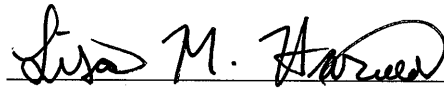


BEFORE THE DIVISION OF INSURANCE
DEPARTMENT OF LABOR AND REGULATION
STATE OF SOUTH DAKOTA

IN THE MATTER OF THOMAS HO KANG	INS 26-004 NOTICE OF ENTRY OF PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION, AND FINAL DECISION
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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 9, 2026.

Dated this 10th day of April, 2026.



Lisa M. Harmon
Insurance Division Legal Counsel
South Dakota Dept. of Labor and Regulation
124 S. Euclid Ave., 2nd Floor
Pierre, SD 57501
Phone (605) 773-3563
Fax (605) 773-5369

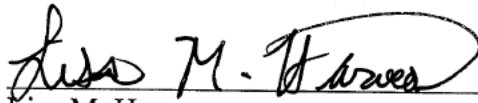
CERTIFICATE OF SERVICE

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

THOMAS HO KANG


THOMAS HO KANG


Dated this 10th day of April, 2026 in Pierre, South Dakota.



Lisa M. Harmon
Insurance Division Legal Counsel
Department of Labor and Regulation
124 S. Euclid Ave., 2nd Floor
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BEFORE THE DIVISION OF INSURANCE
DEPARTMENT OF LABOR AND REGULATION
STATE OF SOUTH DAKOTA

IN THE MATTER OF
THOMAS HO KANG

INS 26-004
FINAL DECISION

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 1, 2026 is adopted in full.

IT IS FURTHER ORDERED that the South Dakota 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 at Pierre, South Dakota this 9 day of April, 2026.



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
THOMAS HO KANG**

**INS 26-004
PROPOSED DECISION**

This matter came for hearing before the Office of Hearing Examiners on March 31, 2026, pursuant to a Notice of Hearing issued by the South Dakota Division of Insurance (“Division”) on February 25, 2026. Lisa M. Harmon appeared as counsel for the Division with a witness Gavin Munson. THOMAS HO KANG did not appear, either in person or through counsel. The Division admitted its Exhibits 1 through 7 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 Insurance Producer License of THOMAS HO KANG should be revoked due to violating the insurance laws of South Dakota; having an insurance producer license denied in another state; failing to timely report an administrative action to the Division; and failing to respond to the Division, in violation of SDCL 58-30-167(2) & (9), 58-30-193, 58-33-66, and 58-33-68.

FINDINGS OF FACT

1. THOMAS HO KANG is licensed by the Division as an insurance producer on June 15, 2024. The license is currently active. (Exhibit 1).
2. THOMAS HO KANG was subject to an administrative action in the state of Florida. (Exhibit 2).
3. On August 26, 2024, the State of Florida denied THOMAS HO KANG’s license application. (Exhibit 2).
4. THOMAS HO KANG did not timely report the administrative action to the Division within 30 days.
5. The Division sent inquiries to THOMAS HO KANG on June 6, 2025; July 2, 2025; July 18, 2025; and September 10, 2025 at the address of record regarding the licensure matters. (Exhibits 3, 5-7).
6. THOMAS HO KANG provided a partial response on June 26, 2026 to the Division’s June 6, 2025 inquiry. (Exhibit 4).
7. THOMAS HO KANG did not completely respond to the Division’s inquiries. (Exhibits 3-7).

8. Any additional Findings of Fact included in the Reasoning section of this decision are incorporated herein by reference.
9. 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 THOMAS HO KANG. 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, 107 N.W.2d 1, 4 (S.D. 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 THOMAS HO KANG 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 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;
- (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 THOMAS HO KANG violated the insurance laws of South Dakota and another jurisdiction; had a license denied in another jurisdiction; failed to report the action;

and failed to respond to Division inquiries regarding the action. Applying the law to the Findings of Fact, it is clear the Insurance Producer License of THOMAS HO KANG is subject to revocation and should be revoked.

CONCLUSIONS OF LAW

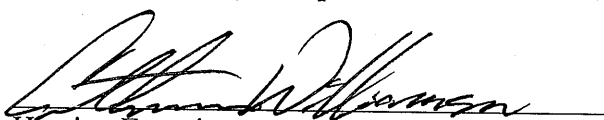
1. The Division has jurisdiction over THOMAS HO KANG and the subject matter of this contested case. The Office of Hearing Examiners is authorized to conduct the hearing and issue a proposed decision pursuant to SDCL 1-26D-4.
2. The Division bears the burden of establishing the alleged statutory violations by clear and convincing evidence.
3. The Division established by clear and convincing evidence that THOMAS HO KANG violated SDCL 58-30-193.
4. The Division established by clear and convincing evidence that THOMAS HO KANG violated SDCL 58-33-66(1).
5. The Division established by clear and convincing evidence that the South Dakota Insurance Producer License THOMAS HO KANG is subject to revocation pursuant to SDCL 58-30-167(2) & (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 Insurance Producer License of THOMAS HO KANG should be revoked.

Dated this 1st day of April, 2026.



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

CERTIFICATE OF SERVICE

I certify on April 1, 2026, at Pierre, South Dakota, a true and correct copy of this Proposed Decision was mailed to each of the parties below.

Julie McClelland

Julie McClelland
Office of Hearing Examiners

THOMAS HO KANG



THOMAS HO KANG



Lisa Harmon
Division of Insurance
124 S. Euclid Ave., 2nd Floor
Pierre, SD 57501