



June 23, 2022

SENT FIRST CLASS AND CERTIFIED MAIL

Elena Del Carmen Rivera
4515 Hendricks Ave.
Apt. 5
Laredo, TX 78041-5089

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

Dear Ms. Rivera,

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 nonresident insurance producer license to the South Dakota Division of Insurance ("Division") on September 26, 2021. You answered "no" to all questions of the application. However, documentation that was included with the application indicated felony charges in 2018 for engaging in organized criminal activity and property theft of greater than \$150,000 but less than \$300,000.

On January 13, 2021, the Wisconsin Insurance Department reviewed your application for a nonresident insurance producer license. The Wisconsin license was denied based on criminal history and failure to respond. The Wisconsin denial was not reported to the Division.

The Division wrote to you on December 7, 2021, requesting an explanation on the facts and circumstances surrounding the felony charges, additional court documentation for the charges, and an explanation to answering Question 1B regarding felony charges as "no." The Division received no response and wrote a citation letter on January 11, 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 it was unclaimed. A call was placed to your home phone of record on February 11, 2022, in an attempt to contact you. During the conversation with the Division's compliance agent, you were advised as to the information being requested and provided a personal email address. A follow-up email was sent on February 11, 2022, after the phone conversation reiterating the requested information and providing the December 7, 2021, letter.

On March 15, 2022, a final email was sent to your personal email as no response had been received regarding the requested information. The email advised a response must be received by March 21, 2022, or the application would be sent to the Division's legal department for denial. The Division did receive your April 25, 2022, email, which included the requested documents, but the requested documents were not received in a timely manner.

Therefore, your application is denied based upon SDCL §§ 58-30-167(1), (2) and (8), 58-33-66(1), and ARSD 20:06:01:03 for providing incomplete information in the license application, violating any insurance laws, rules, or order of the state's insurance director, using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere, failing to respond to an inquiry from the Division, and engaging in conduct which is unlawful, dishonest, deceitful, or fraudulent.



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

DIVISION OF INSURANCE

Tel: 605.773.3563 | Fax: 605.773.5369

dlr.sd.gov/insurance

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: ellie.rivera2004@gmail.com