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

TENNESSEE INSURANCE DIVISION,	)	
Petitioner,	)	
	)	
vs.	)	**No.: 12.01- 073681J**
	)	
KEVIN L. FINE	)	
Respondent.	)	

AGREED ORDER

The Tennessee Insurance Division (hereinafter referred to as the "Division") and Kevin L. Fine (hereinafter referred to as the "Respondent") agree to the entry of this Agreed Order subject to the approval of the Commissioner of Commerce and Insurance (hereinafter referred to as the "Commissioner").

GENERAL STIPULATIONS

1. It is expressly understood that this Agreed 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. This Agreed Order is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. Furthermore, should this Agreed Order not be accepted by the Commissioner, it is agreed that presentation to and consideration of this Agreed Order by the Commissioner shall not unfairly or illegally prejudice the Commissioner from further participation or resolution of these proceedings.

3. Respondent fully understands that this Agreed Order will in no way preclude additional proceedings by the Commissioner against the Respondent for acts or omissions not specifically addressed in this Agreed Order or for acts and/or omissions that do not arise from the facts or transactions herein addressed, nor does it preclude additional proceedings against the Respondent based upon these facts or transactions herein addressed by any other government agency or law enforcement authority or preclude the Division's assistance to such agency or law enforcement authority. Respondent also understands that the facts contained in this Agreed Order may be used to deny any future application for licensure in which the Respondent may file with the Commissioner.

4. 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 the Agreed Order, the stipulations and imposition of discipline contained herein, and the consideration and entry of said Agreed Order by the Commissioner.

FINDINGS OF FACT

1. The Tennessee Insurance Law, as amended, Tennessee Code Annotated (hereinafter referred to as "Tenn. Code Ann.), Title 56 (hereinafter referred to as the "Law"), places the responsibility for the administration of the Law on the Commissioner.

2. The Respondent is a citizen and resident of the State of Tennessee residing at 7757 Heiskell Road, Powell, Tennessee 37849. At all times relevant hereto, the Respondent has held an insurance producer's license, number 0756612, issued by the Commissioner on or before September 13, 1995.

3. The Respondent engaged in the offer and sale of unregistered securities, to wit promissory notes issued by Yucatan Corporation and Chemical Trust Corporation, in this State without being registered as a broker-dealer or an agent of a broker-dealer.

CONCLUSIONS OF LAW

4. Tenn. Code Ann. § 56-6-155(a)(10) (1997) provided, in pertinent part, that the Commissioner may place on probation, suspend, or revoke an insurance producer license or may levy a civil penalty in accordance with subsection (b) or take any combination of such actions upon a finding that an insurance producer has been demonstrably incompetent, untrustworthy, or financially irresponsible.

5. Tenn. Code Ann. § 48-2-104 provides that it is unlawful for any person to offer and/or sell any security in this state unless it is registered pursuant to the Act, the security transaction is exempted under Tenn. Code Ann. § 48-2-103, or the security is a covered security.

6. Tenn. Code Ann. § 48-2-109(a) provides that it is unlawful for any person to transact business from or in this state as a broker-dealer or agent unless such person is registered as a broker-dealer or agent pursuant to the Act.

7. Based upon the Findings of Fact cited above and the Conclusions of Law contained herein, the Commissioner considers the actions of the Respondent to be in violation of Tennessee Code Annotated §§ 48-2-104 and 48-2-109 and to provide grounds for imposition of sanctions set forth Tennessee Code Annotated § 56-6-155(b) (1997).

8. The Respondent hereby admits to the Findings of Fact stated above. The Respondent hereby also acknowledges the Commissioner's authority to administer said statutes and concedes that the Commissioner's interpretation of the statutes, as set forth in the Conclusions of Law, are reasonable and enforceable. Therefore, the Respondent, in order to

avoid any further expenses or costs associated with litigating this matter, hereby desires to enter into this Agreed Order.

ORDER

NOW, THEREFORE, on the basis of the foregoing, and the waiver by the Respondent of his rights to a hearing and appeal under the Tennessee Securities Act, the Tennessee Insurance Law and Tennessee's Uniform Administrative Procedures Act, Tennessee Code Annotated §§ 4-5-101, *et seq.*, and the admission by the Respondent of the jurisdiction of the Commissioner, the Commissioner finds that the Respondent has agreed to the entry of this Order and that this Order is appropriate, in the public interest and necessary for the protection of investors.

IT IS ORDERED, pursuant to Tennessee Code Annotated § 56-6-155 (1997) that:

1. The Respondent's insurance producer license and all other licenses authorizing the Respondent to sell any type of insurance in the State of Tennessee are hereby revoked.

2. The Respondent shall fully cooperate with the Division pertaining to an administrative action concerning Gregory H. Brooks.

3. The Respondent shall pay a civil penalty of five hundred dollars ($500) which shall be due upon entry of this Order. The Respondent shall pay an additional one thousand five hundred (1,500) dollars shall be paid no later than six months after the entry of this Order.

This Agreed 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 the signatures affixed below, the Respondent affirmatively states that he has freely agreed to the entry of this Agreed Order, that he has been advised that he may consult legal counsel in this matter, has had the opportunity to consult with legal counsel and chose to do so, that he waives his right to a hearing on the matters underlying this Agreed Order

and to a review of the Findings of Fact and Conclusions of Law contained herein, and that no threats or promises of any kind have been made by the Commissioner, the Division, or any agent or representative thereof. The parties, by signing this Agreed Order, affirmatively state their agreement to be bound by the terms of this Agreed Order and aver that no promises or offers relating to the circumstances described herein, other than the terms of settlement set forth in this Agreed Order, are binding upon them.

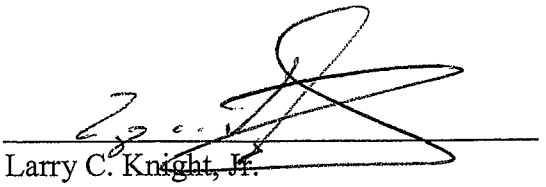
SO ORDERED.

Entered this the 12th day of January, 2006.

Paula A. Flowers

Paula A. Flowers, Commissioner
Department of Commerce and Insurance

APPROVED FOR ENTRY:



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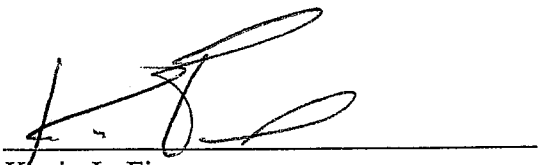
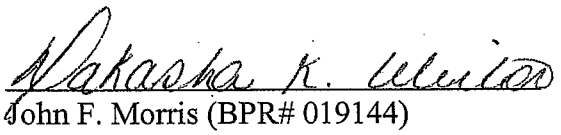


Kevin L. Fine
Respondent



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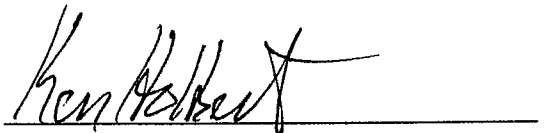

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