



SOUTH DAKOTA
DEPT. OF **LABOR**
& **REGULATION**

**DIVISION OF
INSURANCE**

Tel: 605.773.3563 | Fax: 605.773.5369

dlr.sd.gov/insurance

August 16, 2022

SENT VIA CERTIFIED MAIL & FIRST-CLASS MAIL

Fernando Claustro
139 Stillman Way #3
Upland, CA 91786

Re: Application for South Dakota Non-Resident Insurance Producer License

Dear Mr. Claustro,

This letter is to notify you that your application for licensure as a non-resident insurance producer in South Dakota has been denied. The reason for the denial is as follows:

You submitted an application for an individual non-resident insurance producer license to the South Dakota Division of Insurance (“Division”) on July 6, 2021. You answered “yes” to Question 1A of the licensing application asking if you had ever been convicted of a misdemeanor. You also answered “no” to Question 1B of the licensing application asking if you had ever been convicted of a felony or are currently charged with committing a felony and Question 2 asking if you had ever been named or involved as a party in an administrative proceeding.

Documentation later provided explained Question 1B was answered incorrectly and included information regarding a 2019 misdemeanor charge for disturbance by loud or unreasonable noise, a 2020 felony charge for resisting arrest, and ongoing motion to request a new trial regarding a 2021 charge of exceeding the speed limit on highway at a speed greater than 100 miles per hour.

On December 18, 2018, the California Department of Insurance placed your insurance license on probation and restricted it due to criminal record and history. The administrative action was not reported to the Division in your application.

On November 22, 2021, the New York Insurance Department denied your application for a non-resident insurance producer license. The New York license was denied based on the failure to respond. The New York denial was not reported to the Division in your application.

The Division wrote to you on January 10, 2022, requesting an explanation as to the 2018 California administrative action. The Division received no response, and the email sent to the business email on record was returned as undeliverable. The Division wrote a citation letter on June 6, 2022, which was sent via email, first-class mail, and first-class certified mail. No response was received, and the certified letter was returned as unclaimed. A call was placed to your home phone of record on June 30, 2022, in an attempt to contact you. The Division was unable to leave a message.

Therefore, your application is denied based upon SDCL 58-30-167(1), (2), (6), and (9) for providing incomplete information in the license application, violating any insurance laws, rules,



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or order of another state's insurance director, having been convicted of a felony, and having an insurance producer license denied in another state.

Please note that this denial is considered an administrative action which will be reported to the data base maintained by the National Association of Insurance Commissioners. If an administrative action occurs, an insurance producer may be required to report the action to any and all states in which an insurance license is held and in accordance with the timeframes and requirements of each state.

Pursuant to SDCL 58-30-168, you may make a written request to the Division of Insurance within 30 days of the date of this denial for a hearing to determine the reasonableness of this decision to deny your application for licensure.

Sincerely,

Tony Dorschner, *Assistant Director Producer Licensing*
South Dakota Division of Insurance
Department of Labor and Regulation

CC: Fernando.lcjr91@gmail.com