



**State of Tennessee**  
**Department of State**  
Administrative Procedures Division  
312 Rosa L. Parks Avenue  
8<sup>th</sup> Floor, William R. Snodgrass Tower  
Nashville, Tennessee 37243-1102  
Phone: (615) 741-7008/Fax: (615) 741-4472

April 14, 2020

Renita Hollins, Esq.  
Assistant General Counsel  
Tennessee Department of Commerce &  
Insurance  
Office of Legal Counsel  
12<sup>th</sup> Floor, Davy Crockett Tower  
500 James Robertson Parkway  
Nashville, Tennessee 37243

Jeffrey S. Suiter  
4643 Dugger Road  
Culleoka, TN 38451

RE: In the Matter of: Jeffrey Suiter  
Docket No. 12.01-152671J

Enclosed is an order rendered in the above-styled cause of action.

Administrative Procedures Division  
Tennessee Department of State

/rer  
Enclosure



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

<b>TENNESSEE INSURANCE DIVISION,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>APD No. 12.01-152671J</b>
	)	<b>TID No. 18-040</b>
<b>JEFFREY STEPHEN SUITER,</b>	)	
	)	
<b>Respondent.</b>	)	

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**INITIAL ORDER**

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This matter came to be heard on February 18, 2020, before the Honorable Joyce Carter-Ball, assigned by the Secretary of State, Administrative Procedures Division, sitting on behalf of the Commissioner of Commerce and Insurance. Associate General Counsel for the Department, Renita Hollins, represented the Insurance Division ("Division") of the Tennessee Department of Commerce and Insurance ("Department"). The Respondent did not appear, and no one appeared on his behalf.

**ORDER OF DEFAULT**

The State presented proof that the Notice of Hearing and Charges was served via Certified Mail and regular mail to the Respondent's home address listed with the Division: 406 Pennsylvania Avenue, Lebanon, Tennessee 37087. The Certified Mail was returned, but the regular mail was not. The Division's request for an interview was also sent to the above address. The Respondent appeared for the interview. During the interview, the Respondent reported his address as 406 Pennsylvania Avenue, Lebanon, Tennessee 37087. The Respondent also reported a prior address of 4643 Dugger Road, Culleoka, Tennessee 38451. The Notice of Hearing and Charges was sent

by Certified Mail and regular mail to both addresses listed by the Respondent. However, the Certified mail was returned with a statement, "Return to Sender . . . Unclaimed . . . Unable to Forward". The State presented further proof to show additional attempts were made by Certified Mail and regular mail at both addresses, multiple times. Proof was presented to show that the Certified Mail always came back as "returned"; however, the regular mail to 406 Pennsylvania Avenue, Lebanon, Tennessee 37087, was not always returned. A Witness List, Exhibit List, and the Notice of Intent were among a few of the documents sent to both addresses. They were not returned by regular mail, but the documents were returned via Certified Mail. At the end of the presentation, the State moved for a default judgment and this Court granted the same.

#### **INITIAL ORDER**

After consideration of the entire record, evidence, and testimony presented, it was determined that the State showed by a preponderance of the evidence that the Respondent's actions were in violation of Tenn. Code Ann. § 56-6-112(a)(5) and (8). As a result, the Respondent's insurance producer license number 2268020 was revoked, and the Respondent was ordered to pay a civil penalty of fifty-six thousand dollars (\$56,000), which represented twenty-eight (28) violations of Tenn. Code Ann. § 56-6-112(a)(5) and twenty-eight (28) violations of Tenn. Code Ann. § 56-6-112(a)(8). The Respondent was also ordered to pay all court and investigatory costs in this matter. This determination was based on the following Findings of Facts and Conclusions of Law.

#### **FINDINGS OF FACT**

The Respondent previously worked for AFLAC. However, the Division received notification from AFLAC that the Respondent was terminated for cause from AFLAC because he engaged in fraudulent activity and possibly forgery. Specifically, AFLAC advised the Division

that the Respondent went to at least three (3) different businesses and enrolled several employees of the businesses in policies that the employees did not request. Two (2) of the accounts, Fort Smith Montessori School and Nebo 2 Auto Center, were headquarter accounts. Headquarter accounts are accounts that were already in ALFAC's system. The third account was for Turnkey Construction, a business generated by the Respondent.

In regard to the headquarter accounts, the Respondent visited current AFLAC customers and enrolled them in additional accounts which they had not requested nor consented to obtaining. This was a violation of Tenn. Code Ann. § 56-6-112(a)(5). The Respondent generated the third account on his own and attempted to start policies for persons at the third business; however, the business decided to use a different carrier. Despite this decision, the Respondent enrolled persons in AFLAC policies anyway. This was also a violation of Tenn. Code Ann. § 56-6-112(a)(8).

#### CONCLUSIONS OF LAW

The State has shown, by a preponderance of the evidence as set forth in the above Findings of Fact, that the Respondent's actions are in violation of Tenn. Code Ann. § 56-6-112(a)(5) and (8) which provides:

- (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:

...

- (5) Intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance;

...

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

Based on the foregoing, it is hereby **ORDERED** that Respondent Jeffrey Stephen Suiter's insurance license number 2268020 is hereby revoked, and that the Respondent shall pay a civil penalty sum of fifty-six thousand dollars (\$56,000) for twenty-eight (28) violations of Tenn. Code Ann. § 56-6-112(a)(5) and twenty-eight (28) violations of Tenn. Code Ann. § 56-6-112(a)(8). It is further **ORDERED** that the Respondent shall be assessed the costs of this proceeding, including court costs and court reporter costs.

It is so **ORDERED**.

This Initial Order entered and effective this 10th day of April, 2020.



\_\_\_\_\_  
Joyce Carter-Ball  
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State, this the 14 day of April, 2020.



\_\_\_\_\_  
Stephanie Shackelford, Director  
Administrative Procedures Division

### **EXTENSION OF NOTICE OF APPEAL DEADLINES**

You have certain appeal rights if you disagree with the Administrative Judge's decision. The deadlines for those appeal rights are usually listed in the automatically generated Notice of Appeal Procedures, which is included in this Order packet. However, due to the COVID-19 pandemic, the Tennessee Supreme Court has ordered that any such deadlines that fall between March 13, 2020, through May 5, 2020, are extended to May 6, 2020. Therefore, the due dates falling between March 13, 2020, and May 5, 2020, for this case, identified in the Notice of Appeal Procedures, are extended to May 6, 2020. The Administrative Procedures Division has already announced this extension of appeal rights to the state agency involved in this case but is hereby making all parties to this case aware of this extension.

### **FILING**

Until further notice, filings should be made by email, to [APD.Filings@tn.gov](mailto:APD.Filings@tn.gov), or by facsimile, to 615-741-4472. Paper filings should only be made by mail or in-person if a litigant has no access to either email or facsimile. Only one filing method should be used.

**NOTICE OF APPEAL PROCEDURES**

**REVIEW OF INITIAL ORDER**

Attached is the Administrative Judge's decision in your case before the **Insurance Division of the Tennessee Department of Commerce and Insurance**, called an Initial Order, with an entry date of **April 14, 2020**. The Initial Order is not a Final Order but shall become a Final Order unless:

1. **A Party Files a Petition for Reconsideration of the Initial Order:** You may ask the Administrative Judge to reconsider the decision by filing a Petition for Reconsideration. Mail to the Administrative Procedures Division (APD) a document that includes your name and the above APD case number, and states the specific reasons why you think the decision is incorrect. The APD must **receive** your written Petition no later than 15 days after entry of the Initial Order, which is no later than **April 29, 2020**. A new 15 day period for the filing of an appeal to the **Insurance Division of the Tennessee Department of Commerce and Insurance** (as set forth in paragraph (2) below) starts to run from the entry date of an order disposing of a Petition for Reconsideration, or from the twentieth day after filing of the Petition if no order is issued.

The Administrative Judge has 20 days from receipt of your Petition to grant, deny, or take no action on your Petition for Reconsideration. If the Petition is granted, you will be notified about further proceedings, and the timeline for appealing (as discussed in paragraph 2 below) will be adjusted. If no action is taken within 20 days, the Petition is deemed denied. As discussed below, if the Petition is denied, you may file an appeal. Such an Appeal must be **received** by the APD no later than 15 days after the date of denial of the Petition. *See* TENN. CODE ANN. § 4-5-317 and § 4-5-322.

2. **A Party Files an Appeal of the Initial Order:** You may appeal the decision to the **Insurance Division of the Tennessee Department of Commerce and Insurance**. Mail to the APD a document that includes your name and the above APD case number, and states that you want to appeal the decision to the **Insurance Division of the Tennessee Department of Commerce and Insurance**, along with the specific reasons for your appeal. The APD must **receive** your written Appeal no later than 15 days after the entry of the Initial Order, which is no later than **April 29, 2020**. The filing of a Petition for Reconsideration is not required before appealing. *See* TENN. CODE ANN. § 4-5-317.
3. **The Insurance Division of the Tennessee Department of Commerce and Insurance decides to Review the Initial Order:** In addition to a party filing an appeal of the Initial Order, the **Insurance Division of the Tennessee Department of Commerce and Insurance** may, on the Commissioner's own motion, review the Initial Order.

If either of the actions set forth in paragraphs (2) or (3) above occurs prior to the Initial Order becoming a Final Order, there is no Final Order until the **Insurance Division of the Tennessee Department of Commerce and Insurance** renders a Final Order.

If none of the actions in paragraphs (1), (2), or (3) above are taken, then the Initial Order will become a Final Order on **April 29, 2020**. **In that event, YOU WILL NOT RECEIVE FURTHER NOTICE OF THE INITIAL ORDER BECOMING A FINAL ORDER.**

**NOTICE OF APPEAL PROCEDURES**

**STAY**

In addition, you may file a Petition asking the Administrative Judge for a stay that will delay the effectiveness of the Initial Order. A Petition for a stay must be **received** by the APD within 7 days of the date of entry of the Initial Order, which is no later than **April 21, 2020**. See TENN. CODE ANN. § 4-5-316.

**REVIEW OF A FINAL ORDER**

1. **A Party may file a Petition for Reconsideration of the Final Order:** When an Initial Order becomes a Final Order, a party may file a Petition asking for reconsideration of the Final Order. Mail to the Administrative Procedures Division (APD) a document that includes your name and the above APD case number, and states the specific reasons why you think the Final Order is incorrect. If the Initial Order became a Final Order without an Appeal being filed, and without the Agency deciding to modify or overturn the Initial Order, the Administrative Judge will consider the Petition. If the **Insurance Division of the Tennessee Department of Commerce and Insurance** rendered a Final Order, the **Insurance Division of the Tennessee Department of Commerce and Insurance** will consider the Petition. The APD must **receive** your written Petition for Reconsideration no later than 15 days after: (a) the issuance of a Final Order by the **Insurance Division of the Tennessee Department of Commerce and Insurance**; or (b) the date the Initial Order becomes a Final Order. If the Petition is granted, you will be notified about further proceedings, and the timeline for appealing the Final Order will be adjusted. If no action is taken within 20 days of filing of the Petition, it is deemed denied. See TENN. CODE ANN. § 4-5-317.
2. **A Party Files an Appeal of the Final Order:** A person who is aggrieved by a Final Order in a contested case may seek judicial review of the Final Order by filing a Petition for Review "in the Chancery Court nearest to the place of residence of the person contesting the agency action or alternatively, at the person's discretion, in the chancery court nearest to the place where the cause of action arose, or in the Chancery Court of Davidson County," within 60 days of the date of entry of the Final Order. See TENN. CODE ANN. § 4-5-322. The filing of a Petition for Reconsideration is not required before appealing. See TENN. CODE ANN. § 4-5-317. A reviewing court also may order a stay of the Final Order upon appropriate terms. See TENN. CODE ANN. §§ 4-5-322 and 4-5-317.
3. **A Party may request a stay of the Final Order:** A party may file a Petition asking for a stay that will delay the effectiveness of the Final Order. If the Initial Order became a Final Order without an Appeal being filed, and without the Agency deciding to modify or overturn the Initial Order, the Administrative Judge will consider the Petition. If the **Insurance Division of the Tennessee Department of Commerce and Insurance** rendered a Final Order, the **Insurance Division of the Tennessee Department of Commerce and Insurance** will consider the Petition. A Petition for a stay of a Final Order must be **received** by the APD within 7 days after the Initial Order becomes a Final Order. See TENN. CODE ANN. § 4-5-316.



**IN THE MATTER OF:**

**APD CASE No. 12.01-152671J**

Tennessee Insurance Division, Petitioner v.

Jeffrey Stephen Suiter, Respondent

**NOTICE OF APPEAL PROCEDURES**

**FILING**

To file documents with the Administrative Procedures Division, use this address:

Secretary of State  
Administrative Procedures Division  
William R. Snodgrass Tower  
312 Rosa L. Parks Avenue, 8<sup>th</sup> Floor  
Nashville, TN 37243-1102  
Fax: (615) 741-4472