Before the State of South Carolina
Department of Insurance

In the matter of:

Scott W. Spanovich
2366 N Helena Road
Oakdale, Minnesota 55128.

File Number: 121588

Default Order Revoking
All 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 Scott W. Spanovich, by both certified mail, return receipt requested, and by regular mail on June 1, 2004.

By that letter, Scott Spanovich was informed of his right to request a public hearing upon the allegations of impropriety contained within the letter against him. Further, he was warned that his failure to make a timely, written request would result in my summary revocation of his license to do business as a non-resident insurance producer within the State of South Carolina. Despite that warning, Mr. Spanovich has failed to respond to the Department's letter. On July 6, 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 a non-resident insurance producer within the State of South Carolina, Scott Spanovich was terminated for cause by the Northland Insurance Company, on February 16, 2004, after admitting to "creating fraudulent claim checks and improperly using company resources."

S.C. Code Ann. § 38-43-130 (Supp. 2003) provides: "The director or his designee may revoke or suspend an agent's license after ten day's notice...when it appears that an agent 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) defines "deceived or dealt unjustly with the citizens of this State" to include, but not limited to, action or inaction by the producer as follows: "improperly withholding, misappropriating, or converting any monies or properties in the course of doing insurance business."

In accordance with my findings of fact, and considering Scott Spanovich's failure to avail himself of his opportunity to be heard, I now conclude, as a matter of law, that Mr. Spanovich did in fact create a series of fraudulent checks and improperly used Company resources, and that all his insurance 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. §§ 30-40-10, *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 Scott W. Spanovich's license to transact business as a non-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 Department of Insurance is to be issued to him.

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 Scott Spanovich is currently licensed, through the State of South Carolina Department of Insurance, as a non-resident insurance agent within the State of South Carolina.

This order takes effect upon the date of my signature below.

Ernst N. Csiszar
Director

12 July 2004, at
Columbia, South Carolina

Before the State of South Carolina
Department of Insurance

In the matter of:

Scott W. Spanovich,
2366 N Helena Road
Oakdale, Minnesota 55128

SCDOI File Number 121588.

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 the above-named respondent, 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 his license to act as a non-resident insurance producer 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 respondent of his 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 June 1, 2004. The respondent has made no request for a public hearing or any other response to the Notice. The time in which to do so has expired. Scott W. Spanovich is 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 ~~8~~ 12th. day of July, 2004

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