

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

IN THE MATTER OF GARY SUTHERLAND) 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:

GARY SUTHERLAND, whose address of record is NAPLIA, 161 Worcester Road, Suite 504, Framingham, MA 01701, holds a nonresident insurance producer license in the State of South Dakota;

GARY SUTHERLAND is aware that the South Dakota Division of Insurance has conducted an investigation;

The South Dakota Division of Insurance alleges the following with regard to GARY SUTHERLAND:

- 1) GARY SUTHERLAND failed to report an administrative action taken against his insurance license by the State of Kentucky in April of 2012 within 30 days of the final disposition to the South Dakota Division of Insurance, in violation SDCL 58-30-193 and 58-30-167(2);
- 2) GARY SUTHERLAND failed to respond to the Division's inquiries dated June 12, 2012 and July 12, 2012, in violation of SDCL 58-33-66;
- 3) Pursuant to SDCL 58-30-167(2), 58-30-193, and 58-33-66, the Director of the South Dakota Division of Insurance may revoke or suspend GARY SUTHERLAND 's nonresident insurance producer license for the above-cited reasons.

GARY SUTHERLAND 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 GARY SUTHERLAND 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, GARY SUTHERLAND waives his right to contest the allegations contained in this Consent Order in any future actions or licensing procedures with the Division;

By signing this Consent Order, GARY SUTHERLAND neither admits to nor denies any violation of the laws of this state;

GARY SUTHERLAND agrees to pay Five Hundred Dollars (\$500) pursuant to SDCL 58-30-167 and SDCL 58-4-28.1, in lieu of a Final Order, and further agrees to conduct himself in accordance with the insurance laws and regulations of the State of South Dakota;

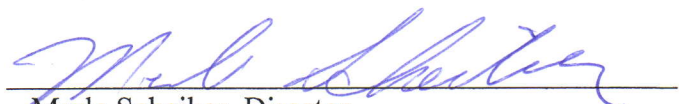
GARY SUTHERLAND agrees that this Consent Order may be considered for the purpose of determining the appropriate sanction in any future actions with the Division for any violations of the laws or regulations of the State of South Dakota or for failing to abide by any order of the Director;

Wherefore, good cause appearing from the foregoing, it is hereby ORDERED that GARY SUTHERLAND pay a monetary penalty in the amount of Five Hundred Dollars (\$500) payable to the South Dakota Division of Insurance for deposit in the general fund of the State of South Dakota and that GARY SUTHERLAND abide by the agreements made by it 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.

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

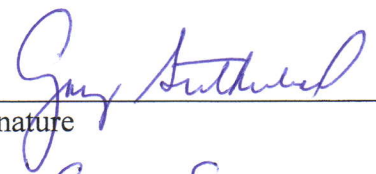
Dated at Pierre, South Dakota this 3rd day of June, 2013.



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 24th day of MAY, 2013.



Signature
GARY SUTHERLAND CEO

Name (typed or printed)