

TN-0826615
NPN-5957745



STATE OF TENNESSEE
BEFORE THE COMMISSIONER OF COMMERCE AND INSURANCE

IN THE MATTER OF:

ZELMA CLOTHILDA BLAIR

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TID Order No. 14-173

CONSENT ORDER

The Insurance Division, of the Tennessee Department of Commerce and Insurance ("Division"), by and through counsel, and Zelma Clothilda Blair ("Blair") and her Insurance Agency "Blair Network Insurance LLC" ("Blair Network") collectively referred to herein as "Respondents" hereby stipulate and agree, subject to the approval of the Commissioner of the Tennessee Department 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. This Consent Order is executed by Respondents 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.

3. Respondents fully understand that this Consent Order will in no way preclude additional proceedings by the Commissioner for acts and/or omissions not specifically addressed in this Consent Order or for facts and/or omissions that do not arise from the facts or transactions herein addressed.

4. Respondents fully understand that this Consent Order will in no way preclude proceedings by state government representatives, other than the Commissioner, for violations of Title 56 of the Tennessee Code Annotated addressed specifically in this Consent Order, against Respondents for violations of law under statutes, rules, or regulations of the State of Tennessee, which may arise out of the facts, acts, or omissions contained in the Findings of Fact and Conclusions of Law stated herein, or which arise as a result of the execution of this Consent Order by Respondents.

5. Respondents expressly waive all further procedural steps, and expressly waive rights to seek judicial review of or to otherwise challenge or contest the validity of this Consent Order, the stipulations and imposition of discipline contained herein, and the consideration and entry of said Consent Order by the Commissioner.

AUTHORITY AND JURISDICTION

6. The Commissioner has jurisdiction over this matter pursuant to the Tennessee Insurance Law ("Law"), Title 56 of the Tennessee Code Annotated, specifically Tenn. Code Ann. §§ 56-1-101, 56-1-202, 56-2-305 and 56-6-112. The Law places on the Commissioner the responsibility of the administration of its provisions.

PARTIES

7. 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.

8. Respondents address of record on file with the Division is 5519 Hixson Pike, Hixson, Tennessee 37343. The Division granted Blair insurance producer license number 0826615 on April 11, 2000. Blair Network was issued insurance producer license number 2047909 on December 19, 2011.

FINDINGS OF FACT

9. Blair first applied for a resident insurance producer license to sell property and casualty insurance on or around March 14, 2000, at which time she left her place of birth blank on the insurance producer application.

10. On or about February 28, 2001, Blair submitted an application for a resident insurance producer license to sell life and health insurance on which she misrepresented her place of birth to be Florida, when in fact it is the Bahamas.

11. On or about July 16, 2001, Blair submitted an application for a limited insurance representative license on which she misrepresented her place of birth to be Florida, when in fact she was born in the Bahamas.

12. On or about November 8, 2012 Blair applied for a U.S. work visa, and was granted an employment authorization card by the United States Citizenship and Immigration Services ("USCIS") to remain and work in the U.S. from March 1, 2013 to February 28, 2014,

under alien number 204-461-283. Prior to the November 8, 2012 application, there is no record of Blair receiving authorization from the USCIS to remain or work in the U.S.

13. As of February 28, 2014, the date her work visa expired, Blair does not have alternative authorization to remain and work in the U.S.

14. The social security number Blair has provided on all insurance applications and renewals, social security number 262-91-7340, was confirmed with the Social Security Administration ("SSA") to have been issued to her in response to a September 13, 1979 application. The social security number is classified as "N" which does not authorize an alien to work in this country, but was issued because a credible non-work reason for needing a social security number had been provided. This social security number does not provide Blair with authorization to remain or work in the U.S.

15. From the date of licensure in December 2011, Blair Network was owned and operated by Zelma Blair.

CONCLUSIONS OF LAW

16. Tenn. Code Ann. § 56-6-112(a) provides, in pertinent part, that the Commissioner may place on probation, suspend, revoke, or refuse to issue or renew a license issued under Title 56, Chapter 6, Part 1, or levy a civil penalty or take any combination of those actions for:

- (1) Providing incorrect, misleading, incomplete, or materially untrue information in the license application;
- ...
- (3) Obtaining or attempting to obtain a license through misrepresentation or fraud.

17. 8 U.S.C. § 1621(a) provides that “notwithstanding other provisions of law, an alien who is not 1) a qualified alien (as defined in section 1641 of this title), 2) a nonimmigrant under the Immigration and Nationality Act, or 3) an alien who is paroled into the United States under section 212(d)(5) of such act for less than one year, is not eligible for any State or local public benefit.”

18. 8 U.S.C. § 1621(c)(1)(A) defines “State or local public benefit” to mean “any grant, contract, loan, professional license, or commercial license provided by an agency of a State or local government or by appropriated funds of the State or local government.”

19. 8 U.S.C. § 1621(d) provides that “a State may provide that an alien who is not lawfully present in the United States is eligible for any State or local public benefit for which such alien would otherwise be ineligible under subsection (a) of this section through the enactment of State law after August 22, 1966, which affirmatively provides for such eligibility.”

20. Tenn. Code Ann. § 4-58-103(f)(2) of the Eligibility Verification for Entitlements Act (“Act”), provides, in pertinent part, that upon receipt of a final verification that indicates that an applicant is not a United States citizen or qualified alien, the state governmental entity or local health department shall terminate any recurring benefit.

21. The Act defines “State or local public benefit” under Tenn. Code Ann. § 4-58-102(7) to mean “any public benefit in 8 U.S.C. § 1621, that is provided or administered by a state governmental entity or a local health department, except for those benefits listed in 8 U.S.C. § 1621 (b).”

22. Tenn. Code Ann. § 56-6-112(d) provides, “The license of a business entity may be suspended or revoked if the commissioner finds, after a hearing, that an individual licensee’s

violation was known or should have been known by one (1) or more of the partners, officers or managers acting on behalf of the partnership or corporation and the violation was neither reported to the commissioner nor corrective action taken.”

23. Based on the Findings of Fact stated above and the Conclusions of Law contained herein, the Commissioner considers the actions of Blair to be in violation of Tenn. Code Ann. §§ 56-6-112(a)(1) and (3), for misrepresenting her place of birth as Florida in her 2001 applications. In addition, Blair’s prior and current lack of authorization to work in the U.S. deems her ineligible to hold an insurance producer license pursuant to 8 U.S.C. § 1621(a). Such facts provide grounds for the revocation of Blair’s insurance producer license, number 0826615, and the imposition of a monetary civil penalty in accordance with Tenn. Code Ann. §§ 56-6-112(a) and (g). In addition, the Commissioner considers the actions of Blair Network, owned and operated by Blair as an individual ineligible to hold an insurance producer license, to be in violation of Tenn. Code Ann. § 56-6-112(d), providing grounds for the revocation of insurance producer license number 2047909.

24. In order to avoid any further expenses or costs associated with litigating this matter in any administrative or judicial proceedings, Respondents acknowledge the Commissioner’s authority to administer the statutes cited herein, concede that the Commissioner’s interpretation of the statutes cited in the Conclusions of Law are reasonable and enforceable, and agree to entry of this Consent Order including the sanctions ordered by the Commissioner.

ORDER

NOW, THEREFORE, on the basis of the foregoing, and Respondents' waiver of the right to a hearing and appeal under the Law and the Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-101 to 4-5-404 (2011), and Respondents' admission of jurisdiction of the Commissioner, the Commissioner finds that Respondents for the purpose of settling this matter admit to the Conclusions of Law, agree to the entry of this Order and agree that this Order is in the public interest, is necessary for the protection of consumers and consistent with the purposes fairly intended by the policy and provisions of the Law.

IT IS ORDERED, pursuant to Tenn. Code Ann. §§ 56-6-112(a), (d) and (g), that:

1. Insurance producer license, number 0826615, issued to Blair, is hereby **REVOKED**, beginning immediately upon final execution of this agreement.

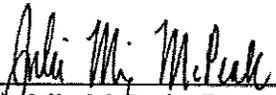
2. **IT IS FURTHER ORDERED**, the insurance producer license, number 2047909, issued to Blair Network, is hereby **REVOKED**, beginning immediately upon final execution of this agreement.

3. In addition, it is further **ORDERED** that all persons in any way assisting, aiding, or helping Respondents in any of the aforementioned violations of Tenn. Code Ann. § 56-6-112 alleged by the Division to have occurred with respect to the above referenced facts contained herein shall **CEASE AND DESIST** from all such activities in violation of the Law.

This Consent Order is in the public interest and in the best interest 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, Respondents affirmatively state that

they have freely agreed to the entry of this Consent Order, that they waive the right to a hearing on the matters underlying this Consent Order and to review of the Findings of Fact and Conclusions of Law contained herein, and that no threats or promises of any kind have been made to them by the Commissioner, the Division, or any agent or representative 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 the settlement as set forth in this Consent Order, are binding upon them.

ENTERED this 7th day of November, 2014.



Julie Mix McPeak, Commissioner
Department of Commerce and Insurance

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Zelma Blair

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