Before the State of South Carolina
Department of Insurance

In the matter of:

Professional Liability Solutions, LLC,

3133 High Ridge Road
Charlotte, North Carolina 28270.

SCDOI File Number 2003-116909

Consent Order
Imposing Administrative Fine
As Precondition To Licensure

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Professional Liability Solutions, LLC (the Agency) a North Carolina resident insurance agency.

The Agency hereby admits, and I find as fact, that it acted as a nonresident insurance agency in South Carolina without holding a license to do so and that it permitted some of its employees to act in the capacity of South Carolina nonresident insurance agents without them being properly licensed or otherwise authorized to do so.

The parties have agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision. The consensual recommendation was that the Agency would waive its right to a public hearing, submit, via certified check, a negotiated and consensual administrative fine in the total amount of $2,000, and submit an application to be properly licensed as a nonresident insurance agency.

Section 38-43-30 requires every insurance agency to be licensed and provides that the term "agent" as used in the state's insurance laws is considered to include an agency, unless the context requires otherwise. Section 38-43-1 and 38-43-20 of the South Carolina Code provide that "no person may act as an agent for an insurer...unless an agent's license has been issued to him by the director or his designee."

After a thorough review of the record, carefully considering the recommendation of the parties, and in accordance with my findings of fact, I now conclude, as a matter of law, that the Agency has violated S.C. Code Ann. §§ 38-43-10, 38-43-20 and 38-43-30 (Supp. 2002). However, under the discretionary authority provided to me by the General Assembly within S.C. Code Ann. §§ 38-2-10 (1) and 38-43-130 (2002), I hereby require the Agency to submit a properly completed application to become licensed as a nonresident insurance agency within 30 days of my date and signature upon this consent order and submit, as a precondition to its licensure, an administrative fine in the total amount of $2,000, which must be paid within ten days of the date of my signature upon this consent order.

_____ Professional Liability Solutions, LLC

The parties have reached this recommendation in consideration of the Agency's desire to become licensed as a nonresident insurance agency and to have properly licensed each agent on its staff that transacts business as a nonresident insurance agent in South Carolina. It is also made in consideration of the Agency's assurance that it and its employees will fully comply with the insurance laws of South Carolina in the future. The parties expressly agree and understand the Agency's payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter. This penalty includes all expenses related to investigation of this matter as provided in § 38-13-70 of the South Carolina Code.

By the signature of one of its representatives upon this consent order, the Agency acknowledges that it 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, pursuant to S.C. Code Ann. § 38-3-110 (Supp. 2000), 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."

It is therefore ordered that Professional Liability Solutions, LLC shall, within ten days of the date of my signature on this consent order, pay through the South Carolina Department of Insurance an administrative fine in the total amount of $2,000.

It is further ordered that the Agency must submit an application to become licensed as a nonresident insurance agency within 30 days of the date of this order.

Finally, it is also ordered that a copy of this consent order shall be transmitted to the National Association of Insurance Commissioners for distribution to its member states and a copy of this order placed in the Agency's licensing file.

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

March 17, at
Columbia, South Carolina

Ernst N. Csiszar
Director

_____ Professional Liability Solutions, LLC

I Consent:

Ottis W. Wagner
Signature of Authorized Representative

Ottis W. Wagner
Name

Pres.
Title

Professional Liability Solutions, LLC
3133 High Ridge Road
Charlotte, North Carolina 28270

Dated this 14 day of March, 2003