Before the State of South Carolina
Department of Insurance

In the matter of:	)	
	)	SCDI File Number 122519
Employers Insurance Company of Wausau)		
	)	Consent Order
Post Office Box 8017	)	Imposing Administrative Penalty
Wausau, WI 54402-8017	)	
	)	

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Employers Insurance Company of Wausau (Employers), an insurer licensed to transact insurance business within the State of South Carolina.

I hereby find as fact that Employers failed to pay within 15 days a final judgment rendered against it by the South Carolina Workers Compensation Commission in the proceeding entitled Timothy R. George v. Westinghouse Savannah River Site, SCWCC File number 0123507, in the amount of $120. This is a direct violation by Employers of § 38-55-120 of the South Carolina Code, which can ultimately lead to the revocation of an insurer's certificate of authority, pursuant to that Code section as well as §§ 38-2-10 and 38-5-130, to transact the business of insurance within the State of South Carolina, following a public hearing before the Administrative Law Judge Court.

Prior to the initiation of formal administrative disciplinary proceedings by the Department against it, Employers and the Department agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision. That consensual recommendation was that, in lieu of the Department's filing of a petition to revoke Employers certificate of authority to transact business as an insurer within the State of South Carolina, the insurer would waive its right to a public hearing and immediately submit to the Department an administrative penalty in the total amount of $1,000.

After a thorough review of the matter, and after carefully considering the recommendation of the parties, and pursuant to my findings of fact and conclusions of law, although I can now revoke Employers certificate of authority, I hereby impose an administrative penalty in the amount of $1,000 against the insurer pursuant to the authority provided to me by the State of South Carolina General Assembly in S.C. Code Ann. §§ 38-5-130 and 38-2-10 (Supp. 2000). The administrative penalty must be paid within ten days of my date and signature upon this consent order. If this amount is not paid on, or before, that date, then Employers certificate of authority to transact business as an insurer within the State of South Carolina will be summarily revoked without any further administrative disciplinary proceedings.

This administrative penalty has been reached by the parties as a result of Employers full payment of the Workers Compensation Commission judgment and of the insurer's assurance that in the future it will timely pay final judgments rendered against it in South Carolina. This penalty includes all expenses related to investigation of this matter as provided in Section 38-13-70 of the South Carolina Code. The parties expressly agree and understand that payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter.

By the signature of one of its officers or authorized representatives upon this consent order, Employers acknowledges that it understands that this 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. 2000).

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, pursuant to S.C. Code Ann. § 38-3-110 (Supp. 2000), of the Director of Insurance, exercised either directly or through the Department, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is, therefore, ordered that Employers shall, within ten days of my date and signature upon this consent order, pay through the Department an administrative penalty in the total amount of $1,000.

It is further ordered that a copy of this consent order shall be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states.

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

Eleanor Kitzman
Director

Aug 11, 2005
Columbia, South Carolina

I CONSENT:

Signature of Authorized Representative

Name

Title

Employers Insurance Company of Wausau
Post Office Box 8017
Wausau, WI 54402-8017

Dated this 9th day of August, 2005