STATE OF SOUTH DAKOTA
DEPARTMENT OF LABOR AND REGULATION

IN THE MATTER OF
ALICIA ROMAN

INS 24-48

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 January 2, 2025.

Dated this 7th day of January, 2025.

Clayton Grueb
Legal Counsel
South Dakota Division of Insurance
2330 N. Maple Ave. Suite 1
Rapid City, SD 57701
(605) 394-3396

CERTIFICATE OF SERVICE

I, Clayton Grueb, 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 and first-class mail thereon, to the following:

ALICIA ROMAN
2385 AUTUMN GROVE CIR
AURORA, IL 60504-5873

ALICIA ROMAN
330 N WABASH AVE STE 39300
CHICAGO, IL 60611-5885

Dated this 7th day of January, 2025 in Rapid City, South Dakota.

Clayton Grueb
Legal Counsel
South Dakota Division of Insurance
2330 N. Maple Ave. Suite 1
Rapid City, SD 57701
(605) 394-3396

SOUTH DAKOTA
DEPARTMENT OF LABOR AND REGULATION
DIVISION OF INSURANCE

IN THE MATTER OF	)	
ALICIA ROMAN	)	**FINAL DECISION**
	)	**INS 24-48**

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 December 19, 2024 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 2 day of January, 2025.

M. Hultman

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

STATE OF SOUTH DAKOTA
OFFICE OF HEARING EXAMINERS

IN THE MATTER OF
ALICIA ROMAN

INS 24-48
PROPOSED DECISION

This matter came for hearing before the Office of Hearing Examiners on December 12, 2024, pursuant to an amended Notice of Hearing issued by the South Dakota Division of Insurance ("Division") on November 14, 2024. Clayton Grueb appeared as counsel for the Division. ALICIA ROMAN did not appear, either in person or through counsel. The Division admitted its Exhibits 1 through 4 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 ALICIA ROMAN should be revoked due to failing to timely respond to the Division; for demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere; in violation of SDCL §§ 58-30-167(2), (8), 58-33-66, and 58-33-68.

FINDINGS OF FACT

1. ALICIA ROMAN was licensed by the Division as an insurance producer and the license is currently active. (Exhibit 1).

2. ALICIA ROMAN was terminated for-cause from an insurer. (Exhibit 2-3).

3. The Division sent inquiries to ALICIA ROMAN at the address of record regarding termination and allegations made by the insurer. (Exhibit 4-5).

4. ALICIA ROMAN did not respond to the Division's inquiries. (Exhibit 4-5).

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

6. 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 ALICIA ROMAN. 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 58-33-66(1) requires ALICIA ROMAN 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;

The evidence indicates that ALICIA ROMAN used fraudulent, coercive, or dishonest practices, or demonstrated incompetence or untrustworthiness in the conduct of her business and it further shows that she failed to timely respond to the Division's inquires. Applying the law to the Findings of Fact it is clear the Non-Resident Insurance Producer License of ALICIA ROMAN is subject to revocation and should be revoked.

CONCLUSIONS OF LAW

1. The Division has jurisdiction over ALICIA ROMAN 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 ALICIA ROMAN violated SDCL § 58-33-66.

4. The Division established by clear and convincing evidence that the South Dakota Non-Resident Insurance Producer License of ALICIA ROMAN is subject to revocation pursuant to SDCL§ 58-33-167(2) & (8).

5. Any additional Conclusions of Law included in the Reasoning section of this decision are incorporated herein by reference.

6. 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 ALICIA ROMAN should be revoked.

Dated this 19th day of December, 2024.

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

CERTIFICATE OF SERVICE

I certify on December 19, 2024, at Pierre, South Dakota, a true and correct copy of this Proposed Decision was mailed to each of the parties below.

Julie McClelland, Legal Secretary
Office of Hearing Examiners
523 East Capitol Ave
Pierre SD 57501

ALICIA ROMAN
2385 AUTUMN GROVE CIR
AURORA, IL 60504-5873

ALICIA ROMAN
330 N WABASH AVE STE 39300
CHICAGO, IL 60611-5885

Clayton Grueb
Division of Insurance
2330 N. Maple Ave, Suite 1
Rapid City, SD 57701