



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

TENNESSEE INSURANCE DIVISION,

Petitioner,

v.

RONNIE K. MITCHELL,

Respondent.

APD No.: 12.01-150816J

TID No.: 17-092

NOTICE OF FILING

COMES NOW, the Petitioner, the Tennessee Insurance Division, and gives NOTICE of the filing of the Agreed Final Order in this case.

Respectfully Submitted,

Garron Amos, BPR #35924
Assistant General Counsel
500 James Robertson Parkway
Davy Crockett Tower
Nashville, TN 37243
(615) 770-0082
Garron.P.Amos@tn.gov

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SECRETARY OF STATE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this Notice of Filing will be served upon Respondent Ronnie K. Mitchell via U.S. Mail, postage prepaid to the below enclosed address on the 19th day of April, 2018.

Ronnie K. Mitchell
P.O. Box 98
Telford, TN 37690

Ronnie K. Mitchell
Mitchrs1990@yahoo.com


Garron Amos



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AGREED FINAL ORDER

The Tennessee Insurance Division ("TID") of the Tennessee Department of Commerce and Insurance ("Department"), by and through undersigned counsel, and Ronnie K. Mitchell ("Respondent"), agree to the entry of this Agreed Final Order in accordance with the provisions of the Tennessee Insurance Law (the "Law") found under Tenn. Code Ann. § 56-6-112(g).

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 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 not specifically addressed in this 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 Order will in no way preclude proceedings by state government representatives, other than the Commissioner, for the violations of the Law addressed specifically in this Order 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 Parties.

FINDINGS OF FACT

5. The Respondent's residential address of record is 117 Rauhof Road, Telford, TN 37690, and his mailing address of record is P.O. Box 98, Telford, TN 37690.

6. The Respondent holds Tennessee resident insurance producer license number 0959609, which has an expiration date of January 31, 2019.

7. On January 30, 2017, the Respondent submitted a renewal application to the TID for his Tennessee resident insurance producer's license.

8. On his renewal application, the Respondent answered "Yes" to question 1A, which read "[h]ave you been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor, which has not been previously reported to this insurance department?" The Respondent uploaded supporting documents with his application revealing the criminal charges levied against him and the resulting misdemeanor convictions.

9. Inquisitorial Order No. 17-019 was issued on February 22, 2017, based upon the information provided by the Respondent.

10. The subsequent investigation confirmed that on September 9, 2016, the General Sessions Court of Hamblen County, Tennessee, charged the Respondent with forty-two (42) counts of Theft under five hundred dollars (\$500), three (3) counts of Drug Fraud, and three (3) counts of Identity Theft.

11. The investigation further revealed that on September 16, 2016, the General Sessions Court of Hamblen County, Tennessee, convicted the Respondent of one (1) count of misdemeanor Theft and one (1) count of misdemeanor Criminal Impersonation, and ordered the Respondent to complete one (1) year of probation and pay three thousand, nine hundred twenty-five dollars (\$3,925) in restitution to the Watauga Recovery Center.

12. On May 11, 2017, the Respondent provided a statement to the TID admitting that he did not inform the Department of the criminal charges filed against him on September 9, 2016, until he submitted his renewal application to the TID on January 30, 2017.

13. The Respondent, in discussions with counsel for the TID, has indicated his desire to resolve the above-referenced matter.

14. The Respondent agrees that his Tennessee resident insurance producer license be revoked.

15. The Respondent further agrees to pay a civil penalty in the amount of five hundred dollars (\$500) within twelve (12) months of the entry of this Order.

16. The Respondent expressly agrees to waive all further procedural steps and 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.

17. The Respondent has expressly agreed to permanently waive any right to a hearing and appeal under Tenn. Code Ann. §§ 4-5-101 *et seq.* with respect to this Order.

18. The Respondent has voluntarily complied with all requests for information made by representatives of the TID, and has fully cooperated with the investigation by the TID.

19. Petitioner alleges facts as stated herein provide sufficient grounds for a finding that the Respondent violated Tenn. Code Ann. §§ 56-6-119(b) and 56-6-112(a)(2) and (8).

CONCLUSIONS OF LAW

20. At all times relevant hereto, TENN. CODE ANN. § 56-6-119(b) has provided that a producer shall report to the commissioner any criminal prosecution of the producer taken in any jurisdiction within thirty (30) days of the initial pretrial hearing date. The report shall include a copy of the initial complaint filed, the order resulting from the hearing and any other relevant legal documents.

21. At all times relevant hereto, TENN. CODE ANN. § 56-6-112(a) has provided that 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 reasons:

...

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

...

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

22. For all violations occurring on or after July 1, 2011, TENN. CODE ANN.

§ 56-6-112 states:

...

(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.

ORDER

NOW, THEREFORE, on the basis of the foregoing, and the waiver by the Respondent of the right to a hearing and appeal under the Tennessee Insurance Law and the Tennessee Uniform Administrative Procedures Act, TENN. CODE ANN. §§ 4-5-101 *et seq.*, and the admission by the Respondent 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 herein, has agreed to the entry of this Order, and that the following Order is appropriate and is in the public interest.

IT IS ORDERED, pursuant to the stipulation of Respondent Ronnie K. Mitchell, that his Tennessee resident insurance producer license be **REVOKED**, and that he shall:

1. **COMPLY** with the provisions of the Tennessee Insurance Law, as amended;
2. **CEASE AND DESIST** in any future conduct in violation of any Rule, Regulation, or Statute under the Law; and
3. **PAY A CIVIL PENALTY** to the State of Tennessee in the total amount of five hundred dollars (\$500) within twelve (12) months of the entry of this Order and include a copy of the first page of this Order with payment, and mail to:

**State of Tennessee
Department of Commerce and Insurance
Legal Division, 8th Floor
Attn: Garron Amos, Attorney
Davy Crockett Tower
500 James Robertson Parkway
Nashville, Tennessee 37243**

4. If payment is not made according to the terms described above, the TID may vacate this Order, at its sole discretion, upon ten (10) days' notice to the Respondent, and without opportunity for an administrative hearing and proceed with an administrative action.

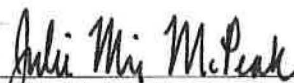
5. This Order represents the complete and final resolution of, and discharge with respect to all administrative and civil, claims, demands, actions, and causes of action by the Commissioner against Respondent for violations of the Law alleged by the TID to have occurred with respect to the transactions involving the above-referenced facts. However, excluded from and not covered by this paragraph, are any claims by the TID arising from or relating to enforcement of the Order provisions contained herein.

6. 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 he has freely agreed to the entry of this Order, that he 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 him by the Commissioner, the TID, or any agent or representative thereof.

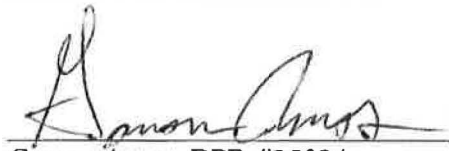
7. The parties, by signing this Order, affirmatively state their agreement to be bound by the terms of this Order and aver that no promises or offers relating to the circumstances described herein, other than the terms of settlement as set forth in this Order, are binding upon them.

ENTERED this 16 day of April, 2018.

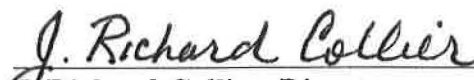

Ronnie K. Mitchell


Julie Mix McPeak, Commissioner
Department of Commerce and Insurance

APPROVED FOR ENTRY:


Garron Amos, BPR #35924
Assistant General Counsel
500 James Robertson Parkway
Davy Crockett Tower
Nashville, TN 37243
(615) 770-0082
Garron.P.Amos@tn.gov

Filed in the Administrative Procedures Division, Office of the Secretary of State, this the
19th day of April 2018.


J. Richard Collier, Director
Administrative Procedures Division

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this Agreed Final Order will be served upon Respondent Ronnie K. Mitchell via U.S. Mail, postage prepaid, and Email to the below enclosed addresses on the 19th day of April, 2018.

Ronnie K. Mitchell
P.O. Box 98
Telford, TN 37690

Ronnie K. Mitchell
Mitchrs1990@yahoo.com

A handwritten signature in black ink, appearing to read "Garron Amos", written over a horizontal line.

Garron Amos