Before the State of South Carolina
Department of Insurance

In the matter of:	SCDI File Number 119445
First American Title Insurance Company 1 First American Way Santa Ana, CA 92707	**Consent Order** **Imposing Administrative Penalty**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and First American Title Insurance Company (First American), an insurer licensed to transact insurance business within the State of South Carolina.

First American hereby admits, and I find as fact, that it failed to timely file its September 2003 Quarterly (annual adjusted) Tax Return Installment. This insurer previously also had failed to timely file a previous installment with the Department, for which it was given a first-offense warning letter. First American maintains these actions were completely unintentional.

Rather than contest this matter, First American and the Department have agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision. That consensual recommendation was that First American would waive its right to a public hearing and would submit an administrative penalty to the Department in the total amount of $1,000.

Section 38-7-60(3) of the South Carolina Code in pertinent part states, "premium and other taxes imposed on insurers pursuant to Sections 38-7-20, 38-7-30, 38-7-40, 38-7-50, and 38-7-90 must be paid to the Director or his designee in quarterly installments on or before March first, June first, September first, and December first of each calendar year." Sections 38-7-60 (4) and 38-5-120 (A) (2) (Supp. 2002) allow the Director of Insurance to impose disciplinary action against an insurer that does not comply with South Carolina's insurance laws.

After a thorough review of the matter, carefully considering the recommendation of the parties, and pursuant to my findings of fact, I hereby conclude as a matter of law that First American did not comply with S.C. Code Ann. § 38-7-60(3) (Supp. 2002). Accordingly, I hereby impose an administrative penalty in the amount of $1,000 against First American pursuant to the discretion provided to me by the State of South Carolina General Assembly in S.C. Code Ann. §§ 38-5-130 and 38-2-10 (Supp. 2002). This administrative penalty must be paid within ten days of my date and my signature upon this consent order. If First American has not paid that total amount on, or before, that date, then its certificate of authority to transact business as an insurer within the State of South Carolina will be summarily revoked without any further administrative disciplinary proceedings.

First American Title Insurance Company

The parties have reached this administrative penalty as a result of negotiation and compromise, and in consideration of the internal corrective internal measures First American has implemented to prevent this problem from recurring and of First American's assurance that it will timely file each of its future tax returns with the Department. This penalty includes all expenses related to investigation of this matter as provided in § 38-13-70 of the South Carolina Code. The parties expressly agree and understand First American's payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter.

By the signature of one of its officers or authorized representatives upon this consent order, First American acknowledges that it understands that 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. 2002).

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 (Supp. 2002), of the Director of Insurance, exercised either directly or through the Department, 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."

It is, therefore, ordered that First American Title Insurance Company shall, within ten days of my date and my signature upon this consent order, pay to the Department an administrative penalty in the total amount of $1,000.

It is further ordered that a copy of this consent order shall be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states.

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

Ernst N. Csiszar
Director

October 10, 2003
Columbia, South Carolina

First American Title Insurance Company

I CONSENT:

Signature of Authorized Representative

Barbara E. Willis
Name

Vice President
Title
First American Title Insurance Company
1 First American Way
Santa Ana, CA 92707

Dated this 9th day of October, 2003