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10-13-2010

Corey Kajuan Noland, Respondent

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**BEFORE THE COMMISSIONER OF THE TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
PRIVATE PROTECTIVE SERVICES**

IN THE MATTER OF:

Corey Kajuan Noland

Respondent

DOCKET NO: 12.30-107197J

INITIAL ORDER

This matter was heard on October 13, 2010 in Nashville, Tennessee, before Leonard Pogue, Administrative Judge assigned by the Secretary of State, sitting for the Commissioner of the Tennessee Department of Commerce and Insurance (“Commissioner”). Mr. Andrew Simpson, Assistant General Counsel for the Department of Commerce and Insurance, represented the State. The Respondent was not present nor did an attorney appear on his behalf.

The subject of this hearing was whether the Commissioner should take disciplinary action against the Respondent for alleged violations of TENN. CODE ANN. § 62-35-101, *et seq.* and/or any rule or regulation promulgated by the Commissioner.

Upon full consideration of the record in this matter, it is determined that Respondent pay a civil penalty in the amount of Five Hundred Dollars (\$500.00), and pay all investigatory and hearing costs within 30 days after the State files and serves Respondent with its Itemized Bill of Costs in this matter. This determination is based upon the following Findings of Fact and Conclusions of Law:

AUTHORITY

Authority and jurisdiction are conferred upon the Commissioner of the Tennessee Department of Commerce and Insurance by TENN. CODE ANN. §62-35-130, which allows the Commissioner to take disciplinary action against a licensee, registrant or applicant, including the authority to deny, suspend, revoke, or refuse to issue or renew any certificate, application, certified trainer license, license, or registration card under this chapter, upon finding that the holder or applicant has violated this chapter or any rule promulgated under this chapter. Authority and jurisdiction are further conferred upon the Commissioner of the Tennessee Department of Commerce and Insurance by TENN. COMP. R. & REGS. R. 0780-5-2-.18 (Investigations and Complaints) to investigate any person engaged in, or suspected of engaging in, any business or activity regulated under the act.

“Commissioner” is defined as the Commissioner of Commerce and Insurance or the Commissioner’s designee. TENN. CODE ANN. §62-35-102(5). The definitions contained within TENN CODE ANN. Title 62, Chapter 35, and the rules promulgated thereunder, are applicable herein.

Authority and jurisdiction are conferred upon the Commissioner by TENN. CODE ANN. §56-1-308 and TENN. CODE ANN. §62-35-130(b), which allows the Commissioner to assess civil penalties of up to two thousand dollars (\$2,000) per occurrence for each statute or rule violation.

Authority and jurisdiction to assess investigatory, prosecutorial, and hearing costs against the Respondent are conferred upon the Commissioner by TENN. CODE ANN. §56-1-311(a) and TENN. COMP. R. & REGS. R. 0780-5-11-.01 (Assessment of Investigatory and Hearing Costs).

DEFAULT

The State moved that a default be entered against Respondent for failure to appear and participate in the hearing after due notice. It appearing that proper notice was sent to Respondent, 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). *See also* RULE 1360-4-1-.15(1) of the Uniform Rules of Procedure for Hearing Contested Cases before State Administrative Agencies, TENN. COMP. R. & REGS. Ch. 1360-4-1 (June 2004 (Revised)).

FINDINGS OF FACT

1. Respondent held unarmed security guard license number # 348756, such license having been issued by the Tennessee Private Protective Services Program (PPS) in 2008 and which expired on May 31, 2010.

2. On or about September 1, 2008, Respondent was arrested in Shelby County, Tennessee for the offense of Aggravated Assault, Aggravated Kidnapping, and Domestic Assault.

3. Respondent failed to report the aforementioned arrest within thirty (30) days to the Tennessee Private Protective Services Program, as required by law.

CONCLUSIONS OF LAW

1. Respondent's acts and conduct, as set forth in the foregoing "Findings of Fact," constitute a violation of TENN. CODE ANN. § 62-35-120(b) which requires that security guards provide written notice to the Commissioner of any arrest within thirty (30) days of the arrest.

2. Respondent's acts and conduct, as set forth in the foregoing "Findings of Fact," constitute a violation of TENN. CODE ANN. § 62-35-130(a)(1) and (a)(6), which allows the Commissioner to take disciplinary action upon finding that: (a)(1) the holder or applicant has

violated this chapter or any rule promulgated under this chapter, or (a)(6) has engaged in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

3. Respondent's acts and conduct, as set forth in the foregoing "Findings of Fact," constitute a violation of TENN. CODE ANN. § 62-35-130(b), which sets forth grounds whereby the Commissioner may assess a civil penalty of up to two thousand dollars (\$2,000.00) for each statute or rule violation.

4. Respondent's violations of TENN. CODE ANN. §§ 62-35-130, and 62-35-120 as set forth above constitute grounds for the Commissioner to assess the actual and reasonable costs of the investigation, prosecution and hearing of the contested case hearing pursuant to TENN. CODE ANN. § 56-1-311, and TENN. COMP. R. & REGS. R. 0780-5-11-.01 (Assessment of Investigatory and Hearing Costs) of the Rules of the Department of Commerce and Insurance, Division of Regulatory Board.

DISPOSITION

1. It is hereby **ORDERED** that Respondent pay a civil penalty in the amount of Five Hundred Dollars (\$500.00).

2. It is hereby **ORDERED** that Respondent pay all investigatory and hearing costs, within 30 days after the State files and serves Respondent with its Itemized Bill of Costs in this matter.

This Initial Order, entered this 19th day of October, 2010.

Thomas G. Stovall, Director
Administrative Procedures Division