



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

TENNESSEE INSURANCE DIVISION,)	
)	
Petitioner,)	
)	MATTER No.: 23-00497
v.)	
)	
JOE L. RAYBON)	
)	
Respondent.)	

CONSENT ORDER

The Insurance Division of the Tennessee Department of Commerce and Insurance (“Division”) and Joe L. Raybon (“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:

GENERAL STIPULATIONS

1. It is expressly understood that this Consent Order is subject to the Commissioner’s acceptance and has no force and effect until such acceptance is evidenced by the entry and execution of an order by 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 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 herein addressed.

4. The Respondent fully understands that this Consent Order will in no way preclude proceedings by state government representatives, other than the Commissioner, for alleged violations of the law addressed specifically in this Consent Order, 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 entry and execution of this Consent 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 Consent Order, the stipulations and imposition of discipline contained herein, and the consideration and entry and execution of said Consent 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. §§ 56-1-103 and 56-6-112 (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. Joe L. Raybon (“Respondent”) has been a licensee of the Division since February 25, 2019, 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 2431435.

11. The Respondent was assigned National Insurance Producer Number 19044528 by the National Insurance Producer Registry (“NIPR”), a service of the National Association of Insurance Commissioners (“NAIC”).

STATEMENTS OF FACT

12. Beginning around February 26, 2019, the Respondent worked as an insurance producer for American Family Life Assurance Company (“AFLAC”).

13. On or about May 31, 2019, Respondent enrolled seventeen (17) policyholders with fifty-five (55) policies under group policy MGH90. The policy was assigned to a business purportedly named “Tile Solutions”. Tile Solutions is not registered to do business in the state of Tennessee with the Tennessee Secretary of State. Tile solutions cannot be verified as an actual business through The Last One (“TLO”), an online search/research tool maintained by TransUnion, or via open source online searches. Further, the seventeen (17) policyholders could

not be verified as employees of Tile Solutions, or as actual persons through TLO or online searches.

14. On or about September 9, 2019, Respondent enrolled nine (9) policyholders with twenty-five (25) policies under group MJL46, identified as Premier Learning Academy. Premier Learning Academy and Respondent's District Sales Coordinator, Mr. Snyder, reported that none of these policyholders were employees. Additionally, none of these policyholders could be verified as actual persons through TLO or online searches.

15. On or about September 27, 2019, Respondent enrolled seven (7) policyholders with eighteen (18) policies under group MQH77. The policy was assigned to a business named "GIG Expediting". GIG Expediting was located online but the address and contact information did not match the information on the policy. The policyholders Respondent enrolled in the Gig Expediting group could not be verified through TLO or online searches. Additionally, the personal information provided by the Respondent in the applications did not belong to the policyholders.

16. As a result of the policies made by Respondent, Respondent qualified for advance commissions of approximately ten thousand dollars (\$10,000) and bonuses of approximately three thousand dollars (\$3,000).

17. On or about March 18, 2022, AFLAC completed an investigation of the Respondent's conduct and changed its report of the Respondent's status to "cancellation for cause". AFLAC sent the Division notice of this cancellation.

18. On or about April 22, 2022, the Assistant Commissioner for Insurance entered Inquisitorial Order 22-021 regarding the Respondent.

CONCLUSIONS OF LAW

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

(a) The [C]ommissioner may place on probation, suspend, revoke, or refuse to issue or renew a license issued under [T]itle 56, [P]art 6, [C]hapter 1, or issue a civil penalty for any one (1) or more of the following causes:

...

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

...

(e) The [C]ommissioner 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 [C]ommissioner 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 [C]ommissioner may, at the [C]ommissioner'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 [C]ommissioner 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.

20. Based on the Statements of Fact above, the Respondent used fraudulent, coercive, or dishonest practices in the conducting of insurance business in violation of Tenn. Code Ann. §56-6-112(a)(8).

ORDER

NOW, THEREFORE, on the basis of the foregoing, and the Respondent's waiver of the right to a hearing and appeal under the Law and the Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-101 *et seq.*, and the Respondent's admission of jurisdiction of the Commissioner, the Commissioner finds that the Respondent, for the purpose of settling this matter, admits the Findings of Fact and agrees to the entry and execution of this Order.

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

21. The Respondent's Tennessee Insurance License be **SUSPENDED** for a period of not less than one (1) year, effective the entry date of this order, and until full payment of all civil penalties required by this order.

22. The Respondent shall pay a civil penalty in the amount of **TWO-THOUSAND NINE-HUNDRED FORTY DOLLARS (\$2,940)** to the State of Tennessee for preparing and submitting fraudulent insurance policies. 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 Consent Order must accompany the payment for reference. Payment shall be remitted within one (1) year after the entry and execution of this Consent Order, as evidenced by the Commissioner's signature, and mailed to the attention of:

**Tennessee Department of Commerce and Insurance
Legal Division
Attn: Samuel L. Moore
500 James Robertson Parkway
Davy Crockett Tower
Nashville, TN 37243**

23. The Respondent shall **CEASE AND DESIST** from activities requiring a license under Tenn. Code Ann. § 56-6-103 until such time as his license is no longer suspended.

24. This Consent 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 the Respondent for violations of the Law alleged by or currently known by the Division to have occurred with respect to the transactions involving the above referenced facts contained herein.

25. This Consent 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.

26. By the signatures affixed below, the Respondent affirmatively states he has freely agreed to the entry and execution of this Consent Order, that the Respondent waives the right to a hearing on the matters underlying this Consent Order or the enforcement of this Consent 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 Division, or any agent or representative thereof.

27. The parties, by signing this Consent Order, 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 settlement as set forth in this Consent Order, are binding upon them.

28. 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 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 April 3rd, 2024.


Carter Lawrence (Apr 3, 2024 09:53 CDT)

Carter Lawrence, Commissioner
Department of Commerce and Insurance

APPROVED FOR ENTRY:



Bill Huddleston (Apr 2, 2024 08:28 CDT)

Bill Huddleston
Assistant Commissioner for Insurance
Department of Commerce and Insurance

Apr 2, 2024

Date



Joe L. Raybon
Respondent

3/27/2024

Date



Samuel L. Moore, BPR #031342
Associate General Counsel
500 James Robertson Parkway
Davy Crockett Tower
Nashville, TN 37243
(615) 770-0082
Samuel.L.Moore@tn.gov

Apr 1, 2024

Date