Before the State of South Carolina
Department of Insurance

In the matter of: Carol H. Hunter/ Andrews Insurance Assoc. 2 West Main Street Andrews, South Carolina 29510.	File Number 2003-119909 **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 Carol H. Hunter/ d/b/a, Andrews Insurance Associates, a licensed South Carolina resident insurance producer.

Upon review of this matter, I hereby find as fact, that Carol Hunter, while licensed to do business as a resident insurance agent within the State of South Carolina, issued a series of Non Sufficient Funds Checks to Prime Rate Premium Finance Corporation in concept of premiums owed to said company. Ms. Hunter 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 her license to transact the business of insurance as a producer in South Carolina following a public hearing at the Administrative Law Judge Division, pursuant to S.C. Code Ann. & 38-43-130.

Prior to the initiation of any administrative proceedings by the Department against her, Carol Hunter 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 Ms. Hunter's resident insurance agent's license, she would waive her right to a public hearing and immediately pay an administrative penalty in the total amount of $500.00.

Section 38-45-140 of the South Carolina Code grants the Director of Insurance the power to revoke an insurance broker's license for violating any of South Carolina's Insurance Laws. Similarly, § 38-43-130 also provides the Director of Insurance with the authority to revoke a producer's license…"when it appears that a producer has violated this title or any regulation promulgated by the Department, or has willfully deceived or dealt unjustly with the citizens of this State." Subsection (c)(4) specifically defines "deceived or dealt unjustly with the citizens of this State"…as "improperly withholding, misappropriating, or converting any monies or properties received in the course of doing insurance business." Moreover, Regulation 69-34.1 (E)(m) makes the "failure to report within seven business days the full amount of any premium collected from an applicant an unfair business practice."

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ANDREWS INSURANCE ASSOCIATES, LLC

After a thorough review of the record, and pursuant to my findings of fact, I hereby conclude as a matter of law, that Carol H. Hunter has violated S.C. Code Ann. § 38-43-130(c)(4) (Supp. 2002). As a result, I can now take administrative disciplinary action against her insurance producer's license. However, under the discretionary authority provided to me within S.C. Code Ann. § 38-43-130 (Supp. 2002), and after carefully considering the recommendation of the parties, I hereby impose against Ms. Hunter an administrative fine in the total amount of $500.00. Ms. Hunter must pay that fine within ten days of the date of my signature upon this consent order. If she does not timely pay that total fine amount, her resident insurance agent license will be immediately revoked without any further disciplinary proceedings.

The parties have reached this agreement in consideration that the monies have been refunded, and of Carol Hunter's assurance that in the future she will comply with the State's insurance laws. The parties expressly agree and understand Ms. Hunter's payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter.

By her signature upon this consent order, Carol Hunter/ d/b/a, Andrews Insurance Associates acknowledges that she 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 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." S.C. Code Ann. § 38-3-110 (4) (Supp. 2002).

It is, therefore, ordered that Carol H. Hunter shall, within ten days of the date of my signature on this consent order, pay through the Department an administrative fine in the total amount of $500.00.

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 Ms. Carol Hunter's licensing file.

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

Ernst N. Csiszar, Director

Janvay 14, 2004
~~December 31, 2003~~

Columbia, South Carolina

I CONSENT:

Carol H. Hunter

Carol H. Hunter/ Andrews Insurance Associates
2 West Main Street
Andrews, South Carolina 29510.

Dated this 31st day of December, 2003