



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

TENNESSEE INSURANCE DIVISION,)
)
 Petitioner,)
)
 vs.)
)
 DENNIS LAWSON MANNING,)
)
 Respondent.)
)

TID No.: 20-061

CONSENT ORDER

The Insurance Division of the Tennessee Department of Commerce and Insurance (“Division”) and Dennis Lawson Manning (“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:

I. GENERAL STIPULATIONS

1. It is expressly understood that this Consent Order is subject to and requires the Commissioner’s acceptance and has no force and effect until such acceptance is evidenced by the Commissioner’s signature and execution of this Consent Order. Entry and execution of this Consent Order by the Commissioner shall occur once the Commissioner signs and dates this Consent Order.

2. This Consent Order is entered into by the Respondent for the purpose of avoiding further administrative action with respect to this cause. 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 addressed herein.

4. The Respondent fully understands that this Consent Order will in no way preclude proceedings by state government representatives, other than the Commissioner, for violations of the law addressed specifically in this Consent Order, or for violations of the 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.

5. The Respondent expressly waives all further procedural steps and all rights to seek a hearing, judicial review, 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 this Consent Order by the Commissioner.

6. The Respondent fully understands that this Consent Order, when entered, will constitute a public document for purposes of any applicable statutes governing public access to government records.

II. AUTHORITY AND JURISDICTION

7. The Commissioner has jurisdiction over insurance matters pursuant to Title 56 of the Tennessee Code Annotated (“Tenn. Code Ann.”), specifically Tenn. Code Ann. §§ 56-1-202

and 56-6-112 (the “Law”). The Division is the lawful agent through which the Commissioner discharges this responsibility.

III. PARTIES

8. The Division is the lawful agent through which the Commissioner discharges the administration of the Law, and it is authorized to bring this action for the protection of Tennessee citizens.

9. The Respondent’s address of record is: 47 CR 107, Corinth, MS 38834. He held a valid, non-resident insurance producer license, number 0733193, from approximately November 12, 1992, until it expired on May 31, 2019, and at all times relevant to this Consent Order, maintained the responsibility to comply with insurance law, rules, and regulations of the State of Tennessee.

IV. FINDINGS OF FACT

10. The Respondent was hired by the United Insurance Company of America (“UICA”) on or about October 14, 2013.

11. UICA charged the Respondent with collecting premium payments from UICA policyholders and remitting those premium payments to UICA, bi-weekly.

12. The Respondent failed to timely remit premium payments to UICA during the week of September 18, 2017, causing UICA to conduct an audit.

13. On or about September 21, 2017, UICA completed an audit and found that the Respondent collected, or reported collecting, at least two thousand, four hundred ninety-six dollars and fifty-two cents (\$2,496.52) of premium payments from UICA policyholders in Tennessee for the week of September 18, 2017, that the Respondent failed to remit to UICA.

14. On or about September 22, 2017, UICA terminated the Respondent, for cause.

15. UICA settled the two thousand, four hundred ninety-six dollar and fifty-two cent (\$2,496.52) deficiency by deducting the deficiency from the Respondent's three thousand dollar (\$3,000) bond.

16. On or about September 29, 2017, UICA notified the Division that the Respondent was terminated, for cause.

V. CONCLUSIONS OF LAW

17. Tenn. Code Ann. § 56-6-112, in pertinent part, establishes:

(a) The commissioner 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:

...

(2) Violating any law, rule, regulation, subpoena or order of the commissioner or of another state's commissioner;

...

(7) Having admitted or been found to have committed any insurance unfair trade practice or fraud;

(8) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere;

...

18. Tenn. Code Ann. § 56-8-104(8)(A) establishes that rebates are defined as unfair trade practices in the business of insurance by any person, and rebates are defined as:

Except as otherwise expressly provided by law, knowingly permitting or offering to make or making any policy of insurance, including, but not limited to, any life insurance policy or annuity, or accident and health insurance or other insurance, or agreement as to the contract other than as plainly expressed in the policy issued thereon, or paying or allowing, or

giving or offering to pay, allow, or give, directly or indirectly, as inducement to the policy, any rebate of premiums payable on the policy, or any special favor or advantage in the dividends or other benefits thereon, or any valuable consideration or inducement whatever not specified in the policy; or giving, or selling, or purchasing or offering to give, sell, or purchase as inducement to the policy or annuity or in connection with the policy or annuity, any stocks, bonds or other securities of any insurance company or other corporation, association or partnership, or any dividends or profits accrued thereon, or anything of value whatsoever not specified in the policy[.]

19. Pursuant to Tenn. Code Ann. § 56-6-112(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.

20. The Respondent committed violations of Tenn. Code Ann. § 56-6-112(a)(2), (7), and (8) when he collected, or reported collecting, two thousand, four hundred ninety-six dollars and fifty-two cents (\$2,496.52) of cash premium payments from UICA policyholders in Tennessee, and failed to remit the payments to UICA.

21. The Respondent hereby acknowledges the Commissioner's authority to administer the statutes cited herein, concedes that the interpretation of the statutes cited herein are reasonable and enforceable, and agrees to the Commissioner's entry and execution of this Consent Order, including each of the following sanctions ordered below.

VI. ORDER

NOW, THEREFORE, based on the foregoing, including the Respondent's waiver of the right to a hearing and appeal under the Law and the Tennessee Uniform Administrative Procedures Act, and the Respondent's admission to the jurisdiction of the Commissioner, the Commissioner finds that the Respondent admits to the Findings of Fact and Conclusions of Law contained herein,

agrees to the entry and execution of this Consent Order, and finds this Consent Order to be appropriate, in the best interest of the public, and necessary for the protection of the public.

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

1. The Respondent's Tennessee non-resident insurance producer license, number 0733193, is hereby **REVOKED**.

2. This Consent Order represents the complete and final resolution of and discharge of all administrative and civil claims, demands, actions, and causes of action by the Commissioner against the Respondent for violations of the Law with respect to the transactions involved in the above-referenced facts; however, excluded from, and not covered by this paragraph, are any claims by the Division arising from or relating to the enforcement of the Consent Order provisions contained herein.

3. This Consent Order is in the best interest of both the public, and the parties, and represents a compromise and settlement of the controversy between the parties. By his signature affixed below, the Respondent states that he has: (1) freely agreed to the entry and execution of this Consent Order; (2) been afforded the opportunity to consult with legal counsel in this matter; (3) reviewed the Findings of Fact and Conclusions of Law contained herein; and (4) waived his right to a hearing on the matters underlying this Consent Order and the enforcement of this Consent Order. The Respondent further states that no threats or promises of any kind have been made by the Commissioner, the Division, or any agent or representative thereof with regard to this Consent Order.

4. By signing this Consent Order, the parties 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 herein, are binding upon them.

5. 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 (1) 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.

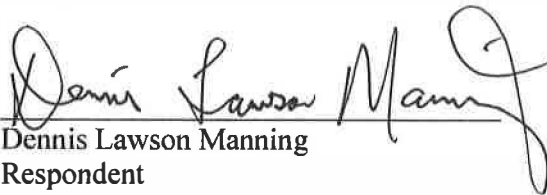
ENTERED AND EXECUTED this 9th day of June, 2020.



Hodgen Mainda (Jun 9, 2020 10:35 CDT)

Hodgen Mainda, Commissioner
Department of Commerce and Insurance

APPROVED FOR ENTRY:

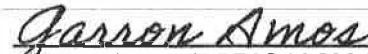


Dennis Lawson Manning
Respondent
Pro Se



Rachel Jade-Rice (Jun 8, 2020 17:19 CDT)

Rachel Jade-Rice
Assistant Commissioner for Insurance
Department of Commerce and Insurance



Garron Amos (BPRN 035924)

Associate General Counsel
Department of Commerce and Insurance