BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

STATE OF NEBRASKA DEPARTMENT OF INSURANCE, PETITIONER, VS. MACK WURTZ (NAIC Producer #18314928), RESPONDENT.	)))))))))))	CONSENT ORDER CAUSE NO. A-2219

In order to resolve this matter, the Nebraska Department of Insurance ("Petitioner"), by and through its attorney, Michael W. Anderson, and Mack Wurtz ("Respondent"), mutually stipulate and agree as follows:

JURISDICTION

1. Petitioner has jurisdiction over the subject matter and Respondent pursuant to Neb. Rev. Stat. §§ 44.101.01, and 44-4047 to 44-4067.

2. Respondent has been licensed as a non-resident insurance producer under the laws of Nebraska at all times material hereto.

STIPULATIONS OF FACT

1. Petitioner initiated this administrative proceeding by filing a Petition captioned State of Nebraska Department of Insurance vs. Mack Wurtz (NAIC National Producer # 18314928), Cause Number A-2219 on May 21, 2020. A copy of the Petition was sent to the Respondent at his registered address by certified mail, return receipt requested, and by regular U.S. mail. Respondent acknowledges receiving proper Notice of these proceedings.

2. Respondent is alleged to have violated Neb. Rev. Stat. §§ 44-4059(1) (g), 44-4059 (1) (h), 44-1524 (1), and 44-1525 (11) as follows:

a. On or about January 27, 2020, Respondent was terminated for cause by American Family Life Assurance Company (AFLAC) after an internal review of a claim reported to the company discovered an allegation that Respondent had submitted an application without final approval from the client, and knowingly made a false certification on an application.

b. On January 7, 2020, a review of the applicant application for Ms. Monica Downing, revealed that the application was "signed" on August 27, 2018 with the number 3286898 used in lieu of the applicant's name.

c. On September 5, 2018, Ms. Downing called AFLAC on a recorded line and stated that she did not authorize the application to be submitted for coverage, and that the Respondent was to have called her back on August 29, 2018 to see if she wanted to proceed with the application.

d. Recorded calls were located in which the Respondent assured Ms. Downing that the application would be held for her and not submitted, and that Respondent would call her back on August 29, 2018 for her final approval. Respondent never called Ms. Downing back, but instead proceeded to submit the application for coverage on August 27, 2018. This caused Ms. Downing to be charged premiums for coverage that she did not give final approval for.

e. On January 8, 2020, a review of the policy call history for another applicant, Mr. Martin C. Grady, revealed that Ms. Barbara Grady, the applicant's mother, called

to inform AFLAC that the application was submitted without the consent of neither Ms. Grady nor her son, Mr. Grady.

f. On the application for Mr. Grady that was submitted, the Respondent placed the number "5022414" in lieu of the applicant's initials, and "estate" was placed on the application under "relationship to insured".

g. Respondent was questioned by AFLAC about these allegations and admitted that he had submitted the application for Ms. Downing on August 27, 2018 while having promised to contact her again on August 29th, 2018. He further admitted that he submitted an application for Mr. Martin Grady without ever speaking to him, and acknowledged that he had only spoken to Mrs. Barbara Grady.

h. On or about April 1, 2020, an Investigator with the Petitioner's office sent a letter requesting a response to Respondent's address via certified mail.

i. On or about May 4, 2020, Petitioner's Office received a Domestic Return Receipt, showing that the letter was delivered.

j. Respondent did not respond to this department within 15 working days, however did provide a response after the filing of this action.

CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes violations of Neb. Rev. Stat. §§ 44-4059(1)(g), 44-4059 (1) (h), 44-1524 (1), and 44-1525 (11), and Respondent is subject to disciplinary action pursuant to Neb. Rev. Stat. §44-4059.

CONSENT ORDER

It is therefore Ordered by the Director of Insurance and agreed by Respondent that:

1. Respondent agrees to the revocation of his Nebraska non-resident insurance producer's license, with said revocation to be effective on the date this Consent Order is adopted and approved by the Director of Insurance.

In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing their signatures below.

Michael W. Anderson, #25671
Attorney for Petitioner
1135 M Street, Suite 300
Lincoln NE 68501
(402) 471-2201

7/22/2020
Date

Mack Wurtz
Respondent

7.16.20
Date

State of Kansas)
) ss.
County of Leavenworth)

On this 16 day of July, 2020, Mack Wurtz personally appeared before me and read this Consent Order, executed the same, and acknowledged the same to be his voluntary act and deed.

LYLEA LANIER
Notary Public - State of Kansas
My Appt. Exp. 06-15-2024

Lylea Lanier
Notary Public

CERTIFICATE OF ADOPTION

RECEIVED

JUL 21 2020

NEBRASKA DEPARTMENT
OF INSURANCE

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. Mack Wurtz (NAIC National Producer #18314928), Cause No. A-2219.

STATE OF NERBRASKA
DEPARTMENT OF INSURANCE

Bruce R. Ramge

Bruce R. Ramge
Director of Insurance

7-22-2020
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Consent Order was served upon Respondent by mailing a copy to his home address at 7201 W 80th Street Apartment 424, Overland Park, Kansas, 66204-3767, by certified mail, return receipt requested, by regular U.S. mail, and via email to mack.wurtz@selectquote.com, on this 22nd day of July, 2020.

Shelly Stone