

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

**IN THE MATTER OF
THURMAN WILSON**

) **FINAL DECISION**
)

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 Decision, dated November 3, 2016 are adopted in full with the following exceptions:

Due to a date error, Findings of Fact paragraph number 2 is modified to read as follows:

On or about October 13, 2015, the State of North Dakota issued a default order against Wilson.

Due to a date error, Findings of Fact paragraph number 3 is modified to read as follows:

Wilson's insurance license in North Dakota was revoked because he did not report an administrative action from the State of Michigan that occurred on October 10, 2013.

THEREFORE IT IS FURTHER ORDERED the South Dakota non-resident insurance producer license of Thurman Wilson is hereby 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 9th day of November, 2016.



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
THURMAN WILSON**

**INS 16-04
PROPOSED DECISION**

v.

DIVISION OF INSURANCE

An administrative hearing was held in this matter on October 12, 2016. Licensee, Thurman Wilson (Wilson), did not appear or testify at the hearing. The Division of Insurance (Division) was represented by Benjamin Eirikson. The Division had a witness, Tony Dorschner. 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 Wilson failed to report to the Division administrative actions against him by the States of North Dakota and Ohio?

Whether Wilson failed to report the administrative actions to the Division within 30 days?

Whether Wilson failed to respond to inquiries from the Division?

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

FINDINGS OF FACT

1. Wilson was licensed by the Division as an insurance producer on August 6, 2014. His license number is 40365249 and is currently active.
2. On or about October 13, 2014, the State of North Dakota issued a default order against Wilson.
3. Wilson's insurance license in North Dakota was revoked because he did not report an administrative action from the State of Michigan that occurred on November 10, 2013.
4. On or about January 7, 2014, the State of California revoked Wilson's insurance license because he failed to report the Michigan action.

5. On or about November 19, 2014, the State of Ohio revoked Wilson's insurance license because he failed to report actions in Michigan and California.
6. None of these administrative actions in the other states were reported to the Division.
7. On December 16, 2015, the Division sent Wilson an inquiry regarding the North Dakota administrative action.
8. The Division sent that letter to Wilson at his address of record, 881 NW 85th Terrace, Apartment 1605, Plantation, Florida, 33324-1251
9. Wilson did not respond to the Division's December 16, 2015 letter.
10. On January 21, 2016, the Division sent another inquiry to Wilson at his address of record. This letter was sent via first class and certified mail.
11. The United States Postal Service records indicate the Division's letter was delivered on January 25, 2016.
12. Wilson did not respond to the Division's letter.
13. The Division has requested to revoke Wilson's insurance producer license and hearing on the matter was scheduled for October 12, 2016.
14. 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

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. In this case, Wilson did not report an administrative action from North Dakota. There are also unreported administrative actions from California, Michigan, and Ohio.

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 violating any insurance laws or rules, subpoena, or order of the director or of another state's insurance director, commissioner, or superintendent and having an insurance producer license, or its equivalent, denied, suspended, or revoked in any other state, province, district, or territory. At the conclusion of the matter, the director shall send a letter to the licensee, the insurers represented by such licensee, and the appointing agent of a producer, stating the final determination of the matter. SDCL §58-30-167 (2) & (9).

Wilson also committed an unfair or deceptive insurance practice when he failed to answer inquiries from the Division. 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 §58-33-66(1).

The evidence shows that the Division should revoke Wilson's Insurance producers license. There were several administrative actions in other states. Wilson did not report these actions. Additionally, Wilson did not respond to inquiries from the Division about the actions.

CONCLUSIONS OF LAW

1. The Division has jurisdiction over Wilson 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.
2. Wilson violated the requirements of SDCL 58-30-193 in failing to advise the Division within thirty days of the State of North Dakota's administrative action against his insurance license.
3. The failure of Wilson to report the state of North Dakota's administrative action against his insurance producer license is grounds for sanction by the Division pursuant to SDCL 58-30-167(2).
4. Wilson 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).
5. These violations of the statutes permit the Director of the Division of Insurance to revoke Wilson's insurance producer license and/or impose other sanctions as set forth in SDCL 58-30-167.
6. 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 Thurman Wilson be revoked.

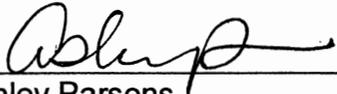
Dated November 3, 2016.



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

CERTIFICATE OF SERVICE

I certify that on November 3, 2016, at Pierre, South Dakota, a true and correct copy of the Findings of Fact, Conclusions of Law and Proposed Order in the above-entitled matter was sent via U.S. Mail or Inter-Office Mail to each party listed below.



Ashley Parsons

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