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

TENNESSEE INSURANCE DIVISION,	)	
Petitioner,	)	
	)	
vs.	)	**No: 12.01-04240J**
	)	
TRAVELER PROTECTION SERVICES, INC.	)	
f/k/a VACATION PROTECTION SERVICES, INC.,	)	
Respondent.	)	

AGREED ORDER

WHEREAS the Insurance Division of the Tennessee Department of Commerce and Insurance (the "Division"), by and through counsel, and Traveler Protection Services, Inc. f/k/a Vacation Protection Services, Inc. ("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 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. The Commissioner has determined that the resolution set forth in this Agreed Order is fair and reasonable and in the best public interest.

3. This Agreed Order is executed by 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.

4. Respondent fully understands that this Agreed Order will in no way preclude additional proceedings by the Commissioner against Respondent for acts and/or omissions not specifically addressed in this Agreed Order or for facts and/or omissions that do not arise from the facts or transactions herein addressed.

5. This Agreed Order resolves all issues between the parties and, therefore, represents a final settlement of the issues herein addressed.

6. Respondent also understands that this Agreed 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 it applies in the future.

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

FINDINGS OF FACT

8. 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.

9. The 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.

10. Respondent is an Illinois corporation with its last known principal place of business being 110 South First Street, Dekalb, Illinois 60115.

11. Respondent provides travel protection insurance to indemnify individuals for losses associated with, but not limited to, trip cancellation or interruption, trip delay or missed connection, medical expenses and lost, stolen or damaged luggage.

12. Respondent sold travel protection insurance policies to Tennessee residents although it was not duly licensed, nor was it issued a certificate of authority, by the Department of Commerce and Insurance.

CONCLUSIONS OF LAW

13. TENN. CODE ANN. § 56-2-105 states that it is unlawful for any company to enter into a contract of insurance as an insurer or to transact insurance business in this state without a certificate of authority from the Commissioner.

14. TENN. CODE ANN. § 56-6-103 states that no person, or business entity, shall sell, solicit or negotiate insurance in Tennessee for any class or classes of insurance unless licensed for that line of authority.

15. TENN. CODE ANN. § 56-2-304 states that if the Commissioner finds that public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in an order, a summary cease and desist order may be issued pending proceeding for other actions.

16. The travel protection products sold by Respondent to Tennessee residents constitute contracts of insurance as defined by TENN. CODE ANN. § 56-7-101.

17. Based upon the Findings of Facts cited above, the Commissioner finds that Respondent sold travel protection insurance to Tennessee residents although it was not licensed, nor was it issued a certificate of authority, in accordance with the Law.

18. Respondent agrees to the Findings of Facts, above, and also agrees that the Conclusions of Law, herein, are fair and reasonable.

ORDER

NOW THEREFORE, on the basis of the foregoing and the waiver by Respondent of its 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 Agreed Order and that this Agreed Order is appropriate and in the public interest.

IT IS ORDERED, pursuant to TENN. CODE ANN. §§ 56-2-304 that:

Respondent shall cease and desist from selling, soliciting and negotiating travel protection insurance to Tennessee residents unless, and until, it is duly licensed and issued a certificate of authority by the Department of Commerce and Insurance in accordance with the Law.

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 signature affixed below, Respondent, affirmatively states that it has freely agreed to the entry of this Agreed Order, that it has been advised that it may consult with legal counsel in this matter, and has had the opportunity to consult with legal counsel, that it waives its right to a hearing on the matters underlying this Agreed Order and that no threats or promises of any kind have been made by the Commissioner, the Division or any agent 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 8th day of May, 2008.

Leslie A. Newman

Leslie A. Newman, Commissioner
Department of Commerce and Insurance

APPROVED FOR ENTRY:

Larry C. Knight, Jr.
Assistant Commissioner for Insurance
Department of Commerce and Insurance
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Traveler Protection Services, Inc. f/k/a
Vacation Protection Services, Inc.

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