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7-1-2014

## Jason Freeman dba Praetorian Security vs. Commerce and Insurance

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

<b>IN THE MATTER OF:</b>	)	
	)	
<b>JASON E. FREEMAN</b>	)	<b>Docket No. 12.30-123634J</b>
<b>d/b/a PRAETORIAN SECURITY</b>	)	<b>Complaint No. L09-PPS-RBS-2009022211</b>
<b>GROUP, INC.</b>	)	<b>L10-PPS-RBS-2010002171</b>
	)	
<b>Armed Guard Registration No. 608099</b>	)	
	)	

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**INITIAL ORDER**

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This contested case came on to be heard on February 19<sup>th</sup>, 2014 in Nashville, Tennessee, before Administrative Law Judge Anthony Adgent, assigned by the Secretary of State, Administrative Procedures Division, and sitting for the Tennessee Private Protective Services Program. Mr. Andrew Simpson, Assistant General Counsel for the Department of Commerce and Insurance, represented the Department or the State. The Respondent, Mr. Jason Freeman, was present and represented himself, *pro se*.

The subject of this hearing was Grievant’s appeal of the State’s action to revoke Respondent’s armed guard registration and assess certain civil penalties for operating and/or engaging in the business of a Contract Security Company without the benefit of such licensure by Respondent in violation of T.C.A. § 62-35-104. The State also moved for the assessment of costs of this action pursuant to T.C.A. § 56-1-311 and TENN. COMP. R. & REGS. § 0780-5-11-.01.

After consideration of the testimony and evidence presented, the arguments of counsel and Respondent Freeman, and the entire record in this matter, it is determined that the

Department showed, by a preponderance of the evidence, that Grievant violated T.C.A. § 62-35-104 by operating a Contract Security Company without the benefit of licensure mandated by Tennessee State law.

Accordingly, it is **ORDERED** that Respondent be **ASSESSED AND ORDERED** to pay civil penalties in the amount of **TWO THOUSAND DOLLARS (\$2,000.00)**, and that Respondent be **ASSESSED AND ORDERED** to pay the costs of this action, pursuant to T.C.A. § 56-1-311 and TENN. COMP. R. & REGS. § 0780-5-11-.01.

### **FINDINGS OF FACT**

1. Respondent is currently licensed by the Tennessee Private Protective Services Program as an armed guard in the State of Tennessee (registration # 608099);

2. Respondent has been licensed as an armed guard by Private Protective Services since May 9, 2007, and said registration expires May 31, 2015;

3. Praetorian Security Group, Inc., at no time relevant to the proceedings of this matter, was a duly-licensed contract security company as required by Tenn. Code Ann. § 62-35-104;

4. In or about 2008 and 2009, Respondent, doing business as Praetorian Security Group, Inc., contracted with or otherwise performed security services to various businesses located in Memphis, Tennessee without possessing a valid contract security company license issued by the Program, in violation of Tenn. Code Ann. § 62-35-104;

5. Respondent, doing business as Praetorian Security Group, Inc., employed at least four (4) people as security guards;

6. Former employees of Praetorian Security Group, Inc. - Larry Gregory and Steven Day – testified, via sworn affidavits, that they were employed as security guards by Respondent

Freeman, to engage in security guard and patrol services on behalf of Praetorian Security Group, Inc.

7. Carlos Suarez and Juan Hernandez, both testified, via sworn affidavits, that they hired Praetorian Security Group, Inc., to provide security guard and patrol services at their respective businesses, by and through Respondent Freeman.

8. Respondent Freeman testified, that he owned and operated Praetorian Security Group, Inc., without the benefit of a contract security company license issued by the Tennessee Private Protective Services Program, and provided security guard patrol services to certain businesses without such requisite licensure.

### **CONCLUSIONS OF LAW**

1. Tenn. Code Ann. § 62-35-102 [Chapter Definitions.] which states, in pertinent part, as follows:

(6) “Contract security company” means any person engaging in the business of providing or undertaking to provide a security guard and patrol service on a contractual bases for another person.

(7) “Licensee” means any contract security company licensed in accordance with this chapter.

2. Tenn. Code Ann. § 62-35-104 [License required to act as a contract security company.] which states, in pertinent part, as follows:

Except as otherwise provided in this chapter, it is unlawful for any person to act as a contract security company without having first obtained a license from the commissioner.

3. Tenn. Code Ann. § 62-35-130 [Disciplinary powers of commissioner – Civil penalties.] which states, in pertinent part, as follows:

- (a) The commissioner may take disciplinary action against a licensee, registrant or applicant . . . upon finding that the holder . . . has:
  - (1) Violated any provision of this chapter, or any rule promulgated hereunder;
  - (6) Engaged in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud or harm the public.
  - (8) Acted as a contract security company or proprietary security company without a currently valid license;
- (b) In addition to or in lieu of any other lawful disciplinary action under this section, the commissioner may assess a civil penalty of up to two thousand dollars (\$2,000) for each statute or rule violation;

4. The violation(s) of Tenn. Code Ann. §§ 62-35-104, 62-35-120(b), and § 62-35-130 constitute(s) grounds for the Commissioner to take disciplinary action against a licensee, registrant or applicant, upon finding that the holder or applicant has acted in a manner which violates the rules and regulations of the Tennessee Private Protective Services. Such discipline also includes the imposition of civil penalties by the Commissioner pursuant to Tenn. Code Ann. §§ 56-1-308, 62-35-130, and/or the imposition of other lawful discipline.

5. In this case, Respondent Freeman operated Praetorian Security Group, Inc., for purposes of providing security guard and patrol services, without the benefit of a Contract Security Company license issued by the Tennessee Private Protective Services Program.

6. Respondent hired and employed security guards to provide such security guard and patrol services to businesses, without the proper licensure issued by the Tennessee Private Protective Services Program.

7. It is determined that Respondent Freeman has violated T.C.A. § 62-35-104. It is further determined that Respondent Freeman has violated T.C.A. § 62-35-130(a)(1) and (8).

8. The State has met its burden of proof that Respondent Freeman has committed the above violations.

9. Respondent Freeman is **ASSESSED** a civil penalty in the amount of **TWO THOUSAND DOLLARS (\$2,000.00)** in total. Respondent, pursuant to the below-referenced payment schedule, shall pay an initial payment of \$250, and pay the residual amount as follows:

- May 1<sup>st</sup>, 2014: \$250.00
- June 1<sup>st</sup>, 2014: \$250.00
- July 1<sup>st</sup>, 2014: \$250.00
- August 1<sup>st</sup>, 2014: \$250.00
- September 1<sup>st</sup>, 2014: \$250.00
- October 1<sup>st</sup>, 2014: \$250.00
- November 1<sup>st</sup>, 2014: \$250.00

Respondent's failure to submit such requisite payment, as provided in the above-referenced payment schedule, shall result in the immediate **SUSPENSION** of any and all licenses held by him through the Tennessee Private Protective Services Program, until such payment is submitted by Respondent. In the instance Respondent fails to fulfill required payments by November 1<sup>st</sup>, 2014, any and all licenses held by Respondent through the Tennessee Private Protective Services Program shall be deemed **REVOKED**.

10. Respondent is also assessed the “costs” of this action pursuant to T.C.A. § 56-1-3  
11 and TENN. COMP. R. & REGS. § 0780-5-11-.01.

It is so ordered.

This order entered and effective this \_\_\_\_\_ day of July, 2014.

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Judge Anthony Adgent  
Administrative Law Judge

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J. Richard Collier, Director  
Administrative Procedures Division