

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

**IN THE MATTER OF  
EVAN ROBERTSON**

)  
)  
)

**FINAL DECISION  
INS 24-070**

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 April 7, 2025, is adopted in full.

IT IS FURTHER ORDERED that the South Dakota Non-resident Insurance Producer License of the respondent 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 14<sup>TH</sup> day of April, 2025.



Marcia Hultman, Secretary  
South Dakota Department of Labor and Regulation  
700 Governors Drive  
Pierre, SD 57501

STATE OF SOUTH DAKOTA  
DEPARTMENT OF LABOR AND REGULATION

IN THE MATTER OF  
EVAN ROBERTSON

INS 24-070  
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 April 14, 2025.

Dated this 22<sup>nd</sup> day of April, 2025.



---

Callie A. Pospishil  
Legal Counsel  
South Dakota Division of Insurance  
124 S. Euclid Ave., 2<sup>nd</sup> Floor  
Pierre, SD 57501  
(605) 773-3563

## CERTIFICATE OF SERVICE

I, Callie Pospishil, 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:

Evan Edward Robertson  
1500 Solana Blvd Bldg 4 Ste 4500  
Westlake TX 76262  
addie.thielen@goosehead.com

AMERICAN MODERN HOME INS CO  
7000 MIDLAND BLVD  
AMELIA, Ohio 45102

Dated this 22<sup>nd</sup> day of April, 2025 in Pierre, South Dakota.



---

Callie A. Pospishil  
Legal Counsel  
South Dakota Division of Insurance  
124 S. Euclid Ave., 2<sup>nd</sup> Floor  
Pierre, SD 57501  
(605) 773-3563

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

**IN THE MATTER OF  
EVAN ROBERTSON**

**INS 24-070  
PROPOSED DECISION**

This matter came for hearing before the Office of Hearing Examiners on **1:30 p.m., central time, on February 28, 2025**, pursuant to a Notice of Hearing issued by the South Dakota Division of Insurance ("Division") on January 14, 2024. Callie A. Pospishil appeared as counsel for the Division. EVAN ROBERTSON ("ROBERTSON") did not appear, either in person or through counsel. The Division admitted its Exhibits 1 through 6 into evidence and moved that the Hearing Examiner enter these Proposed Findings of Fact, Conclusions of Law, and Proposed Decision as a default disposition to this contested case.

**ISSUE**

Whether the Non-Resident Insurance Producer License of ROBERTSON should be revoked due to violating the insurance laws of another state; failing to report an administrative action and failing to respond to the Division's inquiries, in violation of SDCL §§ 58-30-167(2), 58-30-193, and 58-33-66.

**FINDINGS OF FACT**

1. ROBERTSON was licensed by the Division as an insurance producer on June 13, 2023. The license is currently active. (Exhibit 1).
2. ROBERTSON was subject to an administrative action in the state of Louisiana. (Exhibit 2).
3. On January 4, 2024, the State of Louisiana fined ROBERTSON due to failing to disclose another administrative action. (Exhibit 2).
4. ROBERTSON did not timely report the administrative action to the Division within 30 days.
5. The Division sent inquiries to ROBERTSON on May 24, 2024, June 14, 2024, and July 18, 2024, at the address of record regarding the licensure matters. (Exhibits 3-5).
6. ROBERTSON did not provide a complete response to the Division's inquiries. (Exhibits 3-6).
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 Non-Resident Insurance Producer's License of ROBERTSON. 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 N.W.2d 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 ROBERTSON to respond to the Division and supply requested documents within twenty days from the receipt of a request. Also, 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 license... 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;

The evidence indicates that ROBERTSON violated the insurance laws of South Dakota, failing to report all the administrative actions, and failing to respond to Division inquiries regarding the actions. Applying the law to the Findings of Fact, it is clear the Non-Resident Insurance Producer License of ROBERTSON is subject to revocation and should be revoked.

### CONCLUSIONS OF LAW

1. The Division has jurisdiction over ROBERTSON 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 ROBERTSON violated SDCL § 58-30-193.
4. The Division established by clear and convincing evidence that ROBERTSON violated SDCL § 58-33-66.
5. The Division established by clear and convincing evidence that the South Dakota Non-Resident Insurance Producer License ROBERTSON is subject to revocation pursuant to SDCL § 58-30-167(2).

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 EVAN ROBERTSON should be revoked.

Dated this 7 day of April, 2025.



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

### CERTIFICATE OF SERVICE

I certify on April 7, 2025, at Pierre, South Dakota, a true and correct copy of this Proposed Decision was mailed to each of the parties below.



Julie McClelland  
Office of Hearing Examiners

EVAN EDWARD ROBERTSON  
1500 SOLANA BLVD BLDG 4 STE 4500  
WESTLAKE TX 76262  
addie.thielen@goosehead.com

AMERICAN MODERN HOME INS CO  
7000 MIDLAND BLVD  
AMELIA, OH 45102

Callie A. Pospishil  
Division of Insurance  
124 S. Euclid Ave., 2<sup>nd</sup> Floor  
Pierre, SD 5750