



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

TENNESSEE INSURANCE DIVISION,)
)
 Petitioner,)
)
 vs.) **TID No.: 20-139**
)
 PAMELA ROBERSON,)
)
 Respondent.)

AMENDED CONSENT ORDER

The Insurance Division of the Tennessee Department of Commerce and Insurance (“Division”) and Pamela Roberson (“Respondent”) hereby stipulate and agree to the entry and execution of this Amended 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 Amended 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 Amended Consent Order. Entry and execution of this Amended Consent Order by the Commissioner shall occur once the Commissioner signs and dates this Amended Consent Order.

2. This Amended Consent Order is entered into by the Respondent for the purpose of avoiding further administrative action with respect to this cause. Should this Amended Consent Order not be accepted by the Commissioner, it is agreed that presentation to and

consideration of this Amended 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 Amended Consent Order will in no way preclude additional proceedings by the Commissioner against the Respondent for acts or omissions not specifically addressed in this Amended 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 Amended 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 Amended 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 Amended 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 Amended Consent Order, the stipulations and imposition of discipline contained herein, and the consideration and entry and execution of this Amended Consent Order by the Commissioner.

6. The Respondent fully understands that this Amended 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 is a licensee of the Division who is responsible for being compliant with the insurance laws and regulations of the State of Tennessee.

10. The Respondent holds a valid non-resident Tennessee insurance producer license, number 2345658.

11. The Respondent was assigned National Insurance Producer Number 17765640 by the National Insurance Producer Registry (“NIPR”), a service of the National Association of Insurance Commissioners (“NAIC”).

12. The Respondent’s address of record on file with the Division is: 107 Lavaca Loop, Hutto, Texas 78634-5681.

IV. FINDINGS OF FACT

13. At all times relevant hereto, the Respondent has been licensed in Tennessee as a non-resident insurance producer.

14. On or about December 4, 2000, the Respondent was found guilty of theft, a class C misdemeanor, committed on April 8, 2000, in the State of Texas. The Respondent was ordered

to pay a fine of seventy-five dollars (\$75) and costs of one hundred sixty-seven dollars and twenty-five cents (\$167.25).

15. On or about September 15, 2016, the Respondent submitted an original application in Tennessee for a non-resident insurance producer license.

16. On the original application, the Respondent answered “No” to the question, “Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor?”

17. On or about May 19, 2017, the Respondent entered into a Stipulation with the New York State Department of Financial Services wherein the Respondent admitted she provided materially incorrect and untrue information on her original application for an agent’s license when she failed to disclose that she was convicted of a crime on or about December 4, 2000. The Respondent was ordered to pay a penalty in the amount of seven hundred fifty dollars (\$750) as part of the Stipulation.

18. On or about July 21, 2017, the Respondent entered into a Consent Order with the Louisiana Department of Insurance wherein the Respondent admitted she failed to disclose that she was convicted of a crime on or about December 4, 2000. The Respondent was ordered to pay a fine in the amount of two hundred fifty dollars (\$250) as part of the Consent Order.

19. The Respondent failed to timely report the administrative action taken against her in Louisiana to the Division.

20. On or about August 1, 2017, the Respondent entered into a Consent Agreement with the State of Maine Bureau of Insurance wherein the Respondent was found to have failed to disclose she was convicted of theft on or about December 4, 2000. The Respondent was ordered

to pay a civil penalty in the amount of one hundred dollars (\$100) as part of the Consent Agreement.

21. The Respondent failed to timely report the administrative action taken against her in Maine to the Division.

22. On or about November 30, 2017, the Respondent entered into a Consent Order Levying a Fine with the State of Washington Office of the Insurance Commissioner wherein the Respondent was found to have failed to report a misdemeanor conviction on her initial application, to have failed to timely report administrative actions taken against her in Louisiana, and to have had administrative actions taken against her in Maine and New York. The Respondent was ordered to pay a fine of five hundred dollars (\$500) as part of the Consent Order Levying a Fine.

23. On or about April 27, 2018, the Respondent entered into a Settlement Order with the Commonwealth of Virginia Bureau of Insurance wherein the Respondent agreed to pay five hundred dollars (\$500) to settle the case brought against her for failing to disclose administrative actions against her.

24. The Respondent failed to timely report the administrative action taken against her in Virginia to the Division.

25. On or about July 20, 2018, the Respondent entered into a Stipulation and Consent Order with the Delaware Insurance Department wherein the Respondent admitted to failing to report an administrative action taken by another jurisdiction to the Delaware Insurance Commissioner, and the Respondent was ordered to pay a fine in the amount of five hundred dollars (\$500).

26. On or about September 5, 2018, the Respondent entered a Consent Order Levying a Fine with the State of Washington Office of the Insurance Commissioner wherein the Respondent was found to have failed to timely report an administrative action taken against her in Virginia, and the Respondent was ordered to pay a fine in the amount of two hundred fifty dollars (\$250).

27. On or about September 10, 2018, the Respondent entered into a Voluntary Settlement Agreement with the North Carolina Department of Insurance wherein the Respondent agreed that she failed to timely disclose the administrative action taken against her in Louisiana, and the Respondent was ordered to pay a civil penalty in the amount of two hundred fifty dollars (\$250).

28. On or about April 8, 2019, the Respondent submitted a renewal application in Tennessee for her non-resident insurance producer license.

29. On the April 2019 renewal application, the Respondent answered "No" to the question, "Have you been convicted of a misdemeanor, had a judgement withheld or deferred, or are you currently charged with committing a misdemeanor, which has not been previously reported to this insurance department?"

30. On or about April 22, 2019, the Division entered Inquisitorial Order number 19-033 commencing an investigation of the Respondent.

31. On or about August 9, 2019, the Respondent entered into a Consent Order with the Ohio Department of Insurance wherein the Respondent was found to have failed to report her misdemeanor conviction and failed to timely report administrative actions taken against her. The Respondent was ordered to pay a fine in the amount of four hundred dollars (\$400) as part of the Consent Order.

V. CONCLUSIONS OF LAW

32. At all times relevant hereto, Tenn. Code Ann. § 56-6-112 has provided:
- (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:
 - (1) Providing incorrect, misleading, incomplete or materially untrue information in the license application;
 - (2) Violating any law, rule, regulation, subpoena or order of the commissioner or of another state's commissioner;
 - (3) Obtaining or attempting to obtain a license through misrepresentation 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;
 - ...
 - (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.
 - (f) The commissioner may serve a notice or order in any action arising under this part by registered or certified mail to the insurance producer or applicant at the address of record in the files of the department. Notwithstanding any law to the contrary, service in the manner set forth in this subsection (f) shall be deemed to constitute actual service on the insurance producer or applicant.
 - (g) If, after providing notice consistent with the process established by § 4-5-320(c), and providing the opportunity for a contested case hearing held in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, 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.

33. At all times relevant hereto, Tenn. Code Ann. § 56-6-119 has provided that:

- (a) A producer shall report to the commissioner any administrative action taken against the producer in another jurisdiction or by another governmental agency in this state within thirty (30) days of the final disposition of the matter. This report shall include a copy of any order entered or other relevant legal documents.

34. The Respondent committed violations of Tenn. Code Ann. § 56-6-112(a)(1), (3), and (8) when the Respondent answered “No” when asked if the Respondent had ever been convicted of a misdemeanor on her September 15, 2016, original application and when the Respondent answered “No” when asked if the Respondent had been convicted of a misdemeanor not previously reported to the Division on her April 8, 2019, renewal application.

35. The Respondent committed violations of Tenn. Code Ann. § 56-6-112(a)(2) and (8) when the Respondent violated the laws, rules, or regulations of another state’s commissioner and when the Respondent failed to timely report administrative actions taken against the Respondent in Louisiana, Maine, and Virginia to the Division.

36. 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 Amended 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, Tenn. Code Ann. §§ 4-5-101 *et seq.*, and the Respondent’s admission to the jurisdiction of the Commissioner, the Commissioner finds that the Respondent, for purposes of settling this matter, admits to the Findings of Fact and Conclusions of Law contained herein,

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

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

1. The Respondent's Tennessee insurance producer license, number 2345658, is hereby **REVOKED**.

2. The prior Consent Order, TID No. 20-086, entered and executed on July 20, 2020, is hereby rescinded and replaced by this Amended Consent Order, TID No. 20-139.

3. This Amended 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 Amended Consent Order provisions contained herein.

4. This Amended 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 the signature affixed below, the Respondent states that she has: (1) freely agreed to the entry and execution of this Amended 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 her right to a hearing on the matters underlying this Amended Consent Order and the enforcement of this Amended 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 Amended Consent Order.

5. By signing this Amended Consent Order, the parties affirmatively state their agreement to be bound by the terms of this Amended 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.

6. This Amended 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 August 13, 2020.


Hodgen Mainda (Aug 13, 2020 09:35 CDT)

Hodgen Mainda, Commissioner
Department of Commerce and Insurance

APPROVED FOR ENTRY AND EXECUTION:

Pamela Roberson

Pamela Roberson
Respondent
Pro Se

Rachel Jade-Rice

Rachel Jade-Rice (Aug 7, 2020 16:08 CDT)

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

Garron Amos

Garron Amos (BPR# 035924)
Associate General Counsel
Department of Commerce and Insurance