

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

**IN THE MATTER OF
CHRISTOPHER GEORGE
LICENSEE**

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**FINAL DECISION
INS 23-024**

After reviewing the record and the proposed order 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 Order, dated June 21, 2023, is adopted in full.

IT IS FURTHER ORDERED that the South Dakota Non-resident Insurance Producer License of Christopher George will hereby be 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 28 day of June, 2023.



Marcia Hultman, Secretary
South Dakota Department of Labor and Regulation
123 W. Missouri Ave.
Pierre, SD 57501

STATE OF SOUTH DAKOTA
DEPARTMENT OF LABOR AND REGULATION

IN THE MATTER OF
CHRISTOPHER GEORGE

INS 23-024

NOTICE OF ENTRY OF PROPOSED
FINDINGS OF FACT, CONCLUSION OF LAW,
AND DECISION AND FINAL DECISION

NOTICE IS HEREBY GIVEN, that attached hereto, is a true and correct copy of the Proposed Findings of Fact, Conclusions of Law, and Decision, and Final Decision entered by Marcia Hultman, Secretary of the South Dakota Department of Labor and Regulation, on June 28, 2023.

Dated this 5th day of July, 2023.



Lisa M. Harmon
Legal Counsel
South Dakota Division of Insurance
124 S. Euclid Ave., 2nd Floor
Pierre, SD 57501
(605) 773-3563

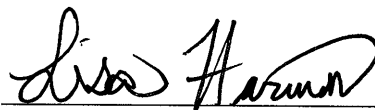
CERTIFICATE OF SERVICE

I, Lisa Harmon, the undersigned, do hereby certify that on the date shown below, a true and correct copy of the Proposed Findings of Fact, Conclusions of Law, and Decision, and Final Decision with respect to the above-entitled action was sent U.S. Certified Mail, U.S. First Class Mail, and electronic mail thereon, to the following:

CHRISTOPHER GEORGE
9131 Gold Hill Rd.
MT Pleasant, NC, 28124-7613

chrisgeorge0116@gmail.com

Dated this 5th day of July, 2023 in Pierre, South Dakota.



Lisa M. Harmon
Legal Counsel
South Dakota Division of Insurance
124 S. Euclid Ave., 2nd Floor
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(605) 773-3563

**STATE OF SOUTH DAKOTA
OFFICE OF HEARING EXAMINERS**

**IN THE MATTER OF
CHRISTOPHER GEORGE**

**INS 23-024
PROPOSED DECISION**

This matter came for hearing before the Office of Hearing Examiners on June 8th, 2023 pursuant to a Notice of Hearing issued by the South Dakota Division of Insurance (“Division”) on May 3rd, 2023. Lisa M. Harmon appeared as counsel for the Division with a witness, Gavin Munson. CHRISTOPHER GEORGE did not appear, either in person or through counsel. The Division made a motion for summary disposition of this case, admitting its Exhibits 1 through 6 into evidence, and asking that the Hearing Examiner enter these Proposed Findings of Fact, Conclusions of Law, and Proposed Decision as a default disposition to this contested case. That motion granted, the Hearing Examiner enters this Proposed Decision.

ISSUE

Whether the Non-Resident Insurance Producer License of CHRISTOPHER GEORGE should be revoked for violating the insurance laws of South Dakota and other jurisdictions; for demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere; for having administrative actions in other states resulting in license denial and license revocation; for failing to timely report administrative actions to the Division; and for failing to timely respond to the Division in violation of SDCL 58-30-167(2), (8), & (9), 58-30-193, 58-33-66, and 58-33-68.

FINDINGS OF FACT

1. CHRISTOPHER GEORGE was licensed by the Division as an insurance producer on September 10th, 2021. The license is currently active. (Exhibit 1).
2. CHRISTOPHER GEORGE was the subject of administrative actions in other jurisdictions:
 - a. State of Florida, November 22nd, 2021, denied CHRISTOPHER GEORGE’s license due to criminal history. (Exhibit 2); and
 - b. State of Louisiana, August 19th, 2022, revoked CHRISTOPHER GEORGE’s license due to failing to report other state actions. (Exhibit 3).
4. CHRISTOPHER GEORGE did not report the administrative actions to the Division.
5. The Division sent inquiries to CHRISTOPHER GEORGE at the address of record regarding licensure matters. (Exhibits 4-6).
6. CHRISTOPHER GEORGE did not respond to the Division’s inquiries. (Exhibits 4-6).

7. Any additional Findings of Fact included in the Reasoning section of this decision are incorporated herein by reference.
8. 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

This case involves a request by the Division to revoke the South Dakota Insurance Producer's License of CHRISTOPHER GEORGE. As a consequence of the potential loss of Respondent's livelihood from the lack of licensure, the burden of proof in this matter is higher than the preponderance of evidence standard, which applies in a typical administrative hearing. "In matters concerning the revocation of a professional license, we determine that the appropriate standard of proof to be utilized by an agency is clear and convincing evidence." *In re Zar*, 434 N.W.2d 598, 602 (S.D. 1989). Our Supreme Court has defined "clear and convincing evidence" as follows:

The measure of proof required by this designation falls somewhere between the rule in ordinary civil cases and the requirement of our criminal procedure, that is, it must be more than a mere preponderance but not beyond a reasonable doubt. It is that measure or degree of proof which will produce in the mind of the trier of facts a firm belief or conviction as to the allegations sought to be established. The evidence need not be voluminous or undisputed to accomplish this.

Brown v. Warner, 78 S.D. 647, 653, 107 NW2d 1, 4 (1961).

SDCL 58-30-193 states that "[A]n insurance producer shall report to the director any administrative action taken against the insurance producer in another jurisdiction... 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." SDCL 58-33-66(1) requires CHRISTOPHER GEORGE to respond to the Division and supply requested documents within twenty days from the receipt of a request. In addition, the Division considers SDCL 58-30-167 (shown in pertinent part) as follows:

The director may... revoke or refuse to continue, any license issued under this chapter... after a hearing... The director may... revoke... an insurance producer's... for any one or more of the following causes:

- ...
(2) Violating any insurance laws or rules, subpoena, or order of the director or of another state's insurance director, commissioner, or superintendent;
- ...
(8) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere;

- (9) Having an insurance producer license, or its equivalent, denied, suspended, or revoked in any other state, province, district, or territory;

...

The evidence indicates that CHRISTOPHER GEORGE violated the insurance laws of other jurisdictions, failed to report those actions, and had a license denied and revoked in other jurisdictions. During the Division's investigation, CHRISTOPHER GEORGE failed to respond to Division inquiries regarding the action. The evidence further indicates that CHRISTOPHER GEORGE used fraudulent, coercive, or dishonest practices, or demonstrated incompetence or untrustworthiness in the conduct of business. Applying the law to the Findings of Fact it is clear the Insurance Producer License of CHRISTOPHER GEORGE is subject to revocation and should be revoked.

CONCLUSIONS OF LAW

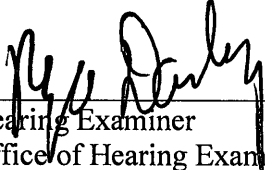
1. The Division has jurisdiction over CHRISTOPHER GEORGE and the subject matter of this contested case. The Office of Hearing Examiners is authorized to conduct the hearing and issue a proposed decision pursuant to SDCL 1-26D-4.
2. The Division bears the burden of establishing the alleged statutory violations by clear and convincing evidence.
3. The Division established by clear and convincing evidence that CHRISTOPHER GEORGE violated SDCL 58-30-193.
4. The Division established by clear and convincing evidence that CHRISTOPHER GEORGE violated SDCL 58-33-66.
5. The Division established by clear and convincing evidence that the South Dakota Non-Resident Insurance Producer License of CHRISTOPHER GEORGE is subject to revocation pursuant to SDCL 58-33-167(2), (8), & (9).
6. Any additional Conclusions of Law included in the Reasoning section of this decision are incorporated herein by reference.
7. 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.

Based on the above Findings of Fact, Reasoning, and Conclusions of Law, the Hearing Examiner enters the following:

PROPOSED DECISION

The South Dakota Non-Resident Insurance Producer License of CHRISTOPHER GEORGE should be revoked.

Dated this 21 day of June, 2023.



Hearing Examiner
Office of Hearing Examiners
523 East Capitol
Pierre, SD 57501

CERTIFICATE OF SERVICE

I certify on June 21, 2023, at Pierre, South Dakota, a true and correct copy of this Proposed Decision was mailed to each of the parties below.



Office of Hearing Examiners

CHRISTOPHER GEORGE
9131 Gold Hill Rd.
MT Pleasant, NC, 28124-7613
chrisgeorge0116@gmail.com

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