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GENERAL COUNSEL
22 JUN 20 2001
STATE OF SOUTH CAROLINA
DEPARTMENT OF INSURANCE

Before the State of South Carolina
Department of Insurance

In the matter of:	)	File Number 103844
	)	
Mark A. Maslich	)	Consent Order
	)	Imposing Administrative Penalty
3933 Mayfield Drive	)	
Conway, South Carolina 29526	)	

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

Upon review of this matter, I hereby find as fact, that the South Carolina Association Of Insurance and Financial Advisors reported to the Department that Maslich failed to timely pay the year 1999-2000 continuing education fee (the CE fee) required by S.C Code Ann. Section 38-43-106(D)(Supp.2000) and Reg. 69-50 Section VIII. Maslich contends that he attempted to pay the fee before the statutory deadline. Nevertheless, the CE Administrators failed to receive said payment, an act which 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 Administration Law Judge Division pursuant to S.C Code Ann. Section 38-43-130 (Suup.2000).

After the initiation of administrative proceedings by the Department against him, Maslich 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 Maslich insurance agent's license, he would waive his right to a public hearing and pay an administrative fine in the total amount of $250.00.

Section 38-43-106(D) of the South Carolina Code makes insurance agents "responsible for payment to the continuing education administrator of a reasonable annual fee for operation of the continuing education program." 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, carefully considering the recommendation of the parties, and pursuant to my findings of fact, I hereby conclude as a matter of law, that Maslich has violated S.C. Code Ann. § 38-43-106(D) (Supp. 1999) and that I can now revoke his resident insurance agent's license. However, under the discretionary authority provided to me within S.C. Code Ann. § 38-43-130 and 25A SC Code Ann. Reg. 69-50 §VIII (Supp. 1999), I hereby impose against Maslich an administrative fine in the total amount of $250.00. Maslich must pay the required

_____ [Name1]

fine within thirty days of the Administrative Law Judge Division signed order. If he does not timely pay that total fine amount, his resident insurance agent's license will be revoked without any further disciplinary proceedings.

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

By his signature upon this consent order, Maslich 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. 1999). 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, pursuant to S.C. Code Ann. § 38-3-110 (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 laws relative to the business of insurance or the provisions of this title which he/she considers necessary to report."

It is, therefore, ordered that Maslich shall, within thirty days of the Administrative Law Judge Division signed order pay through the Department an administrative fine in the total amount of $250.00,

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 Maslich's licensing file.

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

Ernst N. Csiszar
Director

Date Jun 20, 2001, 2000, at
Columbia, South Carolina

I CONSENT:

Mark A. Maslich
[Name1]
[Address] 3933 MAYFIELD DRIVE
CONWAY, SC 29526

[City], South Carolina [ZIP]

Dated this 3 day of JUNE, ~~2000~~ 2001