

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

IN THE MATTER OF
JOHN A. MITCHELL

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)

CONSENT ORDER

In resolution of the above titled matter and in lieu of a renewal application denial, Notice of Hearing, and a formal hearing, the undersigned parties do hereby agree to the following:

JOHN A. MITCHELL, whose address of record is 7415 S. Grand Arbor Ct., Sioux Falls, SD 57108, is a resident insurance producer applicant in the State of South Dakota;

JOHN A. MITCHELL is aware that the South Dakota Division of Insurance has conducted an investigation;

The Division alleges the following with regard to JOHN A. MITCHELL:

- 1) JOHN A. MITCHELL has been a licensed resident insurance producer in South Dakota since December 2007;
- 2) JOHN A. MITCHELL submitted a renewal application for his resident insurance producer license on April 30, 2018;
- 3) JOHN A. MITCHELL violated SDCL §§ 58-33A-16 and 58-33A-17 by recommending and participating in the sale and exchange of annuity products that were not suitable for the consumer or by failing to properly determine the suitability of the annuity products and exchange for the consumer;
- 4) JOHN A. MITCHELL failed to completely and timely respond to Division inquires dated April 12, 2018 and May 1, 2018, in violation of SDCL § 58-33-66;
- 5) Pursuant to SDCL §§ 58-30-167(2) & (8), 58-33-66, 58-33-68, 58-33A-16, and 58-33A-17, the Director of the South Dakota Division of Insurance may deny JOHN A. MITCHELL's resident insurance producer renewal application for the above-cited reasons.

JOHN A. MITCHELL 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 JOHN A. MITCHELL agreeing to and complying with the provisions of this Consent Order, the Division agrees not to proceed to a formal administrative hearing and agrees that this Consent Order will constitute an informal disposition of this licensing matter pursuant to SDCL § 126-20;

JOHN A. MITCHELL agrees, in lieu of contesting this matter formally, to the revocation of his resident insurance producer's license and to cease the transaction of insurance business in this state;

JOHN A. MITCHELL further agrees that this Consent Order may be considered in any future license decision by the Division or 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 the resident insurance producer's license of JOHN A. MITCHELL is hereby revoked; and it is further

ORDERED that the use of this Consent Order for competitive purposes by an insurance agent or thirdparty 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.

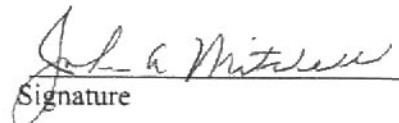
Dated at Pierre, South Dakota this 17th day of September, 2018.



Larry Dieter, Director
South Dakota Division of Insurance

I do not agree that the findings or allegations of the South Dakota Department of Labor and Regulation are true; however, 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 8th day of August, 2018.



Signature

John A. Mitchell
Name (Print)