Before the State of South Carolina
Department of Insurance

In the matter of:	SCDOI File Number 126453
Jonathan D. Carter Route 1, Box 202-B Heath Springs, S.C. 29058	**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 (Supp. 2004), by the State of South Carolina Department of Insurance upon the above named respondent, a licensed South Carolina resident insurance producer, by both certified mail, return receipt requested, and by regular mail on or about October 18, 2005.

Those letters informed Mr. Carter of his right to request a public hearing upon the allegations of impropriety contained within the letters against him. The letters further warned that his failure to make a timely, written request would result in my summary revocation of his license to do business as a resident insurance agent within the State of South Carolina. Despite those warnings, respondent has failed to respond to the Department's letters. On December 6, 2005, 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, Jonathan Carter was convicted on or about June 17, 2004, of the crime of "Burglary, 2nd. Degree", by a Lancaster County General Sessions Court; Docket Number: 2004GS2900626. This act, as alleged, is a direct violation of S.C. Code Ann. § 38-43-130 (Supp. 2004). 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)(6) to include "having been convicted of a felony."

In accordance with my findings of fact, and considering Jonathan Carter's complete refusal to avail himself of his opportunity to be heard, I now conclude, as a matter of law, that he willfully deceived and dealt unjustly with the citizens of South Carolina, thereby violating S.C. Code Ann. § 38-43-130(C)(6) (Supp. 2004), and that his 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. 2004). 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. 2004).

It is therefore ordered that Jonathan D. Carter's 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 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 Jonathan Carter 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.

Eleanor Kitzman

Eleanor Kitzman
Director

Dec 6, 2005, at
Columbia, South Carolina

Before the State of South Carolina
Department of Insurance

In the matter of:

Jonathan D. Carter
Route 1, Box 202-B
Heath Springs, S.C. 29058.

SCDOI File Number: 126453

Affidavit of Default

Personally appeared before me John B. O'Neal III, 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 Jonathan D. Carter 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 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. 2004), 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 Mr. Carter of his opportunity, within thirty days, to request in writing a public hearing.

The United States Postal Services attempted to effect service of the Notice by certified mail, return receipt requested, and by regular mail, at least on or about October 19, 2005, at the last known address. Jonathan Carter has made no request for a public hearing or any other response to the Notice. The time in which to do so has expired. He is now in default.

John B. O'Neal III
Associate General Counsel

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

Sworn to and subscribed before me
This 6 day of Dec, 2005.

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