

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

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IN THE MATTER OF  
BARRY ZIMMERMAN

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)

CONSENT ORDER

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

BARRY ZIMMERMAN, whose address of record is BGAgents Insurance Services, Inc., 3300 Irvine Ave., Ste. 320, Newport Beach, CA 92660-3108, holds a nonresident insurance producer license in the State of South Dakota;

BARRY ZIMMERMAN is aware that the South Dakota Division of Insurance (“Division”) has conducted an investigation;

The Division alleges the following with regard to BARRY ZIMMERMAN:

- 1) BARRY ZIMMERMAN failed to timely report a New York administrative action in violation of SDCL § 58-30-193;
- 2) In 2013, the Division issued a Warning Letter to BARRY ZIMMERMAN concerning the reporting of administrative actions, which was not an administrative action;
- 3) BARRY ZIMMERMAN has applied for a renewal of his South Dakota license, which is set to renew on July 30, 2014;
- 4) Pursuant to SDCL §§ 58-30-167(2), and (8), the Director of the Division may deny BARRY ZIMMERMAN’s renewal application or revoke or suspend BARRY ZIMMERMAN's nonresident insurance producer license for the above-cited reasons;

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

BARRY ZIMMERMAN agrees to pay \$500 pursuant to SDCL §§ 58-30-167 and 58-4-28.1 in lieu of a nonrenewal, administrative hearing, and Final Decision;

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

BARRY ZIMMERMAN 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;


Wherefore, good cause appearing from the foregoing, it is hereby ORDERED that BARRY ZIMMERMAN 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 BARRY ZIMMERMAN abide by all the agreements made by him 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; 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 8<sup>th</sup> ~~29~~ day of August ~~July~~, 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 29 day of July, 2014.

  
BARRY ZIMMERMAN