

1977 S.C. Op. Atty. Gen. 126 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-150, 1977 WL 24492

Office of the Attorney General

State of South Carolina

Opinion No. 77-150

May 11, 1977

***1 RE: License Revocation of Robert Littlefield**

H. Kelly Jones, Esquire
General Counsel
State of South Carolina Department of Insurance
Post Office Box 4067
Columbia, South Carolina 29240

Dear Kelly,

You have requested the advice of this Office as to whether the Insurance Commission should order a rule to show cause hearing concerning the possible revocation of Mr. Robert Littlefield's license as an insurance agent.

Section 37-241 of the 1962 Code of Laws of South Carolina permits the Commissioner to revoke or refuse to reissue the license of any agent who has violated South Carolina's laws or who has ' . . . willfully deceived or dealt unjustly with Plan, Inc. His modus operandi in this endeavor was to falsify 792 applications for insurance premium financing.

It is the opinion of this Office that because of the magnitude of both the number of applications and the amount of money received, Mr. Littlefield should be ordered to appear at a hearing to show cause why his agent's license should not be revoked. Mr. Littlefield's actions constitute a clear violation of the laws of this State. Even though no actual (as opposed to fictitious) policyholders were harmed, Mr. Littlefield's scheme was so large and so fraudulent that a hearing should be held to consider the revocation of his license. The question of restitution between Mr. Littlefield and Capitol Premium Plan, Inc., is immaterial in determining whether a violation of the law has occurred, but it could be considered as a mitigating factor in connection with his punishment.

With best regards, I am

Very truly yours,

Victor S. Evans
Deputy Attorney General

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