

**SOUTH DAKOTA
DEPARTMENT OF LABOR AND REGULATION
DIVISION OF INSURANCE**

**IN THE MATTER OF
DANA JENSEN SR.
LICENSEE**

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**FINAL DECISION
INS 23-021**

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 Proposed Findings of Fact, Conclusions of Law and Proposed Order, dated June 15, 2023, is adopted in full.

IT IS FURTHER ORDERED that the South Dakota Non-resident Insurance Producer License of Dana Jensen Sr. 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 28 day of June, 2023.



Marcia Hultman, Secretary
South Dakota Department of Labor and Regulation
123 W. Missouri Ave.
Pierre, SD 57501

STATE OF SOUTH DAKOTA
DEPARTMENT OF LABOR AND REGULATION

IN THE MATTER OF
DANA JENSEN SR.

INS 23-021

NOTICE OF ENTRY OF PROPOSED
FINDINGS OF FACT, CONCLUSION OF LAW,
AND DECISION AND FINAL DECISION

NOTICE IS HEREBY GIVEN, that attached hereto, is a true and correct copy of the Proposed Findings of Fact, Conclusions of Law, and Decision, and Final Decision entered by Marcia Hultman, Secretary of the South Dakota Department of Labor and Regulation, on June 28, 2023.

Dated this 5th day of July, 2023.



Lisa M. Harmon
Legal Counsel
South Dakota Division of Insurance
124 S. Euclid Ave., 2nd Floor
Pierre, SD 57501
(605) 773-3563

CERTIFICATE OF SERVICE

I, Lisa Harmon, the undersigned, do hereby certify that on the date shown below, a true and correct copy of the Proposed Findings of Fact, Conclusions of Law, and Decision, and Final Decision with respect to the above-entitled action was sent U.S. Certified Mail, U.S. First Class Mail, and electronic mail thereon, to the following:

Dana Jensen Sr.
1400 NE 56th Street
Fort Lauderdale, Fl 33334


Dana Jensen Sr.
2901 Simms St.
Hollywood FL, 33020

newagehealth2018@gmail.com

Chesapeake Life Ins. Co.
9151 Boulevard 26
North Richland Hills, TX 76180

DMJENSENSR5@GMAIL.COM

Dated this 5th day of July, 2023 in Pierre, South Dakota.



Lisa M. Harmon
Legal Counsel
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**STATE OF SOUTH DAKOTA
OFFICE OF HEARING EXAMINERS**

**IN THE MATTER OF
DANA JENSEN SR.**

**INS 23-021
PROPOSED DECISION**

This matter came for hearing before the Office of Hearing Examiners on June 8th, 2023 pursuant to a Notice of Hearing issued by the South Dakota Division of Insurance (“Division”) on May 3rd, 2023. Lisa M. Harmon appeared as counsel for the Division with a witness, Gavin Munson. DANA JENSEN SR. did not appear, either in person or through counsel. The Division made a motion for summary disposition of this case, admitting its Exhibits 1 through 5 into evidence, and asking that the Hearing Examiner enter these Proposed Findings of Fact, Conclusions of Law, and Proposed Decision as a default disposition to this contested case. That motion granted, the Hearing Examiner enters this Proposed Decision.

ISSUE

Whether the Non-Resident Insurance Producer License of DANA JENSEN SR. should be revoked for violating the insurance laws of South Dakota; for demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere; and failing to timely respond to the Division in violation of SDCL 58-30-167(2) & (8), 58-33-66, and 58-33-68.

FINDINGS OF FACT

1. DANA JENSEN SR. was licensed by the Division as an insurance producer on October 18, 2018. The license is currently active. (Exhibit 1).
2. The Division received a complaint involving DANA JENSEN SR. (Exhibit 2).
 - a. According to the complaint, DANA JENSEN SR. sold the complainant a health policy. The Complainant believed the policy covered emergency services, but it appears emergency services were not covered.
3. The Division sent inquires to DANA JENSEN SR. at the address of record regarding the complaint. (Exhibits 3-5).
4. DANA JENSEN SR. did not respond to the Division’s inquires. (Exhibits 3-5).
5. Any additional Findings of Fact included in the Reasoning section of this decision are incorporated herein by reference.
6. To the extent any of the foregoing are improperly designated and are instead conclusions of law, they are hereby redesignated and incorporated herein as conclusions of law.

REASONING

This case involves a request by the Division to revoke the South Dakota Insurance Producer's License of DANA JENSEN SR. As a consequence of the potential loss of Respondent's livelihood from the lack of licensure, the burden of proof in this matter is higher than the preponderance of evidence standard, which applies in a typical administrative hearing. "In matters concerning the revocation of a professional license, we determine that the appropriate standard of proof to be utilized by an agency is clear and convincing evidence." *In re Zar*, 434 N.W.2d 598, 602 (S.D. 1989). Our Supreme Court has defined "clear and convincing evidence" as follows:

The measure of proof required by this designation falls somewhere between the rule in ordinary civil cases and the requirement of our criminal procedure, that is, it must be more than a mere preponderance but not beyond a reasonable doubt. It is that measure or degree of proof which will produce in the mind of the trier of facts a firm belief or conviction as to the allegations sought to be established. The evidence need not be voluminous or undisputed to accomplish this.

Brown v. Warner, 78 S.D. 647, 653, 107 NW2d 1, 4 (1961).

SDCL 58-33-66(1) requires DANA JENSEN SR. to respond to the Division and supply requested documents within twenty days from the receipt of a request. In addition, the Division considers SDCL 58-30-167 (shown in pertinent part) as follows:

The director may... revoke or refuse to continue, any license issued under this chapter... after a hearing... The director may... revoke... an insurance producer's... for any one or more of the following causes:

- ...
- (2) Violating any insurance laws or rules, subpoena, or order of the director or of another state's insurance director, commissioner, or superintendent;
- ...
- (8) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere;

...

DANA JENSEN SR. failed to respond to Division inquiries regarding the complaint. The evidence further indicates that DANA JENSEN SR. violated the insurance laws of South Dakota and used fraudulent, coercive, or dishonest practices, or demonstrated incompetence or untrustworthiness in the conduct of business. Applying the law to the Findings of Fact it is clear the Insurance Producer License of DANA JENSEN SR. is subject to revocation and should be revoked.

CONCLUSIONS OF LAW

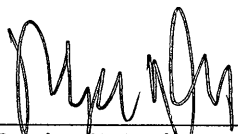
1. The Division has jurisdiction over DANA JENSEN SR. and the subject matter of this contested case. The Office of Hearing Examiners is authorized to conduct the hearing and issue a proposed decision pursuant to SDCL 1-26D-4.
2. The Division bears the burden of establishing the alleged statutory violations by clear and convincing evidence.
3. The Division established by clear and convincing evidence that DANA JENSEN SR. violated SDCL 58-33-66.
4. The Division established by clear and convincing evidence that the South Dakota Non-Resident Insurance Producer License of DANA JENSEN SR. is subject to revocation pursuant to SDCL 58-33-167(2) & (8).
5. Any additional Conclusions of Law included in the Reasoning section of this decision are incorporated herein by reference.
6. To the extent any of the foregoing are improperly designated and are instead findings of fact, they are hereby redesignated and incorporated herein as Findings of Fact.

Based on the above Findings of Fact, Reasoning, and Conclusions of Law, the Hearing Examiner enters the following:

PROPOSED DECISION

The South Dakota Non-Resident Insurance Producer License of DANA JENSEN SR. should be revoked.

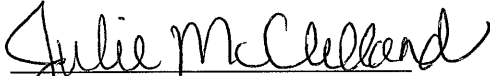
Dated this 15 day of June, 2023.



Hearing Examiner
Office of Hearing Examiners
523 East Capitol
Pierre, SD 57501

CERTIFICATE OF SERVICE

I certify on June 15, 2023, at Pierre, South Dakota, a true and correct copy of this Proposed Decision was mailed to each of the parties below.


Office of Hearing Examiners

Dana Jensen Sr.
1400 NE 56th Street
Fort Lauderdale, Fl 33334

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