

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

TENNESSEE INSURANCE DIVISION,)
Petitioner,)
)
vs.)
)
JUSTIN DUANE SEYL,)
Respondent.)

No.: 09-093

CONSENT ORDER

The Insurance Division of the Tennessee Department of Commerce and Insurance ("Division"), by and through counsel, and Justin Duane Seyl ("Respondent") hereby stipulate and agree, subject to the approval of the Commissioner 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 its entry by the Commissioner.
2. The Commissioner has determined that the resolution set forth in this Consent Order is fair and reasonable, and in the best public interest.
3. This Consent Order is executed by Respondent 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.

4. Respondent fully understands that this Consent Order will in no way preclude additional proceedings by the Commissioner against Respondent for acts and/or omissions not specifically addressed in this Consent Order or for acts and/or omissions that do not arise from the facts or transactions specified herein. Respondent further understands and agrees that this Consent Order may be used by the Commissioner or any Commissioner, Department or Board to revoke or refuse to issue any license currently held by Respondent or for which he applies in the future.

5. 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 stipulation and imposition of discipline contained herein, and the consideration and entry of this Consent Order by the Commissioner.

FINDINGS OF FACT

1. The Commissioner of the Department of Commerce and Insurance has jurisdiction pursuant to the Tennessee Insurance Law (the "Law"), Title 56 of Tennessee Code Annotated, and the Law places the responsibility for the administration of its provisions on the Commissioner.

2. The Division is the lawful agent through which the Commissioner administers the Law and is authorized to bring this action for the protection of the public.

3. Respondent is a citizen of Illinois and a resident of Libertyville, Illinois, residing at 16161 West Buckley Road, Libertyville, Illinois 60048.

4. On November 16, 2000, the Division granted Respondent a license to sell insurance in the state of Tennessee as a resident limited lines insurance producer, license numbered 838011.

5. On or around 2002, Respondent began marketing and selling pre-paid legal insurance plans offered by Pre-Paid Legal Services and U.S. Legal Services. At the time, Respondent was employed by Smith & Associates, a Delaware company with its principal place of business at 1725 North Field Square, Suite C, North Field, Illinois 60093.
6. Respondent has admitted selling a pre-paid legal insurance plan underwritten by Smith & Associates from on or around July 2004 until August 2007. Smith & Associates did not have a Certificate of Authority to sell legal insurance plans in Tennessee.
7. Respondent sold the unlicensed Smith & Associates plan to seventy-three (73) employees of Ozark Motor Lines on or around 2004.
8. Respondent sold the unlicensed Smith & Associates plan to fifty-five (55) employees of Ozark Motor Lines on or around 2005.
9. Respondent sold the unlicensed Smith & Associates plan to forty-eight (48) employees of Ozark Motor Lines on or around 2006.
10. Respondent sold the unlicensed Smith & Associates plan to thirty-seven (37) employees of Ozark Motor Lines on or around 2007.
11. Respondent admitted selling his own legal insurance plan under the name Kinetic Consulting Legal Plan, which was located at 16161 West Buckley Road, Libertyville, Illinois, 60048, to the employees of JNJ Express, Inc., from on or around August 2007 until November 2007.
12. From on or around August 2007 until November 2007, neither Respondent nor Kinetic Consulting Legal Plan possessed a Certificate of Authority to sell insurance in this state.

CONCLUSIONS OF LAW

13. TENN. CODE ANN. § 56-6-112(a)(2) provides that the Commissioner may place on

probation, suspend, revoke, or refuse to issue or renew any insurer producer license upon finding that the insurance producer or applicant violated any law, rule, regulation or order of the commissioner or of another state's commissioner.

14. TENN. CODE ANN. § 56-6-112(a)(8) provides that the Commissioner may place on probation, suspend, revoke, or refuse to issue or renew any insurance producer license upon finding that the insurance producer or applicant used fraudulent, coercive, or dishonest practices, or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state.

15. TENN. CODE ANN. § 56-112(a)(14) provides that the Commissioner may place on probation, suspend, revoke or refuse to issue or renew any insurance producer license upon finding that the insurance producer or applicant sold, solicited or negotiated insurance for a company that is not authorized to transact the business of insurance in this state.

16. Based on the findings of fact cited above, the Commissioner finds that the Respondent violated TENN. CODE ANN. § 56-6-112 by selling, soliciting, or negotiating insurance for Smith & Associates and Kinetic Consulting Legal Plan, as neither company was authorized to transact the business of insurance in this state.

17. Such facts constitute grounds for an Order revoking Respondent's insurance producer license in accordance with TENN. CODE ANN. § 56-6-112(a)2, 8 and 14. Such facts also constitute grounds for an Order assessing civil penalties against Respondent in an amount not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each separate violation of the law in accordance with TENN. CODE ANN. § 56-6-112(e). Respondent concedes that the Conclusions of Law contained herein are fair and reasonable as outlined above.

18. Respondent further agrees to the entry of this Consent Order in the interest of

cooperation and settlement, and to avoid the costs associated with future administrative and judicial proceedings with respect to the above matter.

ORDER

NOW, THEREFORE, based on the foregoing and the waiver by Respondent of his rights to a hearing and appeal under the Law and Tennessee's Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-101 *et seq.*, and the admission by Respondent of the jurisdiction of the Commissioner, the Commissioner finds that Respondent, Justin Duane Seyl, has agreed to the entry of this Consent Order and that this Consent Order is appropriate, and in the interest of the public.

IT IS THEREFORE ORDERED, pursuant to Tenn. Code Ann. § 56-6-112(a)(2), 8 and 14 that:

1. The insurance producer license, numbered 838011, issued to Respondent, Justin Duane Seyl, is hereby **REVOKED** for a period of two years from the date of entry of this Consent Oder; and
2. Respondent is barred from applying for any type of insurance producer license in the state of Tennessee for a period of two years from the date of entry of this Consent Order; and
3. Respondent is assessed civil penalty in the amount of one thousand dollars (\$1000), payable in equal monthly payments of two hundred dollars (\$200). Payments are to be received by the Commissioner on the first day of each month following entry of the Consent Order. Checks should be mailed to: Tennessee Department of Commerce and Insurance, Davy Crockett Tower, Legal Division, 2nd Floor, 500 James Robertson Parkway, Nashville, Tennessee 37243, ATTN:

Sharon Hawkins.

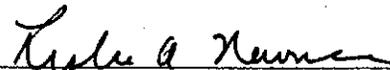
4. The Department will be free to pursue full legal remedy in this matter should Respondent fail to comply with any of the above stated provisions.

This Consent Order represents the complete and final resolution and discharge of administrative remedies available to the Commissioner under Tenn. Code Ann. § 56-6-112(a)2, 8 and 14 against Respondent for violations of the Law arising out of the Findings of Fact set forth in paragraphs 1-12 above. However, this Consent Order shall in no way preclude a third party or other authority from pursuing civil remedies or criminal action against Respondent which may otherwise be available.

This Consent Order is in the public interest and is in the best interests of the parties. The Consent Order represents a compromise and settlement of the controversy between the parties, and is for settlement purposes only. By signature affixed below, Respondent, Justin Duane Seyl, affirmatively states that he has freely agreed to the entry of this Consent Order, that he has been advised that he may consult with legal counsel in this matter and has had the opportunity to consult with legal counsel, that he waives his right to a hearing on the matters underlying this Consent Order, and that no threats or promises of any kind have been made by the Commissioner, the Insurance Division or any agent thereof. 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 the settlement set forth in this Consent Order, are binding upon them.

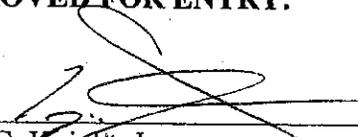
IT IS SO ORDERED.

ENTERED this the 24 day of November, 2010.

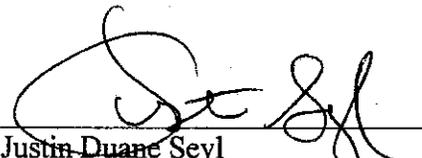


Leslie A. Newman, Commissioner
Department of Commerce and Insurance

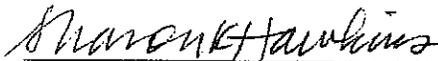
APPROVED FOR ENTRY:



Larry C. Knight, Jr.
Assistant Commissioner for Insurance
Department of Commerce and Insurance
Davy Crockett Tower
500 James Robertson Parkway, 4th Floor
Nashville, Tennessee 37243



Justin Duane Seyl
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