

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

**IN THE MATTER OF
JASMINE CHASTANG
LICENSEE**

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**FINAL DECISION
INS 14-23**

After reviewing the record and the proposed decision 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 February 11, 2015 is adopted in full.

IT IS FURTHER ORDERED that the South Dakota Non-resident Insurance Producer License of Jasmine Chastang 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 18th day of February 2015



Marcia Hultman, Secretary
South Dakota Department of Labor and Regulation
700 Governors Drive
Pierre, SD 57501

**STATE OF SOUTH DAKOTA
OFFICE OF HEARING EXAMINERS**

**IN THE MATTER OF
JASMINE CHASTANG**

**PROPOSED DECISION
14-23**

V.

DIVISION OF INSURANCE

An administrative hearing was held in this matter on January 8, 2015. Licensee, Jasmine Chastang (Chastang), did not appear or testify at the hearing. The Division of Insurance (Division) was represented by Brendan Stratton. The Division had a witness, Amy Ondell. Based on the evidence, the arguments of the parties, and the law, the Hearing Examiner enters the following Findings of Fact, Conclusions of Law, and Proposed Order.

ISSUES

Whether Chastang failed to report to the Division administrative actions against her by the States of Iowa and Kansas?

Whether Chastang failed to update the Division following a change of a mailing address?

Whether Chastang failed to respond within 20 days to an inquiry from the Division?

Whether the Division may revoke Chastang's license as an insurance producer?

FINDINGS OF FACT

I.

Chastang was licensed by the division as an insurance Non-Resident Producer on December 27, 2010. Her license number is 40155589.

II.

Chastang's license is currently active. Her last known address provided to the Division was 3629 Medical Drive, Apartment 504, San Antonio Texas 78229-2151.

III.

On or about January 24, 2014, the State of Kansas took administrative action against Chastang's insurance producer license. Chastang's insurance license was revoked because she was applying for debit cards in fictitious names and using the cards to make purchases in the cafeteria.

IV.

On or about February 6, 2014, the State of Iowa also revoked Chastang's insurance producers license for fraudulent use of debit cards.

V.

Chastang did not report the Kansas or Iowa administrative actions to the Division.

VI.

On April 11, 2014, the Division sent Chastang an inquiry regarding the administrative actions in both Kansas and Iowa.

VII.

The Division sent that letter to Chastang at her address of record, 7027 FM 78 Apartment 10101, San Antonio Texas 78244-1477.

VIII.

The United States Postal Service (USPS) informed the division that Chastang had a new address at 3629 Medical Drive, Apartment 504, San Antonio Texas 78229-2151.

IX.

On May 12, 2014, the Division sent another inquiry via first class and certified mail to Chastang at 7027 FM 78 Apartment 10101, San Antonio Texas 78244-1477. The letters were returned and the USPS stated they were "not deliverable" and "unable to forward".

X.

On June 16, 2014, the Division sent another inquiry via first class and certified mail to Chastang at the other address, 3629 Medical Drive, Apartment 504, San Antonio Texas 78229-2151. The letters were returned to sender and the USPS said "unclaimed" and "unable to forward".

XI.

The Division made several attempts to contact Chastang via mail, email, and telephone, and did not receive a response.

XII.

The Division requested a hearing to revoke Ott's insurance producer license because of the administrative actions, because she failed to respond to inquiries by the division, and because she failed to notify the division of her change of address.

XIII.

Any additional findings included in the Reasoning section of this decision are incorporated herein by this reference. 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

There were two separate actions in two separate states, Kansas and Iowa, against Chastang. However, she failed to report either of these incidents to the Division. SDCL 58-30-193 states that an insurance producer shall report to the director any administrative action taken against the insurance producer in another jurisdiction or by another governmental agency in this state within thirty days of the final disposition of the matter. This report shall include a copy of the order, consent order, or other relevant legal documents.

The insurance law requires that a licensee shall inform the director in a form or format prescribed by the director of a change of address within thirty days of the change. SDCL 58-30-157. In this case, the USPS told the division that Chastang had an old address at 7027 FM 78 Apartment 10101, San Antonio Texas 78244-1477, and a new addresses at 3629 Medical Drive, Apartment 504, San Antonio Texas 78229-2151. However first class and certified letters to these addresses came back undeliverable, unclaimed, or unable to forward. It is clear that Chastang was not keeping the Division informed of any address changes.

Additionally, Chastang failed to respond to inquiries from the Division. Letters were mailed on April 11, May 12, and June 16, 2014, and there was no response. The Division also unsuccessfully attempted to make contact by telephone and emails. SDCL 58-33-66(1) provides that unfair or deceptive acts or practices in the business of insurance include failing to respond to an inquiry from or failing to supply documents requested by the Division of Insurance within twenty days of receipt of such inquiry or request.

SDCL 58-30-167 provides that the director may suspend for not more than twelve months, or may revoke or refuse to continue, any license issued under this chapter, or any license of a surplus lines broker after a hearing. Notice of such hearing and of the charges against the licensee shall be given to the licensee and to the insurers represented by such licensee or to the appointing agent of a producer at least twenty days before the hearing. The director may suspend, revoke, or refuse to issue or renew an insurance producer's license or may accept a monetary penalty in accordance with § 58-4-28.1 or any combination thereof, for any one or more of the following causes:

- (1) Providing incorrect, misleading, incomplete, or materially untrue information in the license application;
- (2) Violating any insurance laws or rules, subpoena, or order of the director or of another state's insurance director, commissioner, or superintendent;

In this case, Chastang violated several insurance laws. Chastang had administrative actions based on dishonesty taken against her in two other states. She failed to report these incidents to the Division. Additionally, she did not keep in contact with the Division or provide information on a change of address. The evidence shows that the Division has good reasons to revoke Chastang's insurance producer license.

CONCLUSIONS OF LAW

I.

The Division has jurisdiction over Chastang and the subject matter of this contested case. The Office of Hearing Examiners has authority to conduct the appeal pursuant to the provisions of SDCL 1-26D.

II.

Chastang violated the requirements of SDCL 58-30-193 in failing to advise the Division within thirty days of the State of Kansas's administrative action against her insurance license.

III.

Chastang violated the requirements of SDCL 58-30-193 in failing to advise the Division within thirty days of the State of Iowa's administrative action against her insurance license.

IV.

The failure of Chastang to report administrative actions against her insurance producer license is grounds for sanction by the Division pursuant to SDCL 58-30-167(2).

V.

Chastang committed an unfair or deceptive act in the business of insurance by failing to respond to an inquiry from the Division within twenty days as required by SDCL 58-33-66(1).

VI.

These violations of the statutes permit the Director of the Division of Insurance to revoke Chastang's insurance producer license and/or impose other sanctions as set forth in SDCL 58-30-167.

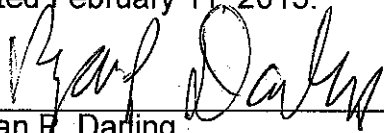
VII.

Any Conclusions of Law in the reasoning section of this decision are incorporated herein by reference. 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.

PROPOSED ORDER

It is the Proposed Order of the Hearing Examiner that the license of Jasmine Chastang be revoked.

Dated February 11, 2015.

A handwritten signature in black ink, appearing to read "Ryan F. Darling", is written over a horizontal line.

Ryan F. Darling
Office of Hearing Examiners
523 East Capitol
Pierre SD 57522

CERTIFICATE OF SERVICE

I certify that on February 12, 2015, at Pierre, South Dakota, a true and correct copy of this Proposed Order was mailed to each of the parties listed below.



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