

**SOUTH DAKOTA  
DEPARTMENT OF LABOR AND REGULATION  
OFFICE OF THE SECRETARY**

**IN THE MATTER OF  
BRIAN SUDRALA  
LICENSEE**

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)  
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**FINAL DECISION  
  
INS 12-12**

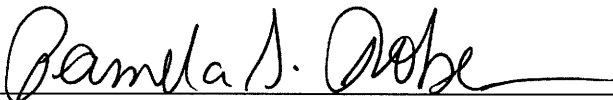
After reviewing the record and the proposed order of the Hearing Examiner in this matter,

IT IS HEREBY ORDERED that pursuant to SDCL 1-26D-4, the Hearing Examiner's Findings of Fact, Conclusions of Law and Proposed Decision, dated October 4, 2012, is adopted in full.

IT IS FURTHER ORDERED that the South Dakota Resident Insurance Producer License of Brian Sudrala will hereby be revoked.

Parties are hereby advised of the right to further appeal the final decision to Circuit Court within (30) days of receiving such decision, pursuant to the authority of SDCL 1-26.

Dated this 15<sup>th</sup> day of October, 2012.



Pamela S. Roberts, Secretary  
South Dakota Department of Labor and Regulation  
700 Governors Drive  
Pierre, SD 57501

**STATE OF SOUTH DAKOTA  
OFFICE OF HEARING EXAMINERS**

**IN THE MATTER OF  
BRIAN SUDRALA**

**PROPOSED DECISION  
DOI 12-12**

**V**

**DIVISION OF INSURANCE**

An administrative hearing was held in this matter on August 17, 2012. Petitioner, Brian Sudrala (Sudrala), did not appear or testify at the hearing. The Division of Insurance (Division) was represented by Frank Marnell. The Division had a witness, Heather Lang. Based on the evidence, the arguments of the parties, and the law, the Hearing Examiner enters the following proposed Findings of Fact, Conclusions of Law, and Proposed Order.

**ISSUES**

Whether Sudrala failed to comply with a child support repayment agreement with the South Dakota Department of Social Services?

Whether the Division may revoke Sudrala's license as an insurance producer?

**FINDINGS OF FACT**

I.

Sudrala was issued a resident limited lines license on January 27, 1999. The status of this license is inactive.

II.

Sudrala was issued a resident producer license on October 14, 1997. The status of this license is active.

III.

On January 24, 2012, the South Dakota Circuit Court issued a Notice of Nonpayment of Monthly Arrears Obligation.

IV.

On April 2, 2012, the South Dakota Circuit Court issued a Notice of Administrative Revocation of Driver License.

V.

The next day, April 3, 2012, the Department of Public Safety notified Sudrala that his drivers license was revoked because of child support arrearages.

VI.

On June 8, 2011, the Division notified Sudrala that his insurance producer's license was to be revoked because of child support arrearages.

VII.

A hearing was scheduled for August 17, 2012. Sudrala was notified via certified mail of the time and date of the hearing. Sudrala did not appear or testify at the hearing.

VIII.

Any Additional Findings of Facts included in the Reasoning section of this decision are incorporated herein by this reference.

### **REASONING**

In this case, the circuit court issued a notice that held Sudrala was in arrears on an agreement to pay child support. As a result, the Department of Public Safety revoked Sudrala's drivers license. The law also allows the division to revoke Sudrala's insurance producers license for failing to fulfill a child support obligation.

The director may suspend for not more than twelve months, or may revoke or refuse to continue, any license issued under this chapter, or any license of a surplus lines broker after a hearing. Notice of such hearing and of the charges against the licensee shall be given to the licensee and to the insurers represented by such licensee or to the appointing agent of a producer at least twenty days before the hearing. The director may suspend, revoke, or refuse to issue or renew an insurance producer's license or may accept a monetary penalty in accordance with § 58-4-28.1 or any combination thereof, for failing to comply with an administrative or court order imposing a child support obligation. SDCL 58-30-167(13)

### **CONCLUSIONS OF LAW**

I.

The Division of Insurance has jurisdiction over the parties and the subject matter of this contested case. The Office of Hearing Examiners has authority to conduct the appeal pursuant to the provisions of SDCL 1-26D.

II.

Sudrala violated the requirements of SDCL 58-30-167(13) when he failed to comply with a child support arrangement with the Department of Social Services.

III.

These violations of the statutes permit the Director of the Division of Insurance to revoke Sudrala's insurance producer license and/or impose other sanctions as set forth in SDCL 58-30-167.

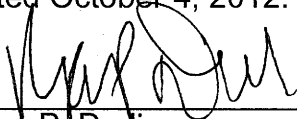
IV.

Any Conclusions of Law included in the Reasoning section of this decision are incorporated herein by this reference.

**PROPOSED ORDER**

It is the Proposed Order of the Hearing Examiner that the license of Sudrala be revoked.

Dated October 4, 2012.



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Ryan P. Darling  
Office of Hearing Examiners  
523 East Capitol  
Pierre SD 57522