RECEIVED
GENERAL COUNSEL

AUG 4 2003

STATE OF SOUTH CAROLINA
DEPARTMENT OF INSURANCE

**Before the State of South Carolina**
**Department of Insurance**

In the Matter of:

SCDOI File Number 2002-115414

Yonce Insurance Agency, dba Sonny McCoy
600 Columbia Avenue
Lexington, South Carolina 29072

**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 Yonce Insurance Agency, an insurer licensed to transact business in the State of South Carolina.

Upon review of this matter, I hereby find as fact, that Yonce Insurance Agency, dba Sonny McCoy did issue several Certificates of Insurance on a non- renewed policy. Mr. McCoy acknowledges this and contends this failure resulted from inadvertence and oversight and not from any intent to avoid the requirements of the law. Nevertheless, these 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. 2002).

Prior to the initiation of any administrative proceedings by the Department against Yonce Insurance Agency, the parties 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 Yonce Insurance Agency's certificate of authority, it would waive its right to a public hearing and immediately pay an administrative fine in the total amount of $500.

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 Yonce Insurance Agency has violated § 38-43-130 (Supp. 2002). Although I can now revoke the insurer's certificate of authority, I hereby invoke the discretionary authority provided to me by the General Assembly within S.C. Code Ann. § 38-2-10 (2) (Supp. 2002) and impose against Yonce Insurance Agency an administrative fine in the total amount of $500. That fine must be paid within ten days of the date of my signature upon this Consent Order. If that total fine amount is not timely paid, the insurer's certificate of authority will be revoked without any further disciplinary proceedings.

This administrative penalty has been reached by the parties as a result of negotiation and compromise, and it is made in light of the fact that no monies were involved or lost in the transaction which originated the complaint. It is also made in consideration of Mr. McCoy's assurance that he will fully comply with the Insurance Laws of South Carolina in the future.

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 payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter. By the signature of one of its officers or authorized representative upon this consent order, Yonce Insurance Agency, dba Sonny McCoy acknowledges this administrative order as 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 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 (4) (Supp. 2002) 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 Yonce Insurance Agency 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 $500.

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.

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

Ernst N. Csiszar
Director

Aug ~~July~~ 4, 2003
Columbia, South Carolina

I CONSENT:

Z B McCoy III

Signature

Z B McCoy III

Printed Name

PRESIDENT

Title

Yonce Insurance Agency
600 Columbia Avenue
Lexington, South Carolina 29072

Dated this 31ST day of July 2003.