

BEFORE THE DIVISION OF INSURANCE
DEPARTMENT OF LABOR AND REGULATION
STATE OF SOUTH DAKOTA

IN THE MATTER OF
ELIBERTO GRACIA

)
)

CONSENT ORDER

In resolution of the above matter and in lieu of issuance of a Notice of Hearing and a formal hearing, the undersigned parties do hereby agree to the following:

ELIBERTO GRACIA, whose address of record is 6855 SW 120th St., Miami, FL 33156, holds a non-resident insurance producer license in the State of South Dakota;

ELIBERTO GRACIA is aware that the South Dakota Division of Insurance (“Division”) has conducted an investigation;

The Division alleges the following with regard to ELIBERTO GRACIA:

- 1) ELIBERTO GRACIA failed to timely report an administrative action taken by the State of Missouri on December 26, 2012 in violation of SDCL § 58-30-193;
- 2) ELIBERTO GRACIA failed to timely update his address with the Division in violation of SDCL § 58-30-157;
- 3) Pursuant to SDCL §§ 58-30-157, 58-30-167(2), and 58-30-193, the Director of the Division may revoke or suspend ELIBERTO GRACIA's resident insurance producer license for any one of the above-cited reasons.

ELIBERTO GRACIA is aware of and understands the nature of the allegations and has been informed that he has the right to a Notice of Hearing, counsel, and appeal and that by agreeing to sign this Consent Order, waives these rights;

In return for ELIBERTO GRACIA agreeing to and complying with the provisions of this Consent Order, the Division agrees not to proceed to administrative hearing and agrees that this Consent Order will constitute an informal disposition of this licensing matter pursuant to SDCL § 1-26-20;

By the execution of this Consent Order and the payment of a penalty pursuant to this Consent Order, ELIBERTO GRACIA waives his right to contest the allegations contained in this Consent Order in any future actions or licensing procedures with the Division;

ELIBERTO GRACIA agrees to pay \$250 pursuant to SDCL §§ 58-30-167 and 58-4-28.1, in lieu of an administrative hearing and Final Decision;

ELIBERTO GRACIA further agrees to conduct himself in accordance with the insurance laws and regulations of the State of South Dakota;

ELIBERTO GRACIA further agrees that this Consent Order may be considered for the purpose of determining the appropriate sanction in any future actions with the Division for any violations of the laws or regulations of the State of South Dakota or for failing to abide by any order of the Director;


Wherefore, good cause appearing from the foregoing, it is hereby ORDERED that ELIBERTO GRACIA pay a monetary penalty in the amount of \$250 payable to "South Dakota Division of Insurance" for deposit in the general fund of the State of South Dakota; and it is further

ORDERED that ELIBERTO GRACIA abide by the agreements made by him in this Consent Order; and it is further

ORDERED that the use of this Consent Order for competitive purposes by an insurance agent or third-party administrator holding a license in the State of South Dakota, or by any company holding a Certificate of Authority, or by anyone on their behalf, may be deemed unfair competition and be grounds for suspension or revocation of said license or authority; and it is further

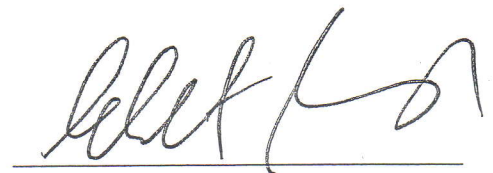
ORDERED that the provisions of this Consent Order shall be effective from the date the Director signs this Order.

Dated at Pierre, South Dakota this 1st day of July, 2013.


Merle Scheiber, Director
South Dakota Division of Insurance

I have read and understand the terms of this Consent Order and the waiver of my due process rights and voluntarily enter into this Consent Order.

Dated this 12 day of June, 2013.


Signature
Eliberto Gracia
Name (typed or printed)