BEFORE THE COMMISSIONER OF THE TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE

IN THE MATTER OF:	
PHILLIP GEORGE PAINTING AND THE HARTFORD	**DOCKET NO: 12.28-098721A**

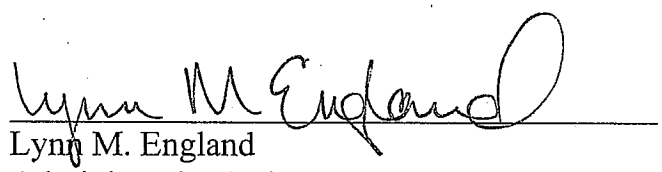
ORDER

The cause came to be heard by telephone conference call on February 12, 2009, before Lynn M. England, Administrative Judge, on a Motion for Summary Judgment filed by the Hartford, ("Hartford"). Present at the hearing was Ben M. Rose, Esq., on behalf of Hartford. The Insured, Phillip George, d/b/a/ Phillip George Painting, *pro se,* did not participate in the hearing. The parties were served with an Order issued by the undersigned on January 27, 2009, setting this matter for hearing February 12, 2009 at 10:00 a.m. Moreover, attempts to reach the Insured by telephone were unsuccessful.

Based upon the Hartford's Motion for Summary Judgment, the Insured's failure to file a response or participate in the hearing despite receiving notice of the same, arguments of counsel, the Order to Compel entered on December 2, 2008, and the record as a whole, Hartford's motion was GRANTED.

It is hereby ORDERED that judgment shall be entered against Phillip George d/b/a Phillip George Painting in the amount of $11,667.00.[1] Further, the Insured's administrative appeal of Hartford's premium audit determination is hereby dismissed with prejudice, and costs of this appeal are hereby taxed against Phillip George d/b/a Phillip George Painting, for which execution may issue, if necessary.

This Order entered and effective this 13TH day of MARCH, 2009.



Lynn M. England
Administrative Judge

[1] Statement of Sworn Account by Cynthia O'Connell, Senior Account Manager Underwriter is attached.

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SECRETARY OF STATE

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

IN RE:	)	
	)	**Doc. No.: 12.28-098721A**
PHILLIP GEORGE D/B/A PHILLIP GEORGE PAINTING AND THE HARTFORD.	)	**WC Appeal – Insurance**

STATEMENT OF SWORN ACCOUNT

STATE OF FLORIDA)
)
COUNTY OF Orange)

Before me, Susan R. Smith a Notary Public in and for the above-named county and state, this date personally appeared Cynthia O'Connell on behalf of The Hartford ("Hartford"), to me well known, who being first duly sworn according to law says that Hartford is engaged in the business of insurance. Phillip George d/b/a Phillip George Painting ("George"), who resides at 123 Avalon Drive, Shelbyville, Tennessee 37160, is indebted to Hartford on open account in the amount of $11,667.00 for insurance premiums. The foregoing amount of $11,667.00 is to the best of her knowledge, information, and belief true and correct, justly owing and truly due and unpaid, that all just and lawful offsets, credits, discounts, and payments have been allowed, and, that set amount is due after said allowance and exclusion of all set-offs and just grounds for defense.

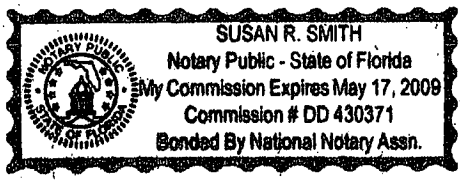
FURTHER THE AFFIANT SAITH NOT.

Cynthia O'Connell
CYNTHIA O'CONNELL

ITS: Senior Account Manager Underwriter

Sworn to and subscribed before me
this 5th day of March, 2009.

Susan R. Smith
Notary Public



My commission expires: 5/17/09

CERTIFICATE OF SERVICE

I do hereby certify that a true and exact copy of the foregoing has been sent Electronic Mail and by U.S. Mail, postage prepaid, to the following on this 10th day of March, 2009:

Mr. Phillip George
Phillip George Painting
123 Avalon Drive
Shelbyville, Tennessee 37160

Ms. Jacquie Fortenberry
Department of Commerce & Insurance
Insurance Division - Actuarial Services Section
4th Floor, 500 James Robertson Parkway
Nashville, Tennessee 37243-1133

Ben M. Rose, Esq.