Before the State of South Carolina
Department of Insurance

In the matter of:

Lacaria D. Brown, Moretta T. Brown, and Monique M. Brown, dba Brown's Bonding Company, nka, Tonya Brown's Bail Bonds.

File Number 2003-119700-119703-119704.

Default Order Revoking ALL LICENSING PRIVILEGES

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 (2003), by the State of South Carolina Department of Insurance upon Moretta T. Brown, Monique M. Brown, Lacaria D. Brown, and their business, known as Brown's Bonding Company, nka, Tonya Brown's Bail Bonds, by both certified mail, return receipt requested, and by regular mail on May 6, 2004.

That letter informed the above-named respondents of their right to request a public hearing upon the allegations of impropriety contained within the letter against them. The letter further warned that their failure to make a timely, written request would result in my summary revocation of their licenses to do business as resident insurance producers and surety bail bondsmen within the State of South Carolina. Despite that warning, the respondents failed to respond to the Department's letter. On June 14, 2004, 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 resident insurance producers and surety bail bondsmen within the State of South Carolina, the above-named respondents failed to turn-over or satisfactorily account for an approximate amount of $27,713.00 in insurance/bond premiums and Build Up Funds collected from citizens of this State.

Section 38-43-130 of the South Carolina Code provides the Director or his designee "may revoke or suspend all licensing privileges after ten day's notice…when it appears that a producer/surety bail bondsman or agency…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 (4) to describe "deceived or dealt unjustly with the citizens of this State" specifically to include, "improperly withholding, misappropriating, or converting any monies or properties received in the course of doing insurance business."

In accordance with my findings of fact, and considering respondents' failure to avail themselves of their opportunity to be heard, I now conclude, as a matter of law, that they violated S.C. Code Ann. § 38-43-130 (Supp. 2003) and that all their licensing privileges 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. 2003). 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(3) (2003), 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 licenses of Moretta T. Brown, Monique M. Brown, Lacaria D. Brown to do business as resident insurance producers/surety bail bondsmen within the State of South Carolina, as well as the license of their business Brown's Bonding Company, nka Tonya Brown's Bail Bonds, be, and are hereby, revoked, and that no license issued through the State of South Carolina Department of Insurance is to be issued to them.

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 the respondents are currently licensed, through the State of South Carolina Department of Insurance, as resident insurance producers/surety bail bondsmen within the State of South Carolina.

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

Ernst N. Csiszar
Director

14 June, 2004, at
Columbia, South Carolina

Before the State of South Carolina
Department of Insurance

In the matter of:

Lacaria D. Brown, Moretta T. Brown,
Monique M. Brown, dba Brown's Bonding
Company, nka, Tonya Brown's Bail Bonds,
240 Jamil Road, #40
Columbia, South Carolina 29210

SCDOI File Number 2004-119700, 119703, 119704.

Affidavit of Default

Personally appeared before me T. Douglas Concannon, who, being duly sworn, stated that at all times relevant to this Affidavit of Default he was an attorney representing the State of South Carolina Department of Insurance in this administrative action. He further stated the following:

The Department served notice on all respondents above mentioned, at the address detailed above by a Letter of Allegation and Notice of Opportunity for a Public Hearing that the Department would request the Director of Insurance to summarily revoke their license to act as resident insurance producers/surety bail bondsmen within the State of South Carolina in thirty days. The Department served the Notice, pursuant to S.C. Code Ann. § 38-3-170 (Supp. 2003), by "depositing it in the United States mail, postage prepaid, addressed to the last known address of the person and registered with the return receipt requested." That Notice further informed respondents of their opportunity, within thirty days, to request in writing a public hearing.

The United States Postal Service effected service of the Notice by certified mail, return receipt requested, and by regular mail, on or about May 6, 2004. The respondents have made no request for a public hearing or any other response to the Notice. The time in which to do so has expired. They are now in default.

T. Douglas Concannon
Associate General Counsel

South Carolina Department of Insurance
Post Office Box 100105
Columbia, South Carolina 29202-3105
(803) 737-6132

Sworn to and subscribed before me
this 14th. day of June, 2004

Steven R. DuBois
Notary Public for the State of South Carolina
My Commission Expires May 10, 2009