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STATE OF TENNESSEE
BEFORE THE COMMISSIONER OF COMMERCE AND INSURANCE

TENNESSEE INSURANCE DIVISION,	)	
	)	
Petitioner,	)	
	)	
vs.	)	**APD No.: 12.01-123967J**
	)	**TID No.: 13-050**
TRUCK INSURANCE GROUP, LLC, and	)	
MICHAEL GRADY JACOWAY,	)	**Administrative Law Judge:**
	)	**Mattielyn B. Williams**
Respondents.	)	
	)	

ORDER OF SUMMARY SUSPENSION

This matter is before Mattielyn B. Williams, Administrative Judge, sitting for the Tennessee Commissioner of Commerce and Insurance. The State is represented by Assistant General Counsels James Randall Witham and Kathleen Dixon, from the Division of Insurance. Respondent Michael Jacoway is representing himself.

This Order issues as a result of Petitioner's Motion for Summary Suspension ("Motion"), filed on August 28, 2015, by the Insurance Division of the Tennessee Department of Commerce and Insurance ("Division") and is based upon the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT
(FOR PURPOSES OF SUMMARY SUSPENSION ONLY)

1. Respondent Jacoway is a licensed insurance producer with the State of Tennessee.

2. The Division has sufficiently supported facts to contend that Respondent is pending significant allegations and charges filed by the Division as indicated in its Memorandum

of Law in Support of Petitioner's Motion for Summary Suspension.

3. The Division has alleged that Respondent has demonstrated incompetence and financial irresponsibility in violation of Tenn. Code Ann. § 56-6-112(a)(8).

4. New complaints involving Flat Iron Capital and Nova Auto Carriers have been filed recently.

CONCLUSIONS OF LAW

5. At all times after July 1, 2011, Tenn. Code Ann. § 56-6-112(a) provides, in pertinent part, "[t]he 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:

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

6. Tenn. Code Ann. § 4-5-320(c) states, in pertinent part, if an "agency finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined."

7. Based on the above Findings of Fact, continuation of Respondent's insurance producer license would be hazardous to the public due to evidence showing Respondent's continuous and extreme incompetence and financial irresponsibility. Therefore, the public health, safety, and welfare necessitate summary relief in this case.

NOW, THEREFORE, in consideration of the foregoing, it is **ORDERED** that:

1. Respondent's insurance producer license issued by the State of Tennessee is hereby **SUMMARILY SUSPENDED**, pursuant to Tenn. Code Ann. § 4-5-320(c) and (d), until such time as a hearing is held and completed on the merits of the Division's Notice of Hearing and Charges.

2. If requested, an informal conference shall be held within seven (7) business days upon issuance of this Order, pursuant to Tenn. Code Ann. § 4-5-320(d), to discuss the circumstances affecting the public health, safety and welfare which warranted the issuance of this Order of Summary Suspension. A date for such an informal conference will be set and Respondent will be notified of the date when such informal conference may occur, should Respondent request one.

3. Respondent is to **NOTIFY** the Undersigned and the State, by e-mail, as to **whether or not** he wants an informal conference on or before **10 AM** Central Time on **Friday, September 11, 2015**. If Respondent wants an informal conference, it shall be held on **Monday, September 14, 2015** at **10 AM Central** Time, at the offices of the State (8th Floor Conference Room at Davy Crockett Tower)

4. A hearing date as to all matters raised in the Notice has been set for multiple dates throughout October, November, and December 2015, and January 19-22, 2016, at the offices of the Tennessee Department of Commerce and Insurance, Davy Crockett Tower, Floor 8, Room 8-C, 500 James Robertson Parkway, Nashville, Tennessee 37243.

Entry of this Order shall not in any way restrict the Division or the Commissioner from taking further action with respect to these or other possible violations by the Respondent of Tennessee Law or any of the Rules promulgated thereunder.

This Order shall become a Final Order thirty (30) days from the date of its entry.

IT IS SO ORDERED.

ENTERED this the 3rd day of September, 2015.

Mattielyn B. Williams

Mattielyn B. Williams
Administrative Law Judge

Filed in the Administrative Procedures Division, this 3rd day of SEPT., 2015.

J. Richard Collier

J. Richard Collier, Director,
Administrative Procedures Division