

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

IN THE MATTER OF  
LINSTER AGENCY, LLC

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)

CONSENT ORDER

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

LINSTER AGENCY, LLC., ("LINSTER AGENCY") whose mailing address of record is 158 W Beaton Dr, West Fargo, North Dakota 58078, is an applicant for a business entity license in the State of South Dakota;

LINSTER AGENCY is aware the South Dakota Division of Insurance ("Division") has conducted an investigation;

The South Dakota Division of Insurance alleges the following with regards to LINSTER AGENCY:

- 1) LINSTER AGENCY mailed approximately 6,831 lead cards in the State of South Dakota without a business entity license;
- 2) The lead cards did not contain the name of the agent or company in violation of ARSD 20:06:10:14;
- 3) LINSTER AGENCY sold, solicited, or negotiated insurance products in the State of South Dakota without being licensed in violation of SDCL §§ 58-30-143 and 58-30-149;
- 4) LINSTER AGENCY submitted an application for licensure as a business entity on October 24, 2016;
- 5) Pursuant to SDCL § 58-30-167, the Director of the Division of Insurance may deny LINSTER AGENCY's application for the above cited violations.

LINSTER AGENCY is aware of and understands the nature of the allegations and has been informed that it 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 LINSTER AGENCY agreeing to and complying with the provisions of this Consent Order, the Division agrees not to proceed with the denial of LINSTER AGENCY's application and subsequent administrative hearing and agrees that this Consent Order will constitute an informal and complete disposition of this licensing matter and the prior period of non-licensure pursuant to SDCL § 1-26-20;

LINSTER AGENCY agrees to pay a total of \$4,000 pursuant to SDCL §§ 58-30-167 and 58-4-28.1, in lieu of an application denial, administrative hearing, and Final Decision;

LINSTER AGENCY further agrees to conduct itself in accordance with the insurance laws and regulations of the State of South Dakota;

LINSTER AGENCY further agrees 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;

LINSTER AGENCY waives its right to contest the allegations contained in this Consent Order in any future actions or licensing procedures;

Wherefore, good cause appearing from the foregoing, it is hereby ORDERED that LINSTER AGENCY pay a monetary penalty in the total amount of \$4,000 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 LINSTER AGENCY pay 10 monthly payments of \$400.00 to the South Dakota Division of Insurance, with the first payment due at the time of signing the Consent Order, the second payment due on February 15, 2017, and continue to remit payments by the 15<sup>th</sup> of each month, until the 10<sup>th</sup> and final payment is made on or before October 15, 2017; and it is further

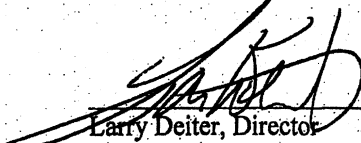
ORDERED that LINSTER AGENCY abide by the agreements made by it in this Consent Order; and it is further

ORDERED the business entity application from LINSTER AGENCY is APPROVED as of the effective date of 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

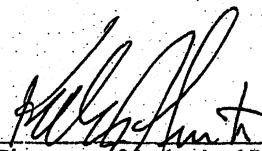
ORDERED that the provisions of this Consent Order shall be effective from the date the Director signs this Order.

Dated at Pierre, South Dakota this 15 day of December, 2016

  
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Larry Deiter, Director  
South Dakota Division of Insurance

The undersigned, on behalf of LINSTER AGENCY represents it understands the terms of this Consent Order and the waiver of its due process rights and voluntarily enters into this Consent Order.

Dated this 8 day of December, 2016.

  
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Signature of Authorized Representative  
Kelly J Linster  
\_\_\_\_\_  
Printed Name  
Owner  
\_\_\_\_\_  
Title