

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

IN THE MATTER OF)	
BRIAN WILLIAM NELSON, &)	CONSENT ORDER
BRIAN NELSON AGENCY, INC.)	

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

BRIAN WILLIAM NELSON, whose address of record is 2200 W 49th ST, Sioux Falls, SD 57105 is an individual who is currently licensed as a resident insurance producer in the State of South Dakota and is the sole owner of the BRIAN NELSON AGENCY, INC. with the same address of record, a licensed business entity in the State of South Dakota;

BRIAN WILLIAM NELSON and the BRIAN NELSON AGENCY, INC. (hereafter jointly referred to as "RESPONDENTS:") are aware that the South Dakota Division of Insurance ("Division") has conducted an investigation;

The Division alleges the following with regard to the RESPONDENTS:

1. RESPONDENTS were terminated for cause from an insurer;
2. RESPONDENTS intentionally misrepresented the terms of an actual or proposed insurance contract or application for insurance, in violation of SDCL §§ 58-30-167(5) and 58-33-37;
3. RESPONDENTS used fraudulent, coercive, or dishonest practices, or demonstrated incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere, in violation of SDCL § 58-30-167(8);
4. BRIAN WILLIAM NELSON was the subject of a July 3, 2019 Consent Order imposing a \$1,500 monetary penalty for violating the anti-rebating laws of South Dakota, under which he agreed to and was ordered to conduct himself in accordance with the insurance laws and regulations of the State of South Dakota;
5. BRIAN WILLIAM NELSON is in violation of an Order of the Director of Insurance in violation of SDCL 58-30-167(2);
6. Pursuant to SDCL §§ 58-30-167(2), (5), & (8), and 58-33-37, the Director of the Division may revoke the RESPONDENTS' insurance producer and business entity license for violating the insurance laws of South Dakota.

RESPONDENTS are aware of and understands the nature of the charges and have been informed that they have the right to counsel, hearing, and appeal and that by agreeing to and signing this Consent Order, waives these rights;

By the execution of this Consent Order RESPONDENTS neither admit to nor deny any violations of the laws of the State of South Dakota, but waive their right to contest the allegations contained in this Consent Order;

In return for RESPONDENTS agreeing to the provisions of this Consent Order, the Division agrees not to proceed to administrative hearing and agrees that this Consent Order will constitute the final disposition pursuant to SDCL § 1-26-20;

RESPONDENTS agree, in lieu of contesting this matter formally, to the revocation of their resident insurance producer's license & resident business entity license respectively, and agree to cease the transaction of insurance business in this state;

RESPONDENTS further agree that this Consent Order may be considered in any future licensing procedures with the South Dakota Division of Insurance and 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;

By the execution of this Consent Order, RESPONDENTS waive their right to contest the allegations contained in this Consent Order in any future licensing proceedings;

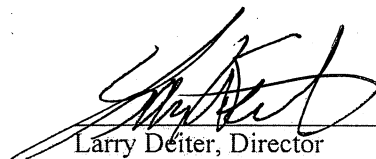
Wherefore, good cause appearing from the foregoing, it is hereby ORDERED that the resident insurance producer's license of BRIAN WILLIAM NELSON is hereby revoked; and it is further

ORDERED that the resident business entity license of the BRIAN NELSON AGENCY, INC. is hereby revoked; 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 23rd day of March, 2022.



Larry Deiter, Director
South Dakota Division of Insurance

[Signature page for RESPONDENTS follows]

The undersigned, on behalf of himself and the BRIAN NELSON AGENCY, INC., represents that he and the company understand the terms of this Consent Order and the waiver of their due process rights and that they voluntarily enter into this Consent Order.

Dated this 22 day of March, 2022.

A handwritten signature in black ink, appearing to be 'Brian Nelson', written over a horizontal line.

Brian Nelson