

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

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IN THE MATTER OF  
MICHAEL MCGUIRE

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)

CONSENT ORDER

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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:

MICHAEL MCGUIRE, whose address of record is P.O. Box 379, 209 N. Elm, Cresco, Iowa 52136, applied for a nonresident insurance producer license in the State of South Dakota;

MICHAEL MCGUIRE is aware that the South Dakota Division of Insurance ("Division") has conducted an investigation;

The South Dakota Division of Insurance alleges the following with regard to MICHAEL MCGUIRE:

- 1) MICHAEL MCGUIRE submitted a non-resident insurance producer application in November of 2013;
- 2) MICHAEL MCGUIRE provided incorrect and incomplete information in the license application, a violation of SDCL 58-30-167(1);
- 3) Pursuant to SDCL §§ 58-30-167(1), (2), (3), and (9), the Director of the South Dakota Division of Insurance may deny MICHAEL MCGUIRE 's nonresident insurance producer license for the above-cited reasons.

MICHAEL MCGUIRE 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 without admitting or denying the Division's allegations;

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

MICHAEL MCGUIRE agrees to pay \$500 pursuant to SDCL §§ 58-30-167 and 58-4-28.1, in lieu of an application denial, administrative hearing, and Final Decision;

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

MICHAEL MCGUIRE 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;

MICHAEL MCGUIRE waives his 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 MICHAEL MCGUIRE pay a monetary penalty in the amount of \$500 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 MICHAEL MCGUIRE abide by the agreements made by him in this Consent Order; and it is further

ORDERED that the non-resident insurance producer application of MICHAEL MCGUIRE is approved for licensure, the Division's April 2, 2014 denial letter being hereby rescinded; 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

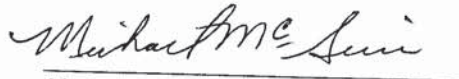
ORDERED that the provisions of this Consent Order shall be effective from the date the Director signs this Order.

Dated at Pierre, South Dakota this 28<sup>th</sup> day of August, 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 20 day of August, 2014.

  
Signature

Michael McGuire  
Name (typed or printed)