

MAR 15 2013

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA )  
DEPARTMENT OF INSURANCE, )

PETITIONER, )

VS. )

MICHAEL OWEN YORK, JR., )  
National Producer #12293044 )

RESPONDENT. )

CONSENT ORDER

CAUSE NO. A-1974

In order to resolve this matter, the Nebraska Department of Insurance (“Department”), by and through its attorney, Joel F. Green, and Michael Owen York, Jr. (“Respondent”), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to NEB. REV. STATS. §§ 44-101.01 and 44-4047 et seq. (Reissue 2010). Said jurisdiction and control have been present at all times material hereto.

2. Michael Owen York, Jr. (“Respondent”) is a licensed insurance producer, whose current registered business address with the Nebraska Department of Insurance is and home address with the Nebraska Department of Insurance is 11837 Miracle Hills Drive, Suite 200, Omaha, Nebraska 68154-4418, and whose current registered home address is 18710 Vinton Street, Omaha, Nebraska 68130.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Michael Owen York, Jr., Cause Number A-1974, on

March 1, 2013. A copy of the petition was served by certified mail, return receipted requested, upon the Respondent at the Respondent's registered business mailing address of 11837 Miracle Hills Drive, Suite 200, Omaha, Nebraska 68154-4418, and by regular U.S. mail, postage prepaid, at the Respondent's home mailing address of 18710 Vinton Street, Omaha, Nebraska 68130.

2. Respondent allegedly violated NEB. REV. STAT. §§ 44-4059(1)(b) and 44-4059(1)(h) as a result of the following conduct set forth below:

- a. On or about September 14, 2010, Respondent answered a telephone call from Janice Laughlin ("Complainant"), a Nebraska resident, made in response to an ad sent regarding potential changes in Medicare. Respondent then sent up a meeting with Complainant for himself and Eric Birckhead (hereinafter "Birckhead") to review Complainant's Medicare coverage.
  - b. On or about September 16, 2010, Respondent and Birckhead met with Complainant. Birckhead indicated to Complainant she would soon receive notice of her disenrollment in Medicare coverage she currently had, called Humana Gold, and as of the beginning of the year, she would be without said coverage. Complainant stated to Respondent and Birckhead she was upset and confused as to why she had not been informed of this, and enrolled in a similar program solicited by Respondent and Birckhead.
  - c. CMS Marketing Guidelines for Medicare Advantage in effect on September 16, 2010, prohibited the dissemination of disenrollment/enrollment information by Respondent prior to October 2, 2010.
  - d. On or about September 21, 2010, Birckhead returned by himself, and completed a second application of coverage for Complainant since the first application was approved for use only in Iowa. The application was for a high deductible insurance plan combined with an annuity that would be used to pay those charges or fees subject to the deductible.
  - e. Respondent was not present at and did not participate in the September 21, 2010 meeting with Complainant; however, Respondent signed the application stating he was the insurance producer present at the time the Complainant signed and completed the application.
3. Respondent admits the allegations stated in Paragraph 2.

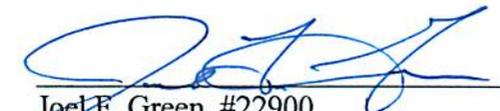
CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes a violation of NEB REV. STATS. §§ 44-4059(1)(b) and 44-4059(1)(h) and 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, Michael Owen York, Jr., that Respondent shall pay an administrative fine in the amount of one thousand dollars (\$1,000.00), due within 30 days after the Director of Insurance or his designee approves and signs this consent order.

The Department of Insurance will continue to retain jurisdiction over this matter. If Respondent fails to pay the amount required as specified under this consent order, additional administrative action shall be taken by the Petitioner, which may include revocation of Respondent's Nebraska certificate of authority. In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his/her signature below.

  
\_\_\_\_\_

Joel F. Green, #22900  
Attorney for Petitioner  
941 O Street, Suite 400  
Lincoln, NE 68508  
(402) 471-4637

3/15/13  
Date

  
\_\_\_\_\_

Michael Owen York, Jr.,  
Respondent

By: \_\_\_\_\_

3/11/13  
Date

State of Nebraska )  
County of Douglas ) ss.

On this 11<sup>th</sup> day of March, 2013, Michael Owen York, Jr., personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his/her voluntary act and deed.

Elisabeth R. Brusino  
Notary Public



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. Michael Owen York, Jr., Cause No. A-1974.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

Bruce R. Ramge  
BRUCE R. RAMGE  
Director of Insurance

3-15-2013  
Date

