

TN-2256678

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DEPT OF COMMERCE AND INSURANCE
LEGAL OFFICE

STATE OF TENNESSEE
BEFORE THE COMMISSIONER OF COMMERCE AND INSURANCE

IN THE MATTER OF:)
RANDY LEE BENHAM) TID Order No. 14-169
)
)

CONSENT ORDER

The Insurance Division, of the Tennessee Department of Commerce and Insurance ("Division"), by and through counsel, and Randy Lee Benham ("Benham") hereby stipulate and agree, subject to the approval of the Commissioner of the Tennessee Department 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 the entry of the Commissioner.
2. This Consent Order is executed by Benham 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.

3. Benham 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 Consent Order, the stipulations and imposition of discipline contained herein, and the consideration and entry of said Consent Order by the Commissioner.

AUTHORITY AND JURISDICTION

4. The Commissioner has jurisdiction over this matter pursuant to the Tennessee Insurance Law ("Law"), Title 56 of the Tennessee Code Annotated, specifically Tenn. Code Ann. §§ 56-1-101, 56-1-202, 56-2-305 and 56-6-112. The Law places on the Commissioner the responsibility of the administration of its provisions.

PARTIES

5. 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.

6. Benham is a citizen and resident of the State of Tennessee whose address of record is: 9754 Woodland Edge Lane, Cordova, Tennessee 38018. The Division granted Benham an insurance producer license, number 2256678, on October 10, 2013.

FINDINGS OF FACT

7. On or about July 30, 2012, Benham pled guilty to and was convicted of three (3) federal felony counts for 1) Aiding and Abetting in Mail Fraud; 2) False Statements Relating to the Receipt and Distribution of Cigarettes; and 3) Conspiracy to Commit Money Laundering Relating to the Sale of Contraband Cigarettes.

8. On or about, September 26, 2013, Benham began the application process with the Division for a Tennessee Resident Insurance Producer License. On or about October 10, 2013, the Division granted Benham a license in error. On or about December 6, 2013, Benham's request for a 1033 Waiver was denied by the Assistant Commissioner for Insurance ("Asst. Comm.").

CONCLUSIONS OF LAW

9. Tenn. Code Ann. § 56-6-112(a)(6) provides, in pertinent part, that the commissioner may refuse to issue or revoke a license under Tenn. Code Ann. § 56-6-101 *et seq.* for having been convicted of a felony. Benham's felony convictions, referenced in paragraph 7, provide grounds for the refusal to issue or revoke his insurance producer license.

10. In order to avoid any further expenses or costs associated with litigating this matter in any administrative or judicial proceedings, Benham 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 Consent Order.

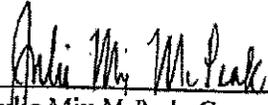
VOLUNTARY SURRENDER

NOW, THEREFORE, on the basis of the foregoing, and Benham's waiver of the right to a hearing and appeal under the Law and the Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-101 to 4-5-404 (2011), and Benham's admission of jurisdiction of the Commissioner, the Commissioner accepts Benham's **VOLUNTARY SURRENDER** of his Insurance Producer License, number 2256678, and enters this Order for the purpose of settling this matter. A copy of this Consent Order will be included in Benham's agent licensing file and

his cooperation in this matter will be considered upon any future application submitted with the Division.

This Consent 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, Benham affirmatively states that he has freely agreed to the entry of this Consent Order, that he waives the right to a hearing on the matters underlying this Consent Order and to a review of the Findings of Fact and Conclusions of Law contained herein, and that no threats or promise of any kind have been made to him by the Commissioner, the Division, or any agent or representative thereof. The parties, by signing the 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 as set forth in this Consent Order, are binding upon them.

ENTERED this 26th day of November, 20 14.



Julie Mix McPeak, Commissioner
Department of Commerce and Insurance

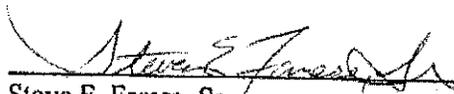
APPROVED FOR ENTRY:



Randy Lee Benham
Insurance Producer License No. 2256678



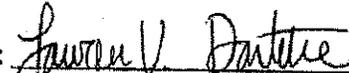
Michael Humphreys
Assistant Commissioner for Insurance
Department of Commerce and Insurance



Steve E. Farese, Sr.
Counsel for Randy Benham

Respectfully Submitted,

Nancy S. Jones,
General Counsel

By: 

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