**Before the State of South Carolina**
**Department of Insurance**

In the matter of:

Michael P. Johnson

1054 Anna Knapp Boulevard
Mt. Pleasant, South Carolina 29464

File Number 126461

**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 Michael P. Johnson by both certified mail, return receipt requested, and by regular mail on December 8, 2005.

That letter informed Michael P. Johnson of his right to request a public hearing upon the allegations of impropriety contained within the letter against him. The letter 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 producer within the State of South Carolina. **Despite that warning, Michael P. Johnson has failed to respond to the Department's letter.** On February 9, 2006, 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 South Carolina Department of Insurance has received evidence from South Carolina Department Individual Record and South Carolina Law Enforcement Division that you were convicted of, "DUI/Felony."

Section 38-43-130 (4) of the South Carolina Code provides the Director or his designee "may revoke or suspend a producer's license after ten day's notice... that a producer has been convicted of a crime of moral turpitude."

In accordance with my findings of fact, and considering Michael P. Johnson's failure to avail himself of his opportunity to be heard, I now conclude, as a matter of law, that Michael P. Johnson violated S.C. Code Ann. § 38-43-130 (A) that his resident insurance producer's license 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. 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 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(3) (Supp. 2004).

It is, therefore, ordered that the license of Michael P. Johnson to do 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 Department of Insurance is to be issued to him.

It is further ordered that a copy of this order shall be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Michael P. Johnson 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

~~January~~ Feb 10, 2006 at
Columbia, South Carolina

Michael P. Johnson default revocation.doc

**Before the State of South Carolina**
**Department of Insurance**

In the matter of:

Michael P. Johnson

1054 Anna Knapp Boulevard
Mt. Pleasant, South Carolina 29464

SCDOI File Number 124980

**Affidavit of Default**

Personally appeared before me David E. Belton, who, being duly sworn, stated that at all times relevant to this Affidavit of Default he was the attorney representing the State of South Carolina Department of Insurance (the Department) in this administrative action. He further stated the following:

The Department served notice on Michael P. Johnson 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 that 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 letter further notified Michael P. Johnson of his opportunity, within thirty days, to request in writing a public hearing.

The Department mailed the notice concerning the right to a hearing by certified mail, return receipt requested, and by regular mail, on or about December 8, 2005. On January 12, 2006 the certified letter of notice of opportunity for hearing was returned marked "unclaimed". The regular letter was never returned. Michael P. Johnson 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.

David E. Belton
Senior Associate General Counsel

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

Sworn to and subscribed before me
this 7th day of February 2006

Christiline P. Lewis
Notary Public for the State of South Carolina
My Commission Expires: November 20, 2006