



Consent Order by the Commissioner shall not unfairly or illegally prejudice the Commissioner from further participation or resolution of these proceedings.

3. Respondent fully understands that this Consent Order will in no way preclude additional proceedings by the Commissioner against 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. 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, against the Respondent 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 execution of this Consent Order by the Respondent.

5. Respondent expressly waives all further procedural steps and all rights to seek judicial review or to otherwise challenge or contest the validity of this Consent Order, the stipulations and imposition of discipline expressly contained herein, and the consideration and entry of said Consent Order by the Commissioner.

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

7. Respondent agrees that a facsimile of his respective signature, or that of his attorney, on this Consent Order, scanned in portable document format (PDF) or similar format,

returned by electronic means, if accepted by the TID, is effective as an original signature and that the Consent Order may be issued with such a facsimile signature.

### **AUTHORITY AND JURISDICTION**

8. The Commissioner has jurisdiction over this matter pursuant to the Tennessee Insurance Law ("Law"), Title 56 of the Tennessee Code Annotated, specifically, TENN. CODE ANN. §§ 56-1-101, 56-1-202, 56-2-305, and 56-6-112. The Law places on the Commissioner the responsibility of the administration of these provisions.

### **PARTIES**

9. The TID is the lawful agent through which the Commissioner administers the Act and the Law and is authorized to bring this action for the protection of the public.

10. Respondent is a Nevada resident with an address of 2879 Geary Place, Las Vegas, Nevada 89119-0461, which is presently on file with the TID.

### **FINDINGS OF FACT**

11. Respondent is a licensee of the TID (No. 0908144) who, all times relevant hereto, has been responsible for compliance with the insurance laws, rules and regulations of the State of Tennessee.

12. Respondent held an Non-Resident Tennessee Insurance Producer License, number 0908144, which expired on May 31, 2016.

13. On October 15, 2013, Respondent entered into a Purchase / Sale Agreement to sell two (2) businesses that he owned, The Bail Bond Specialist Agency, LLC and Bail Bond Specialist Nevada, LLC to Bond Specialist Holding Company, LLC.

14. Bond Specialist Holding Company, LLC assumed the servicing of the existing accounts formerly serviced by the Bail Bond Specialist Agency, LLC and Bail Bond Specialist Nevada, LLC.

15. In the terms and conditions of the Purchase / Sale Agreement, the services of Respondent were retained on an Independent Contractor basis to maintain the existing accounts receivable for the benefit of Bond Specialist Holding Company, LLC and to perform tasks necessary to effect the consolidation of the businesses into the operations of Bond Specialist Holding Company, LLC.

16. The tasks of the Respondent, as a fiduciary of Bond Specialist Holding Company, LLC, included, but were not limited to, the collection of bail bond premiums for bail bonds.

17. During the course of their business relationship, Bond Specialist Holding Company, LLC conducted an internal audit of the accounts associated with the Respondent.

18. The internal audit revealed an alleged discrepancy between the value of documented bond collections and the remitted payments of premium and collateral in the amount of thirty-two thousand, five hundred thirty-four dollars (\$32,534.00) affecting one hundred and two (102) Tennessee customers.

19. Pursuant to the audit results, a complaint was filed with the TID on March 13, 2014, by Bond Specialist Holding Company, LLC through Chief Financial Officer Greg Lauer.<sup>1</sup>

#### **CONCLUSIONS OF LAW**

20. At all times relevant hereto, TENN. CODE ANN. § 56-6-112(a) (2011) has provided that the Commissioner may place on probation, suspend, revoke, or refuse to issue or renew a license issued under Title 56, Chapter 6, Part 1, or issue a civil penalty for the following reasons:

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<sup>1</sup> Bond Specialist Holding Company, LLC has in turn been subsumed into the operations of the Lexon Surety Group, LLC ("Lexon"). Greg Lauer is currently a principal of Lexon.

...

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

...

- (4) Improperly withholding, misappropriating or converting any moneys or properties received in the course of doing insurance business;

...

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

...

22. For all violations occurring on or after July 1, 2011, TENN. CODE ANN. § 56-6-112

(2011), states in pertinent part:

...

- (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[.]

- (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.

23. As enumerated in the Findings of Fact above and the Conclusions of Law contained herein, Respondent violated TENN. CODE ANN. §§ 56-6-112 (a) (2), (4), and (8).

24. The Findings of Fact contained herein constitute grounds for a Consent Order imposing upon and accepting the offer of Respondent Andrew L. Renshaw to permanently forbear from applying for an Insurance Producer license in the State of Tennessee and imposing civil penalties in accordance with TENN. CODE ANN. § 56-6-112(g)(1) and (2).

### **ORDER**

**NOW, THEREFORE,** based on the foregoing and Respondent's waiver of his rights to a hearing and appeal under the Law and Tennessee's Uniform Administrative Procedures Act,

TENN. CODE ANN. §§ 4-5-101 *et. seq.*, and the admission by Respondent of the jurisdiction of the Commissioner, the Commissioner finds that Respondent admits to the Findings of Fact and Conclusions of Law contained herein, has agreed to the entry of this Consent Order, and that this Consent Order is 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 (2011) that:

1. Respondent Andrew L. Renshaw shall fully **COMPLY** with the Law, and all rules promulgated thereunder.

2. Respondent Andrew L. Renshaw shall forbear from reviving, applying for, or in any manner seeking an Insurance Producer license in the State of Tennessee at any time after the entry of this Order.

3. Respondent Andrew L. Renshaw, shall not, while without a license, conduct further business for which an insurance license is required under the Law.

4. Respondent shall pay the TID a **monetary civil penalty** in the total sum of **five thousand dollars (\$5,000) which shall be paid in one thousand dollar (\$1,000.00) increments over five (5) months**. The first payment shall be due and payable on the fifteenth day of the month subsequent to the month in which this Order is Entered by the Commissioner. Should the Respondent fail to make payments for the five (5) consecutive months following the Entry of this Order, the entire remaining balance shall become immediately due and payable. Timely payment shall be deemed to be within five (5) days of the fifteenth of each applicable month.

5. The failure to timely make payment under the terms of this agreed Consent Order may result in additional disciplinary action being taken against Respondent including, but not necessarily limited to, the assessment of additional civil monetary penalties.

6. A payment shall be considered timely made if it is **received** by the Tennessee Department of Commerce and Insurance within seven (7) calendar days of the date such payment is due. Payment shall include a copy of the first page of this Order and shall be made payable to "State of Tennessee." Payment shall be mailed to the following address:

Tennessee Department of Commerce and Insurance  
Legal Division, Attn: Charles Herrell  
Davy Crockett Tower  
500 James Robertson Parkway, 8<sup>th</sup> Floor  
Nashville, TN 37243

7. **IT IS FURTHERED ORDERED** that all persons in any way assisting, aiding, or helping Respondent Andrew L. Renshaw in any of the aforementioned violations of TENN. CODE ANN. § 56-6-112, shall **CEASE AND DESIST** from all such activities in violation of the Act and/or the Law.

8. **IT IS ORDERED** that this Consent Order represents the complete and final resolution and discharge of administrative remedies available to the Commissioner under TENN. CODE ANN. §§ 4-5-305 (2008) and TENN. CODE ANN. § 56-6-112 against Respondent for violations of the Law arising out of the Findings of Fact set forth above. However, this Consent Order shall in no way preclude a third party or other authority from pursuing civil remedies or criminal action against Respondent which may otherwise be available.

9. 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, Respondent Andrew L. Renshaw states that he has: (1) freely agreed to the entry of this Consent Order; (2) had the opportunity to effectively 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. Respondent further

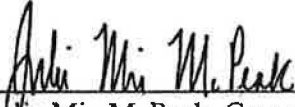


states that no threats or promises of any kind have been made by the Commissioner, the TID, or any agent or representative thereof with regard to this Consent Order.

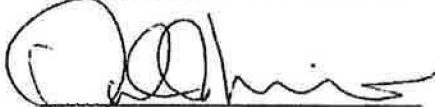
10. By signing this Consent Order, the parties affirm their agreement to be bound by the terms of this Consent Order and confirm that no promises or offers relating to the circumstances described herein, other than the terms of the settlement set forth in this Consent Order, are binding upon them.


**IT IS SO ORDERED.**

ENTERED this the 7 day of November, 2017.

  
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Julie Mix McPeak, Commissioner  
Department of Commerce and Insurance

**APPROVED FOR ENTRY:**

  
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David R. Grimm BPR# 24454  
Grimmett Law Firm PLLC  
Attorneys for Respondent  
315 Deaderick Street  
Suite 1210 UBS Tower  
Nashville, TN 37238  
(615) 256-4468

  
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Charles S. Herrell, BPR# 018035  
Assistant General Counsel 500 James Robertson Parkway  
Davy Crockett Tower  
Nashville, TN 37243  
(615) 253-1378  
charles.s.herrell@tn.gov