

**STATE OF VERMONT
DEPARTMENT OF FINANCIAL REGULATION**

IN RE: MACK WURTZ)	
VT LICENSE # 3274433)	DOCKET NO. 20-041-I
NPN # 18314928)	
)	

STIPULATION AND CONSENT

WHEREAS, the Vermont Department of Financial Regulation (“the Department”) asserts that the Mack Wurtz (“Respondent”) has violated the insurance laws as set forth below; and

WHEREAS, Respondent and the Department wish to resolve these violations without further administrative proceedings or litigation;

NOW, THEREFORE, Respondent and the Department stipulate and agree to the terms and conditions in this Stipulation and Consent Order.

STATEMENT OF FACTS

1. Respondent holds Vermont non-resident insurance producer license # 3274433.
2. The Insurance Division issued license # 3274433 to Respondent on September 19, 2017 pursuant to the licensing requirements set forth in 8 V.S.A., Chapter 131.
3. License # 3274433 is effective until March 31, 2021.
4. Respondent’s resident state is Kansas and his last known residential address of record with the Insurance Division is 517 Pottawatomie Street, Leavenworth, KS 66048.
5. On January 27, 2020 Respondent’s appointment with American Family Life Assurance Company of Columbus (“Aflac”) was cancelled for cause after an investigation determined that Respondent had submitted policy applications on behalf of individuals without their final approval and had made false certifications on policy applications.

6. In 2019, Respondent signed and submitted an application on behalf of an individual's son for coverage with Aflac despite never having talked with the son and despite promising to contact the individual at a later date in regards to a potential application.
7. In 2018, despite receiving instructions from an individual to call her back to determine if she wanted to proceed with an insurance policy application with Aflac, Respondent did not call her back and Respondent signed and submitted the application without her approval.
8. While appointed with Aflac, Respondent had a practice of obtaining payment information from prospective applicants and submitting applications for individuals who had generally expressed interest but had not provided approval for the applications.
9. On July 22, 2020, a final order was issued by the Nebraska Director of Insurance revoking Respondent's Nebraska non-resident insurance producer license pursuant to a consent order executed between the Nebraska Department of Insurance and Respondent concerning Respondent's actions leading to his termination from Aflac.
10. On July 30, 2020, a final order was issued by the Commissioner of the Indiana Department of Insurance revoking Respondent's Indiana non-resident insurance producer license pursuant to an agreement executed between the Indiana Department of Insurance and Respondent concerning Respondent's actions leading to his termination from Aflac.
11. On September 23, 2020, an order of summary revocation was issued by the Insurance Commissioner of the State of California revoking Respondent's California non-resident insurance agent license concerning Respondent's actions leading to his termination from Aflac.

12. An administrative action is currently pending in Respondent's resident state concerning his actions during his appointment with Aflac.

LEGAL STANDARDS AND DESCRIPTION OF VIOLATIONS

13. Pursuant to 8 V.S.A. § 4804(a)(9), the Commissioner is authorized to suspend, revoke, or refuse to continue or renew an insurance license issued pursuant to 8 V.S.A. Chapter 131 upon finding that the licensee has used fraudulent, coercive, or dishonest practices, or has shown themselves to be incompetent, untrustworthy, or financially irresponsible.

14. By providing false signatures on insurance policy applications and submitting policy applications without the final approval of consumers, Respondent has used dishonest practices, showing himself to be incompetent and untrustworthy as an insurance producer. As a result, the Commissioner is authorized to suspend, revoke, or refuse to continue or renew Respondent's Vermont non-resident insurance producer license pursuant to 8 V.S.A. § 4804(a)(9).

15. Pursuant to 8 V.S.A. § 4804(a)(10), the Commissioner is authorized to suspend, revoke, or refuse to continue or renew an insurance license issued pursuant to 8 V.S.A. Chapter 131 upon finding that any other state, province, district, or territory revoked an insurance license held by the licensee.

16. Because Nebraska, Indiana, and California each revoked Respondent's non-resident insurance producer or agent license in their jurisdictions, the Commissioner is authorized to suspend, revoke, or refuse to continue or renew Respondent's Vermont non-resident insurance producer license pursuant to 8 V.S.A. § 4804(a)(10).

CONSENT ORDER

17. Respondent's Vermont non-resident insurance producer license, License # 3274433, shall be immediately suspended for the remaining days of the current licensure period.
18. Respondent shall not apply for renewal of a Vermont non-resident insurance producer license until the pending administrative action in his resident state is resolved.
19. Should Respondent apply for renewal of a Vermont non-resident insurance producer license following resolution of the administrative action in his resident state, Respondent shall disclose the final disposition of the administrative proceeding in his resident state and his application shall be reviewed using all information available to the Insurance Division at the time of such application.
20. Respondent acknowledges and admits the jurisdiction of the Commissioner over the subject matter of this Stipulation and Consent Order.
21. With respect to the facts and violations identified herein, Respondent waives his right to a hearing before the Commissioner or the Commissioner's designee and waives his right to all other administrative or judicial review otherwise available under Vermont law, including the rules of the Vermont Department of Financial Regulation and the provisions of 3 V.S.A., Chapter 25.
22. This Stipulation and Consent Order is entered into solely for the purpose of resolving the violations identified herein, and it is not intended for any other purpose.
23. Respondent understands all terms and conditions in this Stipulation and Consent Order, consents to the entry of this Stipulation and Consent Order, and acknowledges that its consent is given freely and voluntarily and that, except as set forth herein, no promise was made to induce Respondent's consent.

24. Noncompliance with any of the terms and conditions in this Stipulation and Consent Order shall be a violation of a lawful order of the Commissioner and a violation of the laws of the State of Vermont and may result in additional administrative or civil action and the imposition of injunctive relief, sanctions, and additional penalties pursuant to applicable provisions of Title 8.
25. Nothing herein shall be construed as limiting the Commissioner's ability to investigate Respondent for violations not resolved herein or to respond to and address any consumer complaints made with regard to Respondent.
26. Nothing herein shall be construed as having relieved, modified, or in any manner affected Respondent's ongoing obligation to comply with all federal, state, or local statutes, rules, and regulations applicable to Respondent.
27. Nothing herein shall be construed as limiting any private right of action a person may have.
28. This Stipulation and Consent Order shall be governed by and construed under the laws of the State of Vermont.

SIGNATURES

The terms and conditions set forth in this Stipulation and Consent Order are hereby stipulated and agreed to.

MACK WURTZ

By:  3.18.21
Date
Printed name: Mack Wurtz.

The terms and conditions set forth in this Stipulation and Consent Order are hereby stipulated, agreed to, and ordered.

DEPARTMENT OF FINANCIAL REGUALTION

By:  3/18/2021
Date
Michael S. Pieciak
Commissioner of Financial Regulation
Vermont Department of Financial Regulation