

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

TENNESSEE INSURANCE DIVISION, )  
Petitioner, )

vs. )

Jamie G. Polec, )  
Respondent. )

APD No.: 12.04-155756J  
TID No.: 17-114

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**CONSENT ORDER**

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The Insurance Division of the Tennessee Department of Commerce and Insurance (the "Division") and Jamie G. Polec ("Respondent") hereby stipulate and agree to the entry of this Consent 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 Consent 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 was assigned National Insurance Producer Number 7394810 by the National Insurance Producer Registry ("NIPR"), a service of the National Association of Insurance Commissioners ("NAIC").

9. The Respondent's address of record on file with the Division is 42610 N. Addison Lane, Antioch, IL 60002.

#### FINDINGS OF FACT

10. The Respondent is not now, nor has he ever been, licensed with the Division.

11. In June, 2010, the Respondent was fined fifty thousand dollars (\$50,000.00) by the Illinois Department of Insurance for misrepresenting life insurance policies as savings plans to U.S. military service members.

12. On or about July 11, 2014, the Respondent met Evelyn Renee Wynn ("Wynn") at 554 Oakmont Drive, Clarksville, TN 37042, for the sole purpose of selling insurance. The Respondent was aware, or should have been aware, that this location was entirely within this state. The Respondent did, in fact, sell a life insurance policy to Wynn at 554 Oakmont Drive, Clarksville, TN 37042.

13. On or about August 17, 2014, the Respondent met LaTasha L. Johnson ("Johnson") at 1529 Mammy Lane, Clarksville, TN 37042, for the sole purpose of selling insurance. The Respondent was aware, or should have been aware, that this location was entirely within this state. The Respondent did, in fact, sell a life insurance policy to Johnson at 1529 Mammy Lane, Clarksville, TN 37042.

14. On or about October of 2014, the Respondent met Kwasi Boateng ("Boateng") and Helena Oppong ("Oppong") at 1247 Snowball Lane, Clarksville, TN 37042, for the sole purpose of selling insurance. The Respondent was aware, or should have been aware, that this

location was entirely within this state. The Respondent did, in fact, sell two (2) life insurance policies to Boateng and Oppong at 1247 Snowball Lane, Clarksville, TN 37042.

### CONCLUSIONS OF LAW

15. At all times relevant hereto, Tenn. Code Ann. § 56-6-103 has provided that:

A person shall not sell, solicit or negotiate insurance in this state for any class or classes of insurance unless the person is licensed in that line of authority in accordance with this part.

16. 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 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.

...

(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.

17. In selling life insurance policies in the State of Tennessee without being properly licensed by the Department, the Respondent violated Tenn. Code Ann. §§ 56-6-103 and 56-6-112(a)(2).

18. 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 his 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 the Respondent, Jamie G. Polec:

1. Be **BARRED** from applying for an insurance producer license in Tennessee and be barred from engaging in the business of insurance in Tennessee.
2. Pay **CIVIL PENALTIES** in the amount of four thousand dollars (\$4,000). 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 thirty (30) days 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: Vishan Ramcharan  
Davy Crockett Tower  
500 James Robertson Parkway  
Nashville, TN 37243**


3. **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. §§ 56-6-103 and 56-6-112(A)(2) 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 he has freely agreed to the entry of this Order, that he waives the right to a hearing on the matters

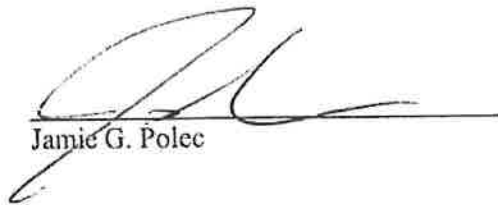
underlying this Order and to a review of the Findings of Fact and Conclusions of Law contained herein, and that no threats or promises of any kind have been made to him by the Commissioner, the Insurance Division, or any agent or representative thereof. The parties, by signing the Order, affirmatively 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 this 19 day of July, 2019.

  
Carter Lawrence  
Interim Commissioner  
Department of Commerce and Insurance


**APPROVED FOR ENTRY:**



Jamie G. Polec



Michael Humphreys  
Assistant Commissioner for Insurance  
Department of Commerce and Insurance

By:   
Vishan J. Ramcharan (BPR # 034403)  
Assistant General Counsel  
500 James Robertson Parkway  
Davy Crockett Tower  
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