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0335217

March 21, 2014

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7446 Shallowford Road, Suite #202
Chattanooga, TN 37421

RE: In the Matter of: Christopher W. Kidwell, Sr. Docket No. 12.01-121762J

Enclosed is an Initial Order rendered in connection with the above-styled case.

Administrative Procedures Division
Tennessee Department of State

/aem _____
Enclosure

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

IN THE MATTER OF:

CHRISTOPHER W. KIDWELL, SR.

DOCKET NO. 12.01-121762J

NOTICE

ATTACHED IS AN INITIAL ORDER RENDERED BY AN ADMINISTRATIVE JUDGE WITH THE ADMINISTRATIVE PROCEDURES DIVISION.

THE INITIAL ORDER IS NOT A FINAL ORDER BUT SHALL BECOME A FINAL ORDER UNLESS:

1. THE ENROLLEE FILES A WRITTEN APPEAL, OR EITHER PARTY FILES A PETITION FOR RECONSIDERATION WITH THE ADMINISTRATIVE PROCEDURES DIVISION NO LATER THAN **April 7, 2004**.

YOU MUST FILE THE APPEAL, PETITION FOR RECONSIDERATION WITH THE ADMINISTRATIVE PROCEDURES DIVISION. THE ADDRESS OF THE ADMINISTRATIVE PROCEDURES DIVISION IS:

SECRETARY OF STATE
ADMINISTRATIVE PROCEDURES DIVISION
WILLIAM R. SNODGRASS TOWER
312 ROSA PARKS AVENUE, 8th FLOOR
NASHVILLE, TENNESSEE 37243-1102.

IF YOU HAVE ANY FURTHER QUESTIONS, PLEASE CALL THE ADMINISTRATIVE PROCEDURES DIVISION, **615/741-7008 OR 741-5042**, FAX **615/741-4472**. PLEASE CONSULT APPENDIX A AFFIXED TO THE INITIAL ORDER FOR NOTICE OF APPEAL PROCEDURES.

MPW

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

TENNESSEE INSURANCE DIVISION,)
Petitioner,)
vs.)
CHRISTOPHER W. KIDWELL, SR.,)
Respondent,)

TID No. 12-106
Docket No. 12.01-121762J

SECRETARY OF STATE
2014 MAR 11 PM 4:15

INITIAL ORDER

This contested case came to be heard on February 6, 2014, before Administrative Law Judge Marion Wall, assigned by the Secretary of State, Administrative Procedures Division, to sit for the Commissioner of the Tennessee Department of Commerce and Insurance ("Commissioner"). Lauren V. Dantche, Assistant General Counsel, represented Petitioner, the Insurance Division of the Tennessee Department of Commerce and Insurance ("Division") in this matter, and Attorney Stephen S. Duggins, of the Chattanooga Bar, represented Respondent, Christopher W. Kidwell, Sr.

INITIAL ORDER

The subject of this hearing was the appropriate penalties to be imposed for Mr. Kidwell's admitted violation of Tennessee Code Annotated ("Tenn. Code Ann.") § 56-6-112(a)(6) for having been convicted of a felony. After consideration of the argument of counsel and the record in this matter, it is determined that Mr. Kidwell's Insurance Producer license is **REVOKED** and the Division's request for monetary civil penalties is **DENIED**. Mr. Kidwell is **ORDERED** to pay the costs associated with this action.

5. On or about April 23, 2009, Mr. Kidwell was convicted of five (5) federal felony offenses, including four (4) counts of False Tax Returns, and one (1) count of False Statement, in the United States District Court of the Eastern District of Tennessee. The four (4) False Tax Return convictions stemmed from an investigation by the Internal Revenue Service ("IRS"), revealing that Mr. Kidwell failed to disclose, on four (4) separate occasions, an amount totaling approximately three hundred eighty-two thousand, two hundred and sixty-four dollars (\$382,264) of earned income, for the tax years 2002-2004. In addition, Mr. Kidwell falsely stated and provided false documentation misrepresenting the amount of gifts, grants, and contributions received by a non-profit charitable organization, under his control, for tax years 2002 and 2003. Mr. Kidwell was sentenced to fifteen (15) months imprisonment, three (3) years of supervised release, and a Five Hundred dollar (\$500) criminal monetary penalty.

6. On approximately July 26, 2011, Mr. Kidwell filed an application to renew his Insurance Producer license. Mr. Kidwell fully disclosed his felony convictions in the renewal application and provided the Division with all necessary supporting documentation.

APPLICABLE LAW

7. Tenn. Code Ann. § 56-6-112(a) (2008) authorizes the Commissioner to place on probation, suspend, revoke, or refuse to issue or renew a license for any of the following conduct:

- (6) Having been convicted of a felony[.]

8. Tenn. Code Ann. § 56-2-305 (2008) permits a monetary penalty of not more than One Thousand Dollars (\$1,000) for each violation, or not more than Twenty-Five Thousand Dollars (\$25,000) for each knowing violation, of Tenn. Code Ann. § 56-6-112(a)(6) for violations occurring before July 1, 2011.

CONCLUSIONS OF LAW

9. The Division has met its burden of proof and shown by a preponderance of the evidence that Mr. Kidwell committed five (5) violations of Tenn. Code Ann. § 56-6-112(a)(6) by having been convicted of five (5) felonies.

It is therefore **ORDERED** that the resident insurance producer license, number 0335217, issued to Christopher W. Kidwell, Sr., be **REVOKED**, and the Division's request for civil monetary penalties is **DENIED**. In addition, Mr. Kidwell is **ORDERED** to pay the costs associated with this action.

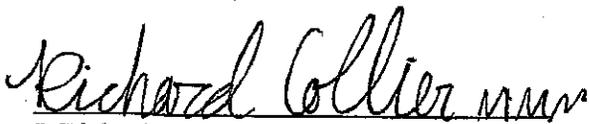
IT IS SO ORDERED.

This INITIAL ORDER entered and effective this 21ST day of MARCH 2014.



Marion Wall
Administrative Law Judge

11th Filed in the Administrative Procedures Division, Office of the Secretary of State, this day of March 2014.



J. Richard Collier, Director
Administrative Procedures Division

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Initial Order has been sent to the following individual(s) via United States Postal Service, Regular Mail, and by electronic mail, this 12th day of March 2014.

Stephen S. Duggins, Esq.
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Chattanooga, TN 37421
SDuggins@sdblawnfirm.com
Counsel for Respondent, Christopher W. Kidwell



Lauren V. Dantche

**APPENDIX A TO INITIAL ORDER
NOTICE OF APPEAL PROCEDURES**

Review of Initial Order

This Initial Order shall become a Final Order (reviewable as set forth below) fifteen (15) days after the entry date of this Initial Order, unless either or both of the following actions are taken:

(1) A party files a petition for appeal to the agency, stating the basis of the appeal, or the agency on its own motion gives written notice of its intention to review the Initial Order, within fifteen (15) days after the entry date of the Initial Order. If either of these actions occurs, there is no Final Order until review by the agency and entry of a new Final Order or adoption and entry of the Initial Order, in whole or in part, as the Final Order. A petition for appeal to the agency must be filed within the proper time period with the Administrative Procedures Division of the Office of the Secretary of State, 8th Floor, William R. Snodgrass Tower, 312 Rosa L. Parks Avenue, Nashville, Tennessee, 37243-1102. (Telephone No. (615) 741-7008). See Tennessee Code Annotated, Section (T.C.A. §) 4-5-315, on review of initial orders by the agency.

(2) A party files a petition for reconsideration of this Initial Order, stating the specific reasons why the Initial Order was in error within fifteen (15) days after the entry date of the Initial Order. This petition must be filed with the Administrative Procedures Division at the above address. A petition for reconsideration is deemed denied if no action is taken within twenty (20) days of filing. A new fifteen (15) day period for the filing of an appeal to the agency (as set forth in paragraph (1) above) 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. See T.C.A. §4-5-317 on petitions for reconsideration.

A party may petition the agency for a stay of the Initial Order within seven (7) days after the entry date of the order. See T.C.A. §4-5-316.

Review of Final Order

Within fifteen (15) days after the Initial Order becomes a Final Order, a party may file a petition for reconsideration of the Final Order, in which petitioner shall state the specific reasons why the Initial Order was in error. If no action is taken within twenty (20) days of filing of the petition, it is deemed denied. See T.C.A. §4-5-317 on petitions for reconsideration.

A party may petition the agency for a stay of the Final Order within seven (7) days after the entry date of the order. See T.C.A. §4-5-316.

YOU WILL NOT RECEIVE FURTHER NOTICE OF THE INITIAL ORDER BECOMING A FINAL ORDER

A person who is aggrieved by a final decision in a contested case may seek judicial review of the Final Order by filing a petition for review in a Chancery Court having jurisdiction (generally, Davidson County Chancery Court) within sixty (60) days after the entry date of a Final Order or, if a petition for reconsideration is granted, within sixty (60) days of the entry date of the Final Order disposing of the petition. (However, the filing of a petition for reconsideration does not itself act to extend the sixty day period, if the petition is not granted.) A reviewing court also may order a stay of the Final Order upon appropriate terms. See T.C.A. §4-5-322 and §4-5-317.