

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

IN THE MATTER OF
BARKLEY J.W. LUNDY

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)

CONSENT ORDER

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

BARKLEY J.W. LUNDY, whose address of record is 2702 Wildhorse Drive, Rapid City, SD 57703, is a resident insurance producer licensed in the State of South Dakota;

BARKLEY J.W. LUNDY is aware that the South Dakota Division of Insurance (“Division”) has conducted an investigation;

The Division alleges the following:

- 1) BARKLEY J.W. LUNDY failed to timely report a September 22, 2014 administrative action from the Financial Industry Regulatory Authority (“FINRA Action”) to the Division within 30 days in violation of SDCL § 58-30-193;
- 2) The FINRA Action, barring BARKLEY J.W. LUNDY from associating with any FINRA member firm in any capacity, involved mishandling of client funds, depositing and comingling of client funds in a personal account, and providing a fabricated tax document;
- 3) BARKLEY J.W. LUNDY was terminated for cause by an insurer due to the FINRA Action;
- 4) Pursuant to SDCL § 58-30-167(2) and (8), and 58-30-193, the Director of the Division may revoke BARKLEY J.W. LUNDY’s resident insurance producer license for any one of the above-cited reasons.

BARKLEY J.W. LUNDY is aware of and understands the nature of the charges and has been informed that he has the right to counsel, hearing, and appeal and that by agreeing to and signing this Consent Order, waives these rights;

In return for BARKLEY J.W. LUNDY agreeing to the provisions of this Consent Order, the Division agrees not to proceed to administrative hearing and agrees that this Consent Order will constitute the final disposition pursuant to SDCL § 1-26-20;

BARKLEY J.W. LUNDY agrees, in lieu of contesting this matter formally, to the revocation of his resident insurance producer’s license and to cease the transaction of insurance business in this state;

BARKLEY J.W. LUNDY further agrees that this Consent Order may be considered in any future licensing procedures with the South Dakota Division of Insurance and 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;

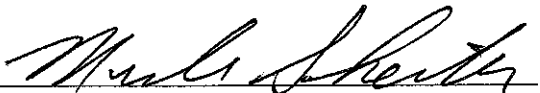
By the execution of this Consent Order, BARKLEY J.W. LUNDY waives his right to contest the allegations contained in this Consent Order in any future licensing proceedings;

Wherefore, good cause appearing from the foregoing, it is hereby ORDERED that the resident insurance producer's license of BARKLEY J.W. LUNDY is hereby revoked; 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

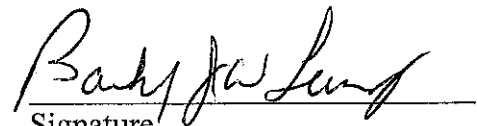
ORDERED that the provisions of this Consent Order shall be effective from the date the Director signs this Order.

Dated at Pierre, South Dakota this 8th day of December, 2014.


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 4th day of Dec., 2014.


Signature
Barkley J.W. Lundy
Name (Print)