

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

<b>In the Matter of:</b>  <b>Thomas A. Givens, Esq.</b>  1176 Ebenezer Road Rock Hill, SC 29732	) ) ) ) )	<b>SCDOI File Number 12-3663</b>  <b>CONSENT ORDER Imposing Administrative Fine Resident Producer License #202884</b>
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This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Thomas A. Given, a resident producer licensed to transact business in the State of South Carolina.

After careful review of the evidence presented, I find as follows:

**FINDINGS OF FACT**

1. Thomas A. Givens is currently a South Carolina resident producer issued license number 202884.
2. Thomas A. Givens failed to forward premiums to Investors Title Insurance Company totaling \$42,245.82.
3. Thomas A. Givens failed to issue policies after collecting premiums from various clients.

**CONCLUSIONS OF LAW**

**1. S.C. Code §38-43-130 (C)(4)(8) of the South Carolina Code provides:**

- (C) "The Director or his designee may place on probation, revoke, suspend, refuse to renew or impose monetary penalty under this chapter for"
- (4) "Improperly withholding, misappropriation, or converting any monies or properties received in the course of doing insurance business. "
- (8) "Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this State or elsewhere."

**2. S.C. Code Section 38-2-10 (2) provides:**

If the violator is a person, other than an insurer or a health maintenance organization, licensed by the director or his designee in this State, the director or his designee shall (a) fine the person in an amount not to exceed two thousand five hundred dollars, or (b) suspend or revoke the license of the person, or both. If the violation is willful, the director or his designee shall (a) fine the person in an amount not to exceed five thousand dollars, or (b) suspend or revoke the license of the person, or both.

3. Thomas A. Givens violated the laws of this state and was in violation of Section 38-43-130 when he failed to forward premiums and failed to issue policies after collecting premiums.

Prior to the initiation of any administrative proceedings by the Department against Thomas A. Givens 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 Thomas A. Givens would be allowed to enter into this Consent Order imposing an administrative fine of four thousand dollars (\$4,000.00) and waive his right to a public hearing.

The parties expressly agree and understand that this consent order constitutes full conclusion of this matter. By the signature of Thomas A. Givens 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).

**THEREFORE, it is ordered that Thomas A. Givens shall pay to the Department an administrative penalty of four thousand dollars (\$4,000.00). Pursuant to S.C. Code Ann. § 38-2-10, he shall pay the fine within thirty (30) days from the date of receipt of this order. If four thousand dollar (\$4,000.00) fine is not paid within said thirty (30) day period Thomas A. Givens' producer license shall be summarily revoked.**

It is FURTHER ORDERED that the National Association of Insurance Commissioners be immediately be notified of this consent order.

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



Raymond Farmer  
Interim Director

Dated this 4<sup>th</sup> day of September 2013  
Columbia, South Carolina

I CONSENT TO THE FOLLOWING ORDER AND WILL COMPLY AS AGREED:



Signature

Thomas A GIVENS

Printed Name

\_\_\_\_\_  
Title

Thomas A. Givens, Esq.  
1176 Ebenezer Road  
Rock Hill, SC 29732

Dated this 19 day of September 2013