BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

STATE OF NEBRASKA DEPARTMENT OF INSURANCE,	)	
PETITIONER,	)	CONSENT ORDER
VS.	)	
MATTHEW SPAWN National Producer Number 8424221,	)	CAUSE NO. A-1939
RESPONDENT.	)	

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Martin W. Swanson and Matthew Spawn, ("Respondent"), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to Neb. Rev. Stat. §44-101.01 and §44-4047, et seq.

2. Respondent was licensed as an insurance agent under the laws of Nebraska at all times material hereto.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Matthew Spawn, Cause Number A-1939, on February 2, 2012. A copy of the petition was served upon the Respondent at the Respondent's business and home address registered with the Department by certified mail, return receipt requested, and by regular US mail.

2. Respondent violated Neb. Rev. Stat. §§44-4059(1)(b) and 44-4059(1)(h), as a result of the following conduct:

a. On or about June 29, 2011, the Department received a complaint alleging that premiums were wrongly taken for a Medicare Supplement Policy because the Complainant did not have Medicare Part B.

b. Barbara Peterson ("Peterson"), an insurance investigator with the Department, was assigned to investigate this complaint. Peterson contacted the company, Family Life Insurance Company (Family Life) and the Respondent regarding the matter. Family Life indicated that they needed correspondence from Medicare indicating that Complainant did not have Medicare Part B. The policy was effective on July 1, 2010. Respondent contacted Family Life on August 20, 2010, to inform Family Life that Complainant did not have Medicare Part B. On September 29, 2010, Respondent contacted Family Life again. Respondent did not have further contact with Family Life until April 20, 2011. Respondent was told by Family Life that the request to cancel must be made in writing.

c. On July 14, 2011, Respondent was told by Family Life that a letter from Medicare indicating that Complainant did not have Medicare Part B was required. During the course of conversations between the Family Life and Respondent, Respondent stated "I actually called into the Department of Insurance with Yvonne and we both asked them for help with this since everyone we talked to at the DOI...led us to believe she should be getting a full refund." This was an inaccurate statement by Respondent.

d. On July 20, 2011, Peterson sent a letter to Respondent discussing his lack of follow up with the cancellation, and his misrepresentation. On July 22, 2011, Respondent stated that he was never told by Family Life that he needed a letter from Medicare. Peterson sent a copy of that letter to Family Life for their response. On July 27, 2011, Family Life contacted the Department and indicated that Respondent had never provided the letter.

e. On July 26, 2011, Respondent contacted Family Life indicating that he had received a letter from the Department stating that Complainant was entitled to a full refund. Family Life requested a copy of the letter, but Respondent indicated that he had "threw it away." Based on this, Family Life terminated their relationship with Respondent.

f. On July 28, 2011, Peterson sent Respondent a letter indicating that he needed to be accurate in his description of his dealings with the Department. On August 5, 2011, Respondent responded indicating that he it was his interpretation that the Department indicated on the letter that Complainant was entitled to a full refund, but he also admitted that he did not retain the letter.

3. Respondent was informed of his right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving his right to a public hearing, Respondent also waives his right to confrontation of witnesses, production of evidence, and judicial review.

4. Respondent admits the allegations contained in the Petition that he violated Neb. Rev. Stat. §§44-4059(1)(b) and 44-4059(1)(h).

CONCLUSIONS OF LAW

It is the conclusion of the Director of Insurance that Respondent's conduct as alleged above constitutes a violation of 44-4059(1)(b), and 44-4059(1)(h).

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondent, Matthew Spawn, that Respondent shall pay an administrative fine of no less than one thousand ($1,000) due within thirty days after the Director of Insurance or her designee approves and signs this consent order. The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling the Respondent or the Department to make application for such further orders as may be necessary. If Respondent fails, after the signing of this agreement, to perform any of the tasks assigned by this Consent Order, Respondent shall be held in contempt of this order and his insurance producers license shall be revoked immediately. In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his or her signature below.

Martin W. Swanson, #20795
Attorney for Nebraska
Department of Insurance
941 O Street, Suite 400
Lincoln, Nebraska 68508
(402) 471-2201
Feb 23 2012
Date

Respondent

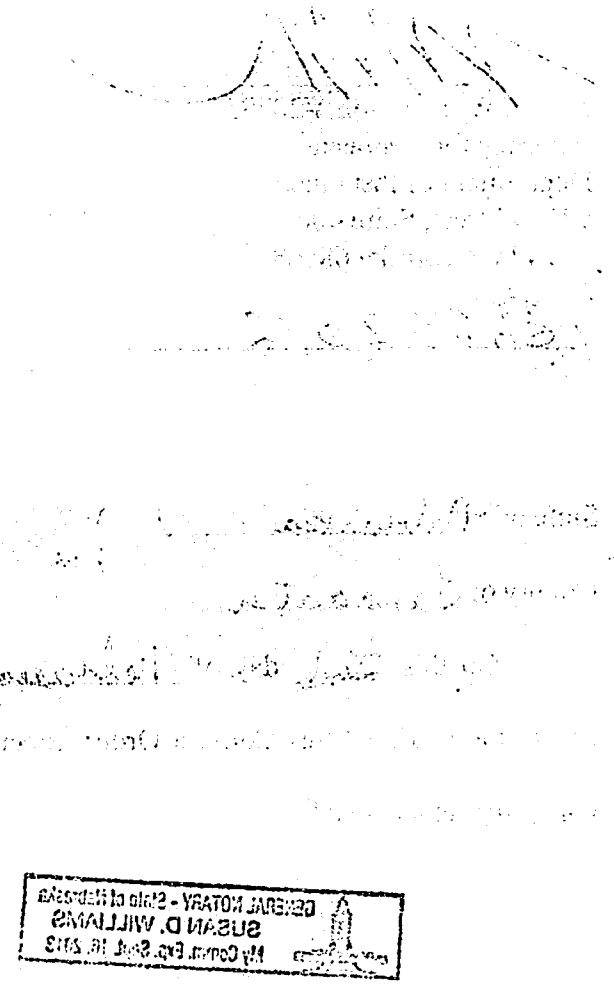
2-22-12
Date

State of Nebraska)
) ss.
County of Lancaster)

On this 22nd day of February, 2012, Matthew Spawn, personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.

GENERAL NOTARY - State of Nebraska
SUSAN D. WILLIAMS
My Comm. Exp. Sept. 16, 2013

Susan D. Williams
Notary Public


GENERAL NOTARY - State of Nebraska
SUSAN D. WILLIAMS
My Comm. Exp. Sept. 16, 2012

CERTIFICATE OF ADOPTION

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. Matthew Spawn, Cause No. A-1939.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

Bruce R. Ramge

Bruce R. Ramge
Director of Insurance

2-23-2012

Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent, at Spawn Financial, 1553 27th Avenue, Columbus, NE 68601, by certified mail, return receipt requested on this 23rd day of February, 2012.

Stacy A. Gruber