008, American Family Life Assurance Company ("Aflac") notified the Department that it had terminated the agreement and appointment of Respondent to represent Aflac on February 27, 2008 for cause based on forgery of applicant signatures on applications and other forms.

3. Respondent fraudulently caused insurance policies to be issued in five (5) instances by forging the signatures of Tonya Francisco and Charlotte Francisco on insurance applications that were subsequently submitted to Aflac without the insureds' knowledge or consent.

4. On November 10, 2000, Respondent was convicted in the Hamilton County General Sessions Court of passing a worthless check, a Class A misdemeanor. Respondent was not ordered to serve a sentence of incarceration but was ordered to pay one hundred thirty-four dollars and ninety-one cents ($134.91).

5. On February 10, 2003, Respondent was convicted in East Ridge City Court of criminal impersonation, a Class B misdemeanor. Respondent was given a six (6) month suspended sentence and ordered to pay a one hundred dollar ($100) fine and court costs.

6. On July 17, 2007, the Department received Respondent's insurance producer license application. In response to question number one on her application, which asks if Respondent has ever been convicted of, or is currently charged with, committing a crime, whether or not adjudication was withheld, Respondent only disclosed a 2000 Hamilton County conviction for driving under the influence. Respondent failed to disclose to the Department that she had been convicted of passing a worthless check in 2000 and criminal impersonation in 2003.

CONCLUSIONS OF LAW

In making its determination to revoke Respondent's insurance producer license, the Court made the following Conclusions of Law:

7. Respondent violated TENN. CODE ANN. § 56-6-112(a)(1) by providing incorrect, misleading, incomplete or materially untrue information in the license application submitted to the Department by failing to disclose to the Department that she had been convicted of passing a worthless check in 2000 and criminal impersonation in 2003.

8. Respondent violated TENN. CODE ANN. § 56-6-112(a)(3) by obtaining a license through misrepresentation or fraud by failing to disclose to the Department that she had been convicted of passing a worthless check in 2000 and criminal impersonation in 2003.

9. Respondent violated TENN. CODE ANN. § 56-6-112(a)(8) by using fraudulent, coercive or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere by forging the signatures of her friend and her friend's mother on five (5) insurance applications.

10. Respondent violated TENN. CODE ANN. § 56-6-112(a)(10) by forging the signatures of her friend and her friend's mother on five (5) insurance applications.

IT IS ORDERED, therefore, that Respondent's insurance producer license, numbered 768290, pursuant to TENN. CODE ANN. § 56-6-112(a), is hereby **REVOKED**. It is further **ORDERED** that Respondent be assessed a civil penalty in the amount of three thousand dollars ($3,000) pursuant to TENN. CODE ANN. § 56-6-112(e) for one (1) instance of forging the signature of Charlotte Fransisco on an insurance application, one (1) instance of forging the signature of Tonya Fransisco on an insurance application and one (1) instance of providing incorrect, misleading, incomplete or materially untrue information in the license application submitted to the Department.

It is so **ORDERED**.

MARION WALL
ADMINISTRATIVE JUDGE

BEFORE THE COMMISSIONER OF THE TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE

IN THE MATTER OF:

WENDY MONIQUE PERRY **DOCKET NO. 12.01-101067J**

ORDER

THIS ORDER IS AN INITIAL ORDER RENDERED BY AN ADMINISTRATIVE JUDGE WITH THE ADMINISTRATIVE PROCEDURES DIVISION.

THE INITIAL ORDER IS NOT A FINAL ORDER BUT SHALL BECOME A FINAL ORDER UNLESS:

1. THE ENROLLEE FILES A WRITTEN APPEAL, OR EITHER PARTY FILES A PETITION FOR RECONSIDERATION WITH THE ADMINISTRATIVE PROCEDURES DIVISION NO LATER THAN **February 11, 2009.**

YOU MUST FILE THE APPEAL, PETITION FOR RECONSIDERATION WITH THE ADMINISTRATIVE PROCEDURES DIVISION. THE ADDRESS OF THE ADMINISTRATIVE PROCEDURES DIVISION IS:

SECRETARY OF STATE
ADMINISTRATIVE PROCEDURES DIVISION
WILLIAM R. SNODGRASS TOWER
312 EIGHTH AVENUE NORTH, 8th FLOOR
NASHVILLE, TENNESSEE 37243-0307

IF YOU HAVE ANY FURTHER QUESTIONS, PLEASE CALL THE ADMINISTRATIVE PROCEDURES DIVISION, **615/741-7008 OR 741-5042, FAX 615/741-4472.** PLEASE CONSULT APPENDIX A AFFIXED TO THE INITIAL ORDER FOR NOTICE OF APPEAL PROCEDURES.