Before the State of South Carolina
Department of Insurance

In the matter of:	)	
	)	File Number 2000-101655
Baron Rick Farmer,	)	
	)	Default Order Revoking
772 Briarfield Road	)	Resident Insurance Agent's License
Rock Hill, South Carolina 29730.	)	
	)	

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for Public Hearing served, as required within S.C. Code Ann. § 38-3-170 (Supp. 1999), by the State of South Carolina Department of Insurance upon Baron Rick Farmer, by both certified mail, return receipt requested, and by regular mail on October 11, 2000.

That letter informed Farmer of his right to request a public hearing upon the allegations of impropriety contained within the letter against him. The letter further warned him that failure to make a timely, written request for a hearing would result in my summary revocation of his license to do business as a resident insurance agent within the State of South Carolina. Despite that warning, Farmer has failed to respond to the Department's letter. On November 7, 2000, therefore, counsel for the Department filed an Affidavit of Default, and the entire matter was submitted directly to me for my summary decision based solely on the record.

The letter alleged, and I now find as fact, that while licensed to do business as a resident insurance agent within the State of South Carolina for Monumental Life Insurance Company, Farmer failed to turn-over or satisfactorily account for $1,313.10 in insurance premiums collected from citizens of this State.

S.C. Code Ann. § 38-43-130 (Supp. 1999) provides the Director or his designee "may revoke or suspend an agent's license after ten day's notice…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." This Code Section goes on within Subsection (3) to describe "deceived or dealt unjustly with the citizens of this State" specifically to include, "failing to transmit promptly or pay all or a portion of the amount of an insurance premium when the agent…has received payment from a customer or insured."

In accordance with my findings of fact, and considering Farmer's failure to avail himself of his opportunity to be heard, I now conclude, as a matter of law, that Farmer violated S.C. Code Ann. § 38-43-130 (Supp. 1999) and that his resident insurance agent's license should be revoked.

This administrative disciplinary 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. 1999). Nothing contained within this administrative disciplinary 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 disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110(4) (Supp. 1999), 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 law relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is, therefore, ordered that the license of Baron Rick Farmer to do business as a resident insurance agent within the State of South Carolina be, and is hereby, revoked, and that no license issued through the State of South Carolina Department of Insurance is to be issued to him.

It is further ordered that a copy of this order shall be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Baron Rick Farmer is currently licensed, through the State of South Carolina Department of Insurance, as a resident insurance agent within the State of South Carolina.

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

Ernst N. Csiszar
Director

November 8, 2000, at
Columbia, South Carolina