Before the State of South Carolina
Department of Insurance

In the Matter of:

Richard L. Russo

353 Walden Avenue
Leesville, South Carolina 29070

SCDOI File Number 120272

Consent Order
Imposing Administrative Penalty
And Allowing Licensing

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Richard L. Russo, an applicant for a bail bond runner's license in the State of South Carolina.

Richard L. Russo acknowledges that he did not have a runner license to assist in apprehending and surrender of defendant for Blackcat Bonding. This is a direct violation of South Carolina Code of Laws, Sections 38-53-80.

Prior to the initiation of any administrative proceedings by the Department against Richard L. Russo, the parties agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision, rather than to proceed toward a formal public hearing. The consensual recommendation was that, in lieu of the Department denying issuance of a bail bond runner's license, he would waive his right to a public hearing and immediately pay an administrative fine in the total amount of $1500.

Section 38-13-160 of the South Carolina Code states that, "The director or his designee may require any authorized insurer or its officers to answer any inquiry in relation to its transactions, condition, or any connected matter necessary to the administration of the insurance laws of the State. Every corporation or person must reply in writing to the inquiry promptly and truthfully, and every reply must be verified, if required by the director or his designee, by the individual or by the officer or officers of a corporation as he designates." Section 38-5-120 states, in pertinent part, that the Director of Insurance "shall revoke or suspend certificates of authority granted to an insurer...if he is of the opinion upon examination or other evidence that...(t)he insurer has not complied with the law or with the provisions of its charter." Alternatively, § 38-5-130 provides that in lieu of license revocation or suspension, the Director may impose a monetary penalty as provided in § 38-2-10.

After a thorough review of the record, carefully considering the recommendation of the parties, and pursuant to my findings of fact, I hereby conclude as a matter of law, that Richard L. Russo has violated § 38-53-80. Although I can now deny the bail bond runner's license, I hereby invoke the discretionary authority given to me and impose against Richard L. Russo an

RLR Richard L. Russo

administrative fine in the total amount of $1500. That fine must be paid within ten days of the date of my signature upon this Consent Order. If that total fine amount is not timely paid, the bail bond runner's license will be denied without any further disciplinary proceedings.

This fine has been reached by the parties as a result of negotiation and compromise, and in consideration of Richard L. Russo's assurance that he will comply with all statues and regulations of this Department. This penalty includes all expenses related to investigation of this matter as provided in § 38-13-70 of the South Carolina Code. The parties expressly agree and understand payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter. By the signature of Richard L. Russo upon this consent order, he acknowledges this administrative order as 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 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 order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative 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 laws 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 (Supp. 2004).

It is, therefore, ordered that Richard L. Russo shall, within ten days of the date of my signature on this consent order, pay through the South Carolina Department of Insurance an administrative fine in the total amount of $1500.

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

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

Eleanor Kitzman
Eleanor Kitzman
Director

March 25, 2005
Columbia, South Carolina

RLR Richard L. Russo

I CONSENT:

Signature

Richard Lee Russo
Printed Name

Title

Richard L. Russo
353 Walden Avenue
Leesville, South Carolina 29070

Dated this 22 day of March 2005.

RLR Richard L. Russo