

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

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IN THE MATTER OF  
ELIBERTO JUAN GRACIA

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)

CONSENT ORDER

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

ELIBERTO JUAN GRACIA, whose address of record is 6855 SW 120 ST Miami, Florida 33156 is a non-resident insurance producer licensed in the State of South Dakota;

ELIBERTO JUAN GRACIA is aware the South Dakota Division of Insurance ("Division") has conducted an investigation;

The Division alleges the following:

- 1) ELIBERTO JUAN GRACIA failed to report administrative actions taken by Delaware, California, and Colorado within 30 days of the final disposition, in violation of SDCL § 58-30-193;
- 2) ELIBERTO JUAN GRACIA was issued a Warning Letter in 2011 for a violation of SDCL § 58-30-193;
- 3) ELIBERTO JUAN GRACIA violated a 2013 Consent Order in which he agreed to conduct himself in accordance with the insurance laws of South Dakota; and
- 4) Pursuant to SDCL §§ 58-30-167(2), (8), and (9) and 58-30-193, the Director of the Division may revoke ELIBERTO JUAN GRACIA's non-resident insurance producer license for the above-cited conduct.

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

ELIBERTO JUAN GRACIA agrees to pay \$500 pursuant to SDCL §§ 58-30-167 and 58-4-28.1, in lieu of an administrative hearing and Final Decision;

ELIBERTO JUAN GRACIA further agrees to conduct himself in accordance with the insurance laws and regulations of the State of South Dakota;

ELIBERTO JUAN GRACIA 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;

ELIBERTO JUAN GRACIA 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 ELIBERTO JUAN GRACIA 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

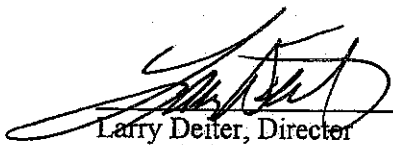
ORDERED that ELIBERTO JUAN GRACIA abide by the agreements made by her in this Consent Order; and it is further

ORDERED that should ELIBERTO JUAN GRACIA fail to comply with the provisions of this Order, the Division may seek the suspension or revocation of ELIBERTO JUAN GRACIA's nonresident insurance producer license at hearing, or seek other remedies available at law; 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

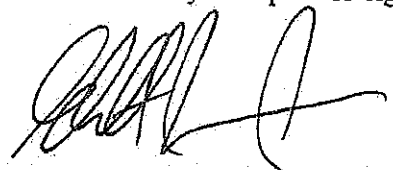
ORDERED that the provisions of this Consent Order shall be effective from the date the Director signs this Order.

Dated at Pierre, South Dakota this 25<sup>th</sup> day of August, 2015

  
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Larry Deiter, 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 12 day of AUGUST, 2015

  
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Signature  
Eliberto Gracia  
Name (typed or printed)