Before the State of South Carolina
Department of Insurance

In the Matter of:	)	SCDOI Docket # 08-1501
	)	
Bruce A. Berley 1529 Magnolia Terrace Newberry, SC 29108	)	ORDER REVOKING
	)	RESIDENT PRODUCER
	)	LICENSE
	)	

This matter comes before the South Carolina Department of Insurance (the Department), upon application of David E. Belton, Esquire, Senior Associate General Counsel for the Department, requesting the revocation of Bruce A. Berley, (Producer) resident producer's license.

After careful review of the evidence presented the Department issues the following decision:

FINDINGS OF FACT

Producer is currently a South Carolina resident producer.

In the State of South Carolina, the producer pled guilty to and was convicted of the crime of Exploitation of Vulnerable Adults, on 03/13/2008, by the Newberry County Court of General Sessions.

In the State of South Carolina, the producer failed to report this conviction to this Department.

CONCLUSIONS OF LAW

Pursuant to S.C. Code §38-43-130(A)(B) (A): "The Director of Insurance or his designee may place on probation, suspend, or suspend a producer's license after ten days' notice or refuse to issue or reissue a license when it appears that a producer has been convicted of a crime involving moral turpitude, has violated this title or any regulation promulgated by the department, or has willfully deceived or dealt unjustly with the citizens of this State. (B) For purposes of this section, "convicted" includes a plea of guilty or a plea of nolo contendere, and

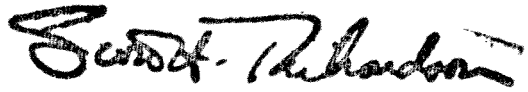
the record of conviction, or a copy of it, certified by the clerk of court or by the judge in whose court the conviction occurred is conclusive evidence of the conviction. Because the crime of Exploitation of Vulnerable Adults is a crime of moral turpitude, the Department now moves to revoke Bruce A. Berley's South Carolina resident producer's license.

Pursuant to SC Code Section 38-43-247(A)(B). (A): "A producer shall report to the Director or his designee any administrative action taken against the producer in another jurisdiction, or by another governmental agency in this State, within thirty days of the final disposition of the matter. This report shall include a copy of the Order, Consent to Order, or other relevant documents. (B): "Within thirty days of the initial pretrial date, a producer shall report to the Insurance Director any criminal prosecution of the producer taken in any jurisdiction. The report shall include a copy of the initial complaint filed, the order resulting from the hearing and any other relevant legal documents." Because Bruce A. Berley failed to report to this Department this criminal conviction of Exploitation of Vulnerable Adults, the Department now moves to revoke his resident producer's license.

THEREFORE, it is ordered that Bruce A. Berley, South Carolina resident producer's license shall be revoked thirty (30) days from the date of receipt of this order, and no license issued through the State of South Carolina Department of Insurance is to be issued to him, unless Bruce Berley requests in writing within said thirty (30) day period a public hearing before the South Carolina Administrative Law Court.

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

This South Carolina Department of Insurance 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. 2007). 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. 2007).



Scott H. Richardson
Director of Insurance

Dated this 30 day of Jul 2008.