

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

TENNESSEE INSURANCE DIVISION,)	
)	
Petitioner,)	
)	
v.)	Matter No.: 19-00132
)	
RALPH JEFF AUSTIN,)	
)	
Respondent.)	

CONSENT ORDER

The Insurance Division of the Tennessee Department of Commerce and Insurance (“Division”) and Ralph Jeff Austin (“Respondent”) hereby stipulate and agree to the entry and execution of this Consent Order, 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 and execution of an order by the Commissioner.

2. This Consent Order is executed by the parties 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. The Respondent fully understands that this Consent Order will in no way preclude additional proceedings by the Commissioner against the Respondent for acts 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. The Respondent fully understands that this Consent Order will in no way preclude proceedings by state government representatives, other than the Commissioner, for alleged violations of the law addressed specifically in this Consent Order, 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 may arise as a result of the entry and execution of this Consent Order by the Respondent.

5. The 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 Consent Order, the stipulations and imposition of discipline contained herein, and the consideration and entry and execution of said Consent Order by the Commissioner.

AUTHORITY AND JURISDICTION

6. The Commissioner has jurisdiction of this action pursuant to the Tennessee insurance law, Title 56 of the Tennessee Code Annotated (“Tenn. Code Ann.”), specifically Tenn. Code Ann. §§ 56-1-103 and 56-6-112 (the “Law”). The Division is the lawful agent through which the Commissioner discharges this responsibility.

PARTIES

7. The Commissioner administers the Law through the Division and authorizes the Division to bring this action for the protection of the public.

8. Ralph Jeff Austin (“Respondent”), at all times relevant, was a licensee of the Division, and he was responsible for being compliant with the insurance laws and regulations of the State of Tennessee. The Respondent’s license expired on April 30, 2019.

9. The Respondent is a resident of Tennessee.

10. The Respondent, at all times relevant, held Tennessee resident insurance producer license number 699188. The Respondent was assigned National Insurance Producer Number 5938067 by the National Insurance Producer Registry (“NIPR”), a service of the National Association of Insurance Commissioners (“NAIC”).

FINDINGS OF FACT

11. On July 26, 2018, a complaint was submitted by Lisa Thomas (“Thomas”), alleging the Respondent misappropriated pre-need funeral funds.

12. The Chester County District Attorney’s office initiated criminal proceedings regarding the matters submitted by Thomas in her complaint.

13. On June 24, 2020, a final judgment was entered in the Respondent’s criminal matter. The Respondent was convicted of a class E felony charge of theft greater than \$1,000 but less than \$2,500. The Respondent received a one-year sentence that was suspended to one year of probation supervised by Community Corrections.

CONCLUSIONS OF LAW

14. At all times relevant hereto, Tenn. Code Ann. § 56-6-112 has provided:

(a) The [C]ommissioner may place on probation, suspend, revoke or refuse to issue or renew a license issued under this part or may levy a civil penalty in accordance with this section or take any combination of those actions, for any one (1) or more of the following causes:

...

(6) Having been convicted of a felony[.]

...

(e) The [C]ommissioner shall retain the authority to enforce this part and impose any penalty or remedy authorized by this part and this

title against any person who is under investigation for or charged with a violation of this part or this title, even if the person's license has been surrendered or has lapsed by operation of law.

...

(g) If . . . the [C]ommissioner finds that any person required to be licensed, permitted, or authorized by the division of insurance pursuant to this chapter has violated any statute, rule or order, the [C]ommissioner may, at the [C]ommissioner's discretion, order:

- (1) The person to cease and desist from engaging in the act or practice giving rise to the violation;
- (2) Payment of a monetary penalty of not more than one thousand dollars (\$1,000) for each violation, but not to exceed an aggregate penalty of one hundred thousand dollars (\$100,000). This subdivision (g)(2) shall not apply where a statute or rule specifically provides for other civil penalties for the violation. For purposes of this subdivision (g)(2), each day of continued violation shall constitute a separate violation; and
- (3) The suspension or revocation of the person's license.

(h) In determining the amount of penalty to assess under this section, the [C]ommissioner shall consider:

- (1) Whether the person could reasonably have interpreted such person's actions to be in compliance with the obligations required by a statute, rule or order;
- (2) Whether the amount imposed will be a substantial economic deterrent to the violator;
- (3) The circumstances leading to the violation;
- (4) The severity of the violation and the risk of harm to the public;
- (5) The economic benefits gained by the violator as a result of noncompliance;
- (6) The interest of the public; and

(7) The person's efforts to cure the violation.

15. By being convicted of a felony, the Respondent violated Tenn. Code Ann. § 56-6-112(a)(6).

16. The Respondent admits to the Findings of Fact and Conclusions of Law stated herein, and consents to entry of this Order.

ORDER

NOW, THEREFORE, on the basis of the foregoing, and the Respondent's waiver of the right to a hearing and appeal under the Law and the Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-101 *et seq.*, and the Respondent's admission of jurisdiction of the Commissioner, the Commissioner finds that the Respondent, for the purpose of settling this matter, admits the Findings of Fact and Conclusions of Law, and agrees to the entry and execution of this Consent Order.

IT IS ORDERED, pursuant to Tenn. Code Ann. § 56-6-112 of the Law, that:

1. The Respondent submit to **VOLUNTARY REVOCATION** of his Tennessee insurance producer license.

2. The Respondent shall **CEASE AND DESIST** from any activities requiring a license under Tenn. Code Ann. § 56-6-103.

3. This Consent Order represents the complete and final resolution of, and discharge with respect to all administrative and civil, claims, demands, actions, and causes of action by the Commissioner against the Respondent for violations of the Law alleged by or currently known by the Division to have occurred with respect to the transactions involving the above-referenced facts contained herein.

4. This Consent 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.

5. By the signature affixed below, the Respondent affirmatively states he has freely agreed to the entry and execution of this Consent Order, that the Respondent waives the right to a hearing on the matters underlying this Consent Order or the enforcement of this Consent 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 to him by the Commissioner, the Division, or any agent or representative thereof.

6. 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 settlement as set forth in this Consent Order, are binding upon them.


7. This Consent Order may be executed in two (2) or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same document. The facsimile, email, or other electronically delivered signatures of the parties shall be deemed to constitute original signatures, and facsimile or electronic copies shall be deemed to constitute duplicate originals.

ENTERED AND EXECUTED April 3 , 2024.


Carter Lawrence (Apr 3, 2024 09:46 CDT)
Carter Lawrence, Commissioner
Department of Commerce and Insurance

APPROVED FOR ENTRY AND EXECUTION:

Ralph Jeff Austin
Respondent

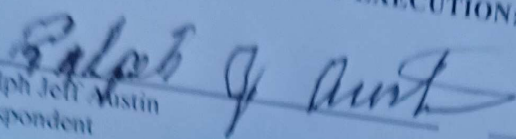

Bill Huddleston (Apr 2, 2024 13:39 CDT)

Bill Huddleston
Assistant Commissioner for Insurance
Department of Commerce and Insurance

Alex G. Corder

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APPROVED FOR ENTRY AND EXECUTION:


Ralph Jeff Austin
Respondent

Bill Huddleston
Assistant Commissioner for Insurance
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