Before the State of South Carolina
Department of Insurance

In the matter of: Tawanna T. Nichols 1734 Marley Drive Columbia, South Carolina 29210 File Number 2004-122178.	**Default Order Revoking Resident Insurance Producer's 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 (Supp. 2003), by the State of South Carolina Department of Insurance upon Tawanna T. Nichols, a licensed South Carolina resident insurance agent, by both certified mail, return receipt requested, and by regular mail on July 27, 2004.

That letter informed Tawanna Nichols of her right to request a public hearing upon the allegations of impropriety contained within the letter against her. The letter further warned that her failure to make a timely, written request would result in my summary revocation of her license to do business as a resident insurance agent within the State of South Carolina. Despite that warning, Tawanna Nichols has failed to respond to the Department's letter. On September 10, 2004, therefore, counsel for the Department filed an Affidavit of Default, and submitted the entire matter 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 a resident insurance producer within the State of South Carolina for American General Life & Accident Insurance Company, Ms. Nichols failed to remit premiums to the Insurer. This act, as alleged, is a direct violation of S.C. Code Ann. § 38-43-130 (Supp. 2003). That Code section provides that "the director or his designee may revoke or suspend a producer's license after ten day's notice…when it appears that a producer…has willfully deceived or dealt unjustly with the citizens of this State." This Code section goes on in Subsection (C)(4) to describe "deceived or dealt unjustly with the citizens of this state" specifically to include, but not limited to, action or inaction by the producer as follows: "improperly withholding, misappropriating, or converting any monies received in the course of doing insurance business."

In accordance with my findings of fact, and considering Tawanna Nichols' complete refusal to avail herself of her opportunity to be heard, I now conclude, as a matter of law, that she willfully deceived and dealt unjustly with the citizens of South Carolina, thereby violating S.C. Code Ann. § 38-43-130(C)(4) (Supp. 2003), and that her licensing privileges should be revoked.

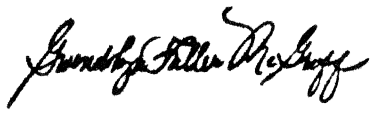
This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq*. (1991 and Supp. 2003). Nothing contained within this administrative disciplinary

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 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. 2003).

It is therefore ordered that Tawanna T. Nichols' license to transact business as a resident insurance producer within the State of South Carolina be, and is hereby, revoked, and that no license, issued through the State of South Carolina's Department of Insurance is to be issued to her.

It is further ordered that a copy of this Order be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Tawanna Nichols is currently licensed, through the State of South Carolina Department of Insurance, as a resident insurance producer within the State of South Carolina.

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



Gwendolyn Fuller McGriff
Deputy Director

10 September, 2004, at
Columbia, South Carolina

Before the State of South Carolina
Department of Insurance

In the matter of:

Tawanna T. Nichols
1734 Marley Drive
Columbia, South Carolina 29210

SCDOI File Number 2004-122178
Affidavit of Default

Personally appeared before me John O'Neal, who, being duly sworn, stated that at all times relevant to this Affidavit of Default he was the attorney representing the State of South Carolina Department of Insurance (the Department) in this administrative action. He further stated the following:

The Department served notice on Tawanna T. Nichols 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 her license to act as a resident insurance agent 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." The Notice further informed Ms. Nichols of her opportunity, **within thirty days**, to request in writing a public hearing.

The Department mailed the Notice by certified mail, return receipt requested, and by regular mail, on or about July 27, 2004. The United States Postal Service notified Ms. Nichols of the certified letter, at least on 7-28-04. *See* "Exhibit A" attached. The United States Post Office at Columbia, S.C. then returned the receipt signed by Ms. Nichols. The Notice sent to her by regular mail was not returned.

Tawanna Nichols has made no request for a public hearing or any other response to the Notice. The time in which to do so has expired. She is now in default.

John B. O'Neal, III
Associate General Counsel

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

Sworn to and subscribed before me
this 10th. day of September, 2004.

Steven R. DuBois
Notary Public for the State of South Carolina
My Commission Expires: August 14, 2008 May 10, 2009