

# TENNESSEE REGULATORY AUTHORITY

Sara Kyle, Chairman  
Lynn Greer, Director  
Melvin Malone, Director



460 James Robertson Parkway  
Nashville, Tennessee 37243-0505

## MEMORANDUM

TO: Chairman Sara Kyle  
Director Lynn Greer  
Director Melvin Malone

FROM: Eddie Roberson, Chief, Consumer Services Division  
Ed Mimms, Manager, Do Not Call Program

Lynn Questell, Counsel

DATE: March 22, 2002

SUBJECT: Settlement with Jeremy Haskin Insurance Company  
(Docket No. 01-00244)

Attached is a Settlement Agreement between the Consumer Services Division ("Staff") and Jeremy Haskin Insurance Company Corporation (referred hereafter to as "Haskin Insurance") for violations of the Tennessee Do-Not-Call Telephone Sales Solicitation statute, TCA § 65-4-401 *et seq.*

Eight (8) separate complaints have been registered against Haskin Insurance Company with the Authority alleging that the company violated TCA § 65-4-401 *et seq.* The Authority has not received any additional Do Not Call complaints against Haskin Insurance since February 9, 2001. This Settlement requires the company to make a payment of \$5,000 to the Authority along with assurances from the company that it will fully comply with applicable state law. In addition, Haskin Insurance also voluntarily agrees to cease all telephone solicitations in Tennessee. The terms of this Settlement require the company to pay \$3,000 to the Authority on the date the Authority ratifies the Settlement with the remaining balance to be paid no later than the first business day of each month for the next two consecutive months. A representative of Haskin Insurance Company will be available at the April 9, 2002 Conference to answer any question you may have.

Considering all relevant facts including the company's small size, the on-going dispute between Mr. Haskin and National Insurance Company and Mr. Haskin's agreement to cease all telemarketing in Tennessee, the Staff believes the terms of this Settlement are fair and reasonable and should have the result of no additional telemarketing complaints being filed against Haskin Insurance Company.

Staff submits the attached Settlement Agreement for your deliberation at the April 9, 2002 Authority Conference.

cc: David Waddell, Executive Secretary  
Richard Collier, General Counsel  
Christopher Denison, Counsel for Jeremy Haskin Insurance Company  
Telephone (615) 741-2904, Toll-Free 1-800-342-8359, Facsimile (615) 741-8953  
[www.state.tn.us/tra](http://www.state.tn.us/tra)

**THE TENNESSEE REGULATORY AUTHORITY**

**AT NASHVILLE, TENNESSEE**

IN RE:	)		
	)	DOCKET NO.	01-00244
ALLEGED VIOLATIONS OF TENN.	)	DO-NOT-CALL	T00-00422
CODE ANN. §65-4-401 <i>et seq.</i> , DO-NOT-	)	PROGRAM	T00-00423
CALL SALES SOLICITATION LAW,	)	FILE NUMBERS	T00-00426
AND RULES OF TENNESSEE	)		T00-00470
REGULATORY AUTHORITY, CHAPTER	)		T00-00483
1220-4-11, BY:	)		T00-00518
	)		T00-00520
JEREMY HASKIN, a.k.a. JEREMY	)		T01-00005
HASKINS d/b/a JEREMY HASKINS	)		
INSURANCE COMPANY, a.k.a. JEREMY	)		
HASKIN a.k.a. JEREMY HASKIN	)		
INSURANCE COMPANY	)		

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**SETTLEMENT AGREEMENT**

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This Settlement Agreement has been entered into between the Consumer Services Division ("CSD") of the Tennessee Regulatory Authority ("TRA") and Jeremy Haskin, a.k.a. Jeremy Haskins d/b/a Jeremy Haskins Insurance Company a.k.a. Jeremy Haskin Insurance Company ("Mr. Haskin") and is subject to the approval of the Directors of the TRA. Mr. Haskin operates an insurance business located in Murfreesboro, Tennessee.

This Settlement Agreement pertains to eight (8) separate complaints received by the CSD alleging that Mr. Haskin violated the Tennessee Do-Not-Call Telephone Sales Solicitation law, TENN. CODE ANN. § 65-4-404, and TENN. COMP. R. & REGS. 1220-4-11.07(1), by knowingly making or causing to be made telephone sales solicitation calls to eight (8) residential subscribers in this state who had given timely and proper notice to the TRA of their objection to receiving

telephone solicitations. On November 2, 2000, the CSD received the first complaint against Mr. Haskin, which alleged that the complainant, a person properly listed on the Tennessee "Do Not Call" register, had received a telephone solicitation pertaining to health insurance on October 28, 2000. Through its investigation, the CSD determined the origin of the call was from the telephone service of Jeremy Haskin. On November 27, 2000, the CSD provided Mr. Haskin with notice, via certified mail, of the first complaint and informed him of the legal requirement to register in the Do-Not-Call Program prior to engaging in telephone solicitation. The CSD provided notice of each additional violation to Mr. Haskin via certified mail. The CSD received the last complaint related to Mr. Haskin on December 27, 2000 regarding a solicitation call pertaining to health insurance that occurred on December 15, 2000.

TENN. CODE ANN. § 65-4-405(f) authorizes the TRA to assess penalties for violations of the Tennessee Do-Not-Call statutes, including the issuance of a cease and desist order and the imposition of a civil penalty of up to a maximum of two thousand dollars (\$2,000) for each knowing violation. The maximum fine faced by Mr. Haskin in this proceeding is eighteen thousand dollars (\$18,000), arising from the eight (8) complaints and the failure to register in the Do-Not-Call Program. CSD relied upon the factors stated in TENN. CODE ANN. § 65-4-116(b) during the negotiations that resulted in this agreement, including the size of Mr. Haskin's business, his financial status, good faith and the gravity of the violations.

Mr. Haskin is an insurance agent working in Murfreesboro, Tennessee. In response to the complaints, Mr. Haskin asserts that his superior at National Health Insurance Company directed him to purchase and use the computer and data base which caused the violations. As a part of this settlement agreement, Mr. Haskin has ceased making and will no longer make telephone solicitation calls to Tennessee consumers.

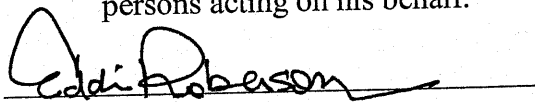
In an effort to resolve these eight (8) complaints, represented by the file numbers above, CSD and Mr. Haskin agree to settle this matter based upon the following acknowledgements and terms subject to approval by the Directors of the TRA:

1. Mr. Haskin neither admits nor denies that the above mentioned eight (8) complaints are true and valid complaints and are in violation of TENN. CODE ANN. §65-4-404 and TENN. COMP. R. & REGS. 1220-4-11.07(1).
2. Mr. Haskin agrees to a settlement payment of five thousand dollars (\$5,000.00) for these complaints as authorized by TENN. CODE ANN. §65-4-405(f), and agrees to remit the amount of three thousand dollars (\$3,000.00) to the Office of the Executive Secretary of the TRA no later than the day the Directors of the TRA approve this Settlement Agreement.<sup>1</sup> The remaining two (2) installments of one thousand dollars (\$1,000.00) each shall be remitted to the TRA no later than the first business day of each month for the next two (2) consecutive months. Upon payment of the amount of five thousand dollars (\$5,000.00) in compliance with the terms and conditions of this Settlement Agreement, Mr. Haskin is excused from further proceedings in this matter.
3. In addition to the payment of five thousand (\$5,000) dollars, Mr. Haskin agrees to cease all telephone solicitation calls to Tennessee residential consumers.
4. Provided Mr. Haskin fully complies with the terms of this Settlement Agreement, the TRA agrees that it will not pursue any claims, or seek payment of any civil penalties against Mr. Haskin for alleged violations of the Tennessee Do Not Call Sales Solicitation Law and regulations occurring prior to the date of the Agreement.

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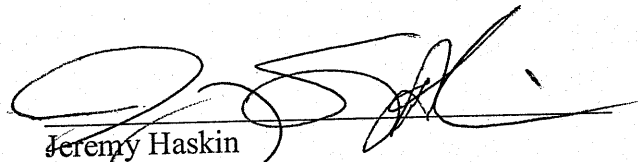
<sup>1</sup> The payment may be made in the form of a check, payable to the Tennessee Regulatory Authority, referencing TRA Docket No. 01-00244.

5. Mr. Haskin agrees that he or his representative will attend the Authority Conference at which the Directors consider this Settlement Agreement.
6. In the event of any failure on the part of Mr. Haskin to comply with the terms and conditions of this agreement, the Authority reserves the right to re-open this docket. Any costs incurred in enforcing the Settlement Agreement shall be paid by Mr. Haskin. Should Mr. Haskin engage in telephone solicitations to Tennessee consumers, the Authority shall be permitted to proceed with the prosecution of these or any other violations of Tenn. Code Ann. § 65-4-404 alleged to have been committed by him or persons acting on his behalf.



Eddie Roberson  
Chief, Consumer Services Division  
Tennessee Regulatory Authority

3-21-02  
Date



Jeremy Haskin

3-20-02  
Date