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GENERAL COUNSEL
JAN 31 2002
STATE OF SOUTH CAROLINA
DEPARTMENT OF INSURANCE

Before the State of South Carolina
Department of Insurance

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In the matter of:	SCDI File Number 2000-~~104501~~ 106668
Gregory H. Elie	**Consent Order**
205 Overcreek Road Greenville, South Carolina 29607.	**Imposing Administrative Penalty**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Gregory H. Elie, a licensed South Carolina resident insurance agent.

Upon review of this matter, I hereby find as fact that In February 2000, Elie obtained a personal check from a customer in the amount of $1,695.00 as payment for a Medicare Supplement policy. The customer never received said Medicare Supplement policy and held the customer's funds until September 2000, at which time he returned the money to the customer. Elie contends that it was not his intent to use the funds for his personal use or to circumvent the insurance laws of this state. Nevertheless, Elie's actions can ultimately lead to the revocation of his license to transact the business of insurance as an agent in South Carolina following a public hearing at the Administrative Law Judge Division pursuant to S.C. Code Ann. § 38-43-130 (Supp.2000).

Prior to the initiation of any administrative proceedings against him, Elie and the Department agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision, rather than to proceed toward a formal public hearing. The consensual recommendation was that, in lieu of the Department seeking to revoke Elie's resident insurance agent license, he would waive his right to a public hearing and immediately pay an administrative fine in the total amount of $1,000.

Section § 38-43-130 states, in pertinent part, that the Director of Insurance may revoke an agent's license "when it appears that an agent…has violated this title or any regulation promulgated by the Department, or has willfully deceived or dealt unjustly with the citizens of this State." □

After a thorough review of the record, and pursuant to my findings of fact, I hereby conclude as a matter of law that Elie has violated the law governing licensed agents. As a result, I can now take administrative disciplinary action against his resident insurance agent license. However, under the discretionary authority provided to me within S.C. Code Ann. § 38-43-130 (Supp. 2000), and after carefully considering the recommendations of the parties, I hereby impose against Elie an administrative fine in the total amount of $1,000. Elie must pay that fine within ten days of the date of my signature upon this consent order. If he does not timely pay that total fine amount his resident insurance agent license will be immediately revoked without any further disciplinary proceedings.

_____ Gregory H. Elie.

The parties have reached this agreement in consideration of the Department having never taken any administrative disciplinary action against Elie on this issue before and of his assurance that in the future he will comply with the state's insurance laws. The parties expressly agree and understand Elie's payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter.

By his signature upon this consent order, Elie acknowledges that he understands that this administrative order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq*. (1991 and Supp. 2000). Nothing contained within this administrative order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained within this administrative order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110 (Supp. 2000).

It is, therefore, ordered that Elie shall, within ten days of the date of my signature on this consent order, pay through the Department an administrative fine in the total amount of $1,000.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states and a copy be placed in Elie's licensing file.

This consent order becomes effective as of the date of my signature below.

Ernst N. Csiszar
Director

Jan 31, 2002, at
Columbia, South Carolina

_____ Gregory H. Elie.

I CONSENT:

Gregory H. Elie
205 Overcreek Road
Greenville, South Carolina 29607

Dated this 19th day of Jan, 2002