Before the State of South Carolina
Department of Insurance

In the matter of:

Lewis Pinkston
1727 Oriole Road
Columbia, South Carolina 29204.

True Freedom Bail Bonding Service
5129 Two Notch Road
Columbia, South Carolina 29204.

SCDOI File Number 118623

Consent Order Revoking Resident Insurance Agent License, Surety Bail Bondsman License, and Resident Agency License

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Lewis Pinkston, a licensed South Carolina resident insurance agent and surety bail bondsman. Mr. Pinkston is the President of True Freedom Bail Bonding Service, a licensed insurance agency.

On or about July 14, 2003, the Department received a complaint from Ronnie DeLapp, of DeLapp surety Enterprises, alleging that Mr. Pinkston had failed to remit approximately $44,440.76, plus interest. The Department received copy of a filing by Mr. DeLapp against Mr. Pinkston, before a Mecklenburg County General Court of Justice-Superior Court Division.

Notices of Investigation and subsequently, a Letter of Allegation with Opportunity for a Public Hearing were mailed to Mr. Pinkston. The Department held several meetings with respondent, where he contested the charges, based on a contractual disagreement with the Insurer. Mr. Pinkston requested a public hearing.

Then, on or about November 25, 2003, the Department received another complaint against Mr. Pinkston and his business, filed by Richland County Clerk of Court. According to the allegation, the respondent had failed to pay to the Court of Richland County an amount of $185,256 in forfeitures, after several clients of his had failed to appear for their hearing. The Department incorporated this complaint with the issues to be dealt with at the administrative public hearing. On April 12, 2004, however, Richland County Clerk of Court placed yet another complaint against Mr. Pinkston, in view that he still had not paid the Bond forfeitures, which now were 90 days old.

Subsequently, the parties agreed, rather than proceed forward with a formal public hearing, to submit the entire matter to me, along with their specific recommendations, for my summary decision based solely upon the record. That mutual recommendation was that Lewis Pinkston would voluntarily surrender all of his individual licensing privileges, as well as those of True Freedom Bail Bonding Service, for revocation.

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Section 38-43-130 of the South Carolina Code provides, "The director or his designee may revoke or suspend an agent's license after ten days' notice or refuse to reissue a license when it appears that an agent has…deceived or dealt unjustly with the citizens of this State." Subsection (C) (4) defines the words "deceived or dealt unjustly with the citizens of this State, to include, but not limited to, action or inaction by the producer…when he has been found of improperly withholding, misappropriating, or converting any monies or properties received in the course of doing insurance business. Similarly, Sections 38-43-30 and 38-53-150 makes clear this applies to agencies as well.

In accordance with my findings of fact, I now conclude, as a matter of law, that Lewis Pinkston, dba True Freedom Bail bonding Service has violated South Carolina's Insurance Laws. Accordingly, I may now take administrative disciplinary action against them.

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 the license of Lewis Pinkston to do business as a resident insurance producer and surety bail bondsman within the State of SC, and the license of True Freedom Bail Bonding Service be, and are hereby, revoked and that no license, issued through the State of South Carolina Department of Insurance is to be issued to Lewis Pinkston or his Agency thereafter.

It is further ordered that a copy of this consent order shall be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Lewis Pinkston is currently licensed, through the State of South Carolina Department of Insurance, as a resident insurance agent and surety bail bondsman within the State of South Carolina.

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

Ernst N. Csiszar
Director

May 28, 2004
Columbia, South Carolina

I CONSENT:

Lewis Pinkston
1727 Oriole Road
Columbia, South Carolina 29204

Dated this 28 day of May, 2004.