

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

<b>TENNESSEE INSURANCE DIVISION,</b>	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	<b>APD No. 12.01-225257J</b>
	)	<b>Matter No.: 19-00442</b>
	)	
<b>PEGGY HENSLEY,</b>	)	
<b>Respondent.</b>	)	
	)	

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**AGREED ORDER**

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The Insurance Division of the Tennessee Department of Commerce and Insurance (the “Division”) and Peggy Hensley (“Respondent”) hereby stipulate and agree to the entry of this Agreed Order (“Order”), subject to the approval of the Commissioner of the Tennessee Department of Commerce and Insurance (the “Commissioner”), as follows:

**GENERAL STIPULATIONS**

1. It is expressly understood that this 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 parties for the purpose of avoiding further administrative action with respect to this cause. Furthermore, should this Order not be accepted by the Commissioner, it is agreed that presentation to and consideration of this 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 Order will in no way preclude additional proceedings by the Commissioner against the Respondent for acts or omissions that do not arise from the facts or transactions herein addressed.

4. The Respondent fully understands that this Order will in no way preclude proceedings by state government representatives, other than the Commissioner, against the Respondent 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 may arise as a result of the execution of this 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 Order, the stipulations and imposition of discipline contained herein, and the consideration and entry of said 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. §§ 56-6-112 and 56-6-119 (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. The Respondent has been a licensee of the Division since October 4, 1996, and is responsible for being compliant with the insurance laws and regulations of the State of Tennessee.

9. The Respondent is a Tennessee resident.

10. The Respondent holds Tennessee Resident Insurance Producer License Number 746633.

11. The Respondent was assigned National Insurance Producer Number 769660 by the National Insurance Producer Registry (“NIPR”), a service of the National Association of Insurance Commissioners (“NAIC”).

#### **FINDINGS OF FACT**

12. On December 7, 2017, Dawn Foster (“Foster”) received an email from Primerica stating that an Independent Business Application (“IBA”) assigned to her and in her name was approved December 6, 2017. The IBA assigned to Foster was done without her knowledge or consent.

13. A copy of the IBA indicates that the Respondent submitted the IBA in Foster’s name listing Proctor Hensley as her recruiter, field trainer, 1<sup>st</sup> upline leader and regional vice president. The Respondent filled in Foster’s name and information, including her Social Security Number, without Foster’s express permission. The Respondent’s credit card information and signature are listed on the application to cover the associated fees for the IBA with Primerica.

#### **CONCLUSIONS OF LAW**

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

(a) The commissioner may place on probation, suspend, revoke, or refuse to issue or renew a license issued under Title 56, Part 6, Chapter 1, or issue

a civil penalty for any one (1) or more of the following causes:

...

(8) ... [D]emonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere;

...

(e) The commissioner 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 commissioner 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 commissioner may, at the commissioner'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 commissioner 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. In filling in Foster's name and information, including her Social Security Number, without Foster's express permission, the Respondent violated Tenn. Code Ann. § 56-6-112(a)(8).

16. In submitting the Primerica IBA without Foster's express permission, the Respondent violated Tenn. Code Ann. § 56-6-112(a)(8).

17. 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 waiver by the Respondent of her right to a hearing and appeal under Tennessee insurance law and Tennessee's Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-101 to 4-5-404, and the Respondent's admission of the 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, agrees to the entry of this Order and agrees that this Order is in the public interest, consistent with the purposes fairly intended by the law.

**IT IS THEREFORE ORDERED**, pursuant to Tenn. Code Ann. § 56-6-112, that:

1. The Respondent shall pay **CIVIL PENALTIES** in the amount of two thousand dollars (\$2,000). The payment of such civil penalty shall be made by check payable to the Tennessee Department of Commerce and Insurance. Page one (1) of this order must accompany

payment for reference. Payment shall be made within six (6) months of the date this agreement is executed by the Commissioner, and payment shall be mailed to:

**State of Tennessee  
Department of Commerce and Insurance  
Legal Division  
Attn: Alex Corder  
Davy Crockett Tower  
500 James Robertson Parkway  
Nashville, TN 37243**


2. **IT IS FURTHER ORDERED**, that this 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 Respondent for violations of Tenn. Code Ann. §§ 56-6-112(a)(8), alleged by the Insurance Division to have occurred with respect to the facts contained herein.

This 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 she has freely agreed to the entry of this Order, that she waives the right to a hearing on the matters underlying this 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 her by the Commissioner, the Insurance Division, or any agent or representative thereof. The parties, by signing the Order, affirmatively state their agreement to be bound by the terms of this 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 Order, are binding upon them.

This Order may be executed in two 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** this 13th day of January, 2023.

  
Carter Lawrence (Jan 13, 2023 11:48 EST)

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Carter Lawrence, Commissioner  
Department of Commerce and Insurance

This Agreed Order is entered and effective this \_\_\_\_ day of January, 2023. Once signed by the Administrative Law Judge presiding over this matter, this matter will be **DISMISSED WITH PREJUDICE** as there are no issues remaining to be resolved.

It is so **ORDERED**.

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Rachel Waterhouse  
Administrative Judge  
Administrative Procedures Division  
Office of the Secretary of State

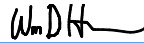


**APPROVED FOR ENTRY:**



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Peggy Hensley  
Respondent



Bill Huddleston (Jan 12, 2023 14:25 CST)

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Bill Huddleston  
Assistant Commissioner for Insurance  
Department of Commerce and Insurance

By: *Alex Corder*

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Alex G. Corder (BPR # 034191)  
Assistant General Counsel  
500 James Robertson Parkway  
Davy Crockett Tower  
Nashville, TN 37243  
(615) 770-6974  
Alex.Corder@tn.gov