



University of Tennessee, Knoxville
**Trace: Tennessee Research and Creative
Exchange**

Tennessee Department of State, Opinions from the
Administrative Procedures Division

Law

3-28-2014

24 Hour Locksmith vs. COMMERCE AND INSURANCE

Follow this and additional works at: http://trace.tennessee.edu/utk_lawopinions

This Initial Order by the Administrative Judges of the Administrative Procedures Division, Tennessee Department of State, is a public document made available by the College of Law Library, and the Tennessee Department of State, Administrative Procedures Division. For more information about this public document, please contact administrative.procedures@tn.gov

**STATE OF TENNESSEE
BEFORE THE TENNESSEE STATE LOCKSMITH LICENSING PROGRAM**

IN THE MATTER OF :)
) **Docket No. 12.42-124548J**
24 HOURS LOCKSMITH)
(UNLICENSED))
)

NOTICE OF DEFAULT AND INITIAL ORDER

This matter came to be heard on March 12, 2014, before Steve Darnell, Administrative Judge assigned to the Secretary of State, Administrative Procedures Division, and sitting for the Commissioner of the Tennessee Department of Commerce and Insurance. Robyn Ryan, Assistant General Counsel, Department of Commerce and Insurance represented the State. The Respondent, 24 Hours Locksmith, was not present nor did an attorney appear on Respondent's behalf.

The subject of the hearing was a Notice of Hearing and Charges against the Respondent to determine whether a civil penalty be imposed against the Respondent for unlicensed practice as a locksmith, in violation of Tenn. Code Ann. §62-11-0104.

ORDER OF DEFAULT

The State moved that a default be entered against Respondent for failure to participate in the hearing after due notice. The State provided proof that certified and regular mail was sent to Respondent at addresses in Portland, Oregon and Nashville, Tennessee. The address in Oregon is the mailing address listed on Internet advertising of 24 Hour Locksmith, with a Memphis, Tennessee telephone number. Additionally, The State provided proof that both addresses were confirmed via telephone contacted prior to the Notice of Hearing being filed. The State also provided proof that copies of the Notice of Hearing and Charges were sent to two different fax numbers provided by representatives of Respondent in two subsequent telephone calls. It appearing that proper notice was sent to Respondent, and that the State sent additional notice via fax, and that Respondent failed to appear at the hearing, the State's Motion for Default is well taken and is hereby **GRANTED** pursuant to Tenn. Code Ann. §4-5-309(a).

INITIAL ORDER

After consideration of the record in this matter, it is determined that the Respondent be required to pay a civil penalty in the amount of \$3,000.00 and all court costs. Further, Respondent is ordered to cease and desist from engaging in the business of a locksmith in the State of Tennessee until properly licensed. This is based on the following:

FINDINGS OF FACT

1. Respondent is not licensed as a locksmith company in Tennessee and held no such license at any time relevant to the proceedings of this matter.
2. A complaint against Respondent was established when the Program office identified Internet advertisements for Respondent and verified that Respondent did not hold a valid locksmith company license.
3. On or about August 14, 2013, an undercover operation was conducted in Memphis, Tennessee by an investigator for the Department of Commerce and Insurance, Regulatory Boards Division, and the Memphis Police Department Organized Crime Unit. Telephone number 901-273-2083 listed for Respondent 24 Hours Locksmith at its website (www.24hour-locksmithmemphis.com) was called and locksmith services were solicited by investigator Laurie Wilson-Weaver.
4. An individual responded to the call by the Investigator, met with that investigator, negotiated a price for the requested service, had tools for that service and attempted to perform such service.
5. The individual, referred by the Respondent, was then arrested for holding himself out as a licensed professional, but did not have the license as required by Tenn. Code Ann. § 62-11-104(a) and(b).
6. At the time of this investigation, Respondent had an address listed as 4504 SW Corbet Ave, #250, Portland, Oregon and was listed on the website as "Memphis 24 Hour Locksmith."
7. Respondent also advertised as "24 Hour Locksmith" with an address as 2613 Franklin Pike, Nashville, Tennessee at a local number of 615-279-8397.
8. Respondent continues to advertise on its Internet site as a locksmith company with a Memphis, Tennessee telephone number.

CONCLUSIONS OF LAW

The State showed, by a preponderance of the evidence, as set forth above in the Findings of Fact, Respondent's conduct in advertising as a locksmith on Respondent's website, in providing persons to engage in work as a locksmith, and in providing telephone numbers in Tennessee on Respondent's website, Respondent was acting as a locksmith as defined by Tenn. Code Ann. §62-11-104 (a) and in violation of Tenn. Code Ann. §62-11-104(b).

WHEREFORE, it is hereby **ORDERED, ADJUDGED AND DECREED** that Respondent is hereby **ASSESSED** and shall pay a civil penalty of \$3,000.00, for three separate incidences of advertising as a locksmith in Tennessee without a license and it is further **ORDERED** that this civil penalty be paid within 60 days. Additionally, it is further **ORDERED, ADJUDGED AND DECREED** that pursuant to Tenn. Code Ann. §62-11-106(13) Respondent shall **CEASE AND DESIST** any and all advertisement offering locksmith services and from participating in any activity requiring a license pursuant to Tenn. Code Ann. §61-11-104. Respondent is further assessed the all costs of this action.

Entered this the ____ day of March, 2014.

Steve R. Darnell
Administrative Law Judge

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



J. Richard Collier, Director
Administrative Procedures Division