RECEIVED
2016 MAY 24 PM 4: 11
SECRETARY OF STATE

STATE OF TENNESSEE
BEFORE THE COMMISSIONER OF COMMERCE AND INSURANCE

TENNESSEE SECURITIES DIVISION,	)	
Petitioner,	)	
	)	**Docket No. 12.01-135453J**
vs.	)	**TSD No. 15-008**
	)	
ANTHONY DEAN MYERS, SR.,	)	
Respondent.	)	

AGREED FINAL ORDER

The Securities Division ("TSD") of the Tennessee Department of Commerce and Insurance ("Department"), by and through undersigned counsel, and Anthony Dean Myers, Sr. ("Respondent"), hereby stipulate and agree, subject to the approval of the Commissioner of the Department ("Commissioner"), as follows:

GENERAL STIPULATIONS

1. It is expressly understood that this Agreed Final 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 Agreed Final Order is executed by Respondent for the purpose of avoiding further administrative action with respect to this cause. Furthermore, should this Agreed Final Order not be accepted by the Commissioner, it is agreed that presentation to and consideration of this Agreed Final 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 Agreed Final Order will in no way preclude additional proceedings by the Commissioner for acts and/or omissions not specifically addressed in this Agreed Final Order or for facts and/or omissions that do not arise from the facts or transactions herein addressed.

4. Respondent fully understands that this Agreed Final Order will in no way preclude proceedings by state government representatives, other than this proceeding brought by the Commissioner for violations of Title 48, Chapter 1, Part 1 of the Tennessee Code Annotated addressed specifically in this Agreed Final Order, against 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 arise as a result of the execution of this Agreed Final Order by Respondent.

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

AUTHORITY AND JURISDICTION

6. The Commissioner has jurisdiction over this matter pursuant to the Tennessee Securities Act of 1980, as amended, TENN. CODE ANN. §§ 48-1-101 to 48-1-201 (2012) ("Act"). Responsibility for administration of the Act is placed with the Commissioner.

PARTIES

7. The TSD is the lawful agent through which the Commissioner administers the Act and is authorized to bring this action based on the finding that such action is in the public

interest, necessary for the protection of investors, and consistent with the purposes fairly intended by the policy and provisions of the Act. TENN. CODE ANN. § 48-1-116.

8. Respondent is a citizen of the State of Tennessee, with an address of record on file with the Division of 200 Halberton Drive, Franklin, TN 37069-4338. Respondent held a securities registration with the TSD and with FINRA as a broker-dealer agent (CDR# 1777896), which has been listed as "Termed" since October 28, 2004, but which may be reactivated by simply associating with another broker-dealer.

9. Respondent also held a Tennessee resident insurance producer license (No. 684439), which became active in the late 1980s and expired on October 31, 2015.

FINDINGS OF FACT

9. On February 7, 2014, an Indictment was filed against the Respondent in the Davidson County Criminal Court, charging Respondent with Theft of Property of $60,000 or more in violation of TENN. CODE ANN. § 39-14-103.

10. Respondent pled guilty to and was convicted of Theft of Property of $60,000 or more in violation of TENN. CODE ANN. § 39-14-103, a Class B Felony, on February 12, 2015. In its Judgment and separate Sentencing Order entered that day, the Davidson County Criminal Court sentenced Respondent to eight (8) years in the custody of the Tennessee Department of Corrections, with the sentence suspended except for 20 days to serve, and with Respondent placed on supervised probation for 8 years. Respondent was also ordered within the Judgment and Sentencing Order to pay $429,500 in restitution to victim Deborah S. Miller during his period of probation.

CONCLUSIONS OF LAW

11. Respondent's actions as set forth above in the foregoing Findings of Fact, warrant the revocation of his TSD registration pursuant to TENN. CODE ANN. §48-1-112(a)(2)(C) (2012), which provides:

> (a) The commissioner may by order deny, suspend, or revoke any registration under this part if the commissioner finds that:
>
> ...
>
> > (2) The applicant or registrant, or in the case of a broker-dealer or investment adviser, any affiliate, partner, officer, director, or any person occupying a similar status or performing similar functions:
> >
> > ...
> >
> > > (C) Has been convicted of any felony, or within the previous ten (10) years has been convicted of a misdemeanor involving a security or any aspect of the securities business or any investment-related business[.]

12. Respondent's conduct as set forth above which authorizes the revocation of his TSD registration pursuant to TENN. CODE ANN. § 48-1-112(a)(2)(C), also constitutes grounds for the imposition of civil penalties, as prescribed at TENN. CODE ANN. § 48-1-112(d), which provides, in pertinent part:

> (d) [i]n any case in which the commissioner is authorized to deny, revoke or suspend the registration of a broker-dealer, agent, investment adviser, investment adviser representative ... the commissioner may, in lieu of or in addition to such disciplinary action, impose a civil penalty not to exceed five thousand dollars ($5,000) for all violations for any single transaction

13. Based upon the above Findings of Fact and Conclusions of Law, the Commissioner considers that the Respondent's actions warrant the imposition of lawful

discipline, to include assessment of a civil penalty in accordance with Tenn. Code Ann. §§ 48-1-112(a)(2)(C) and (d).

14. In order to avoid further expenses or costs associated with additional administrative litigation of this matter or judicial review, Respondent hereby acknowledges the Commissioner's authority to administer the statutes cited herein, concedes that the Commissioner's interpretation of the statutes cited in the Conclusions of Law are reasonable and enforceable, and agrees to the entry of this Agreed Final Order including each of the following sanctions ordered by the Commissioner.

ORDER

NOW, THEREFORE, on the basis of the foregoing, and Respondent's waiver of the right to a hearing and appeal under the Act and the Uniform Administrative Procedures Act, TENN. CODE ANN. §§ 4-5-101 to 4-5-404 (2011), and Respondent's conceding to the Commissioner's jurisdiction, the Commissioner finds that Respondent, for the purpose of settling this matter, admits the Findings of Fact and Conclusions of Law, agrees to the entry of this Agreed Final Order and agrees that this Order is in the public interest and is consistent with the purposes fairly intended by the Act.

IT IS ORDERED, pursuant to TENN. CODE ANN. § 48-1-112 that:

1. Respondent's TSD securities registration as a broker-dealer agent (CRD# 1777896) **IS HEREBY REVOKED.**

2. The Respondent **IS PERMANENTLY BARRED** from any conduct as a broker-dealer, agent of a broker-dealer, investment adviser, or investment adviser representative,

and **IS PERMANENTLY BARRED** from conducting securities transactions on behalf of others from, in, or into the State of Tennessee.

2. Respondent is assessed and shall pay a **CIVIL PENALTY** in the amount of one thousand dollars ($1,000.00).

3. Payment to the Department of this one thousand dollar ($1,000.00) civil penalty assessment shall be delivered on or before the close of business on May 5, 2016, and payment shall be mailed to:

State of Tennessee
Department of Commerce and Insurance
Securities Division
Attn: Assistant Commissioner for Securities
500 James Robertson Parkway
Nashville, TN 37243

4. All persons in any way assisting, aiding, or helping Respondent in any of the aforementioned violations of the Act shall **CEASE AND DESIST** from all such activities in violation of the Law.

IT IS ORDERED that this Agreed Final 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. § 48-1-112(a)(2)(C) alleged by the TSD to have occurred with respect to the transactions involving the facts contained herein.

This Agreed Final 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, Respondent affirmatively states he has freely agreed to the entry of this Agreed Final Order, that he waives the right to a hearing on

the matters underlying this Agreed Final 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 TSD, or any agent or representative thereof. The parties, by signing this Agreed Final Order, affirmatively state their agreement to be bound by the terms of this Agreed Final Order and aver that no promises or offers relating to the circumstances described herein, other than the terms of the settlement as set forth in this Agreed Final Order, are binding upon them.

ENTERED this 24 day of May, 2016.

Julie Mix McPeak, Commissioner
TN Department of Commerce and Insurance

APPROVED FOR ENTRY:

Anthony Dean Myers, Sr., Respondent
200 Halberton Drive
Franklin, TN 37069-4338
615-481-6475

Frank Borger-Gilligan
Assistant Commissioner for Securities
TN Department of Commerce and Insurance

Jesse D. Joseph, BPR # 10509
Assistant General Counsel
TN Department of Commerce and Insurance
500 James Robertson Parkway
Nashville, Tennessee 37243
Phone:(615) 253-4701/ Fax: (615) 741-4000
Jesse.Joseph@tn.gov

Filed in the Office of the Secretary of State, Administrative Procedures Division, this 24th day of May, 2016.

J. Richard Collier FOO

J. Richard Collier, Esq., Director,
Administrative Procedures Division