

**BEFORE THE COMMISSIONER OF INSURANCE
OF THE STATE OF KANSAS**

In the Matter of the Kansas Resident)	
Insurance Producer's License of)	
MACK WURTZ)	Docket No. 85461
NPN # 18314928)	

CONSENT AGREEMENT AND ORDER

(Pursuant to K.S.A. 40-4909 and K.S.A. 77-501 *et seq.*)

Pursuant to the authority granted to the Commissioner of Insurance ("Commissioner") by K.S.A. 40-103 and in accordance with K.S.A. 40-4909 and K.S.A. 77-501 *et seq.*, the Commissioner hereby accepts the stipulations of the parties, and revokes the license of **MACK WURTZ** ("Respondent"). This Consent Agreement shall become effective as a Final Order, without further notice when signed by the Commissioner or her designee and filed of record with the Commissioner or her designee and filed of record with the Kansas Insurance Department ("Department").

FINDINGS OF FACT

1. Respondent was licensed as a Kansas resident insurance producer on September 13, 2017 and remains licensed to date.
2. Respondent's address of record is [REDACTED], Leavenworth, KS [REDACTED]
[REDACTED]
3. On January 27, 2020, Respondent's appointment to represent American Family Life Assurance Company ("Aflac") was terminated for cause.
4. In 2019, Respondent submitted an application for insurance for M.G. without receiving prior approval from M.G. Respondent was negligent in following up with M.G.'s mother to confirm M.G. wanted the policy as Respondent had previously told her he would do. In 2018,

Respondent submitted an application for insurance for M.D. and was negligent for not confirming with her that she still wanted the policy before she was charged for it.

5. On July 22, 2020, the Nebraska Department of Insurance filed a Consent Order revoking Respondent's Nebraska nonresident insurance producer's license.

6. On July 30, 2020, the Indiana Department of Insurance filed an Agreed Entry permanently revoking Respondent's Indiana nonresident insurance producer's license.

7. On September 30, 2020, the California Department of Insurance filed an Order of Summary Revocation revoking Respondent's California nonresident insurance producer's license.

8. On March 18, 2021, the Vermont Department of Financial Regulation filed a Stipulation and Consent Order suspending Respondent's Vermont nonresident insurance producer's license for the remaining days of the current licensure period. Respondent agreed not to apply for renewal until the pending administrative action in his resident state has been resolved.

9. On April 8, 2021, the Ohio Department of Insurance issued a Hearing Officer's Report and Recommendation revoking Respondent's Ohio nonresident insurance producer's license.

10. Respondent timely reported all administrative actions that have been taken against his license to this date.

11. The Department issued a Summary Order of Revocation and an Amended Summary Order of Revocation proposing to revoke Respondent's license, and Respondent timely requested a hearing.

12. In resolving this matter by a Consent Agreement and Final Order, Respondent stipulates that evidence exists to support the Commissioner's findings of fact and conclusions of law.

13. Respondent acknowledges the Commissioner has sufficient evidence to revoke his insurance license under K.S.A. 40-4909(a)(9) and also under K.S.A. 40-4909(a)(8) for untrustworthiness in the conduct of business in this state or elsewhere.

14. Respondent is represented by counsel and acknowledges that his right to a hearing on the facts and disposition has been explained to him and he understands his rights.

15. In lieu of a hearing, Respondent agrees to accept the sanctions imposed by this Consent Agreement and Final Order to resolve the Commissioner's allegations contained in the Amended Summary Order of Revocation.

16. Respondent waives his right to a hearing and any available administrative or judicial review of the Commissioner's order.

17. Respondent retains the right to reapply for an insurance license with the Kansas Insurance Department. This Consent Agreement and Order will not, by itself, be sufficient reason to deny him an insurance license.

APPLICABLE LAW

K.S.A. 40-4909(a)(8) provides:

The Commissioner may deny, suspend, revoke or refuse renewal of an insurance producer's license upon finding that Respondent has used any fraudulent, coercive, or dishonest practice, or demonstrated any incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.

K.S.A. 40-4909(a)(9) provides:

The Commissioner may deny, suspend, revoke or refuse renewal of an insurance producer's license upon finding that Respondent has had an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, district or territory.

K.S.A. 40-4909(b) provides:

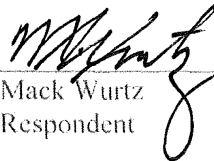
The Commissioner may suspend, revoke or refuse renewal of an insurance producer's license upon finding that the interests of the insurer or the insurable interests of the public are not properly served under Respondent's license.

CONCLUSIONS OF LAW

1. The Commissioner has jurisdiction over **MACK WURTZ** as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
2. The Commissioner finds that Respondent did not receive approval from M.G. prior to submitting his application for insurance and that Respondent was negligent in not confirming M.D. still wanted the insurance policy before payment was made; both of which constitute untrustworthiness in the conduct of business.
3. The Commissioner finds that Respondent's insurance producer's license has been suspended and revoked in other states.
4. The Commissioner finds the proposed remedy of revoking Respondent's Kansas resident insurance producer's license, pursuant to K.S.A. 40-4909(a), adequately protects the interests of insurers and the insurable interests of the public in Kansas.

STIPULATION

The undersigned stipulates and agrees to the above findings, facts, and conclusions of law and waives their rights to an administrative hearing and judicial review of the Commissioner's Order.


Mack Wurtz
Respondent

6.9.21
Date

Prepared by:

Nicole K. Turner

Nicole K. Turner #28442
Staff Attorney
Kansas Insurance Department

Approved by:

Randy R. Debenham

Randy R. Debenham #19812
Debenham Law Office, LLC
Counsel for Respondent

ORDER

**IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE
THAT:**

1. Respondent's Kansas resident insurance producer's license is revoked the effective date of this Order.
2. This Order shall take effect when signed by all parties and the Commissioner or the Commissioner's designee and filed of record with the Kansas Insurance Department.
3. Respondent shall disclose the existence of this Order on any company or licensing authority application as a disciplinary action involving the license.

**IT IS SO ORDERED THIS 21st DAY OF JUNE 2021, IN THE CITY OF
TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**



VICKI SCHMIDT
COMMISSIONER OF INSURANCE

BY: Justin L. McFarland
Justin L. McFarland
General Counsel

NOTICE REGARDING JUDICIAL REVIEW

In the event Respondent files a Petition for Judicial Review, the agency officer designated pursuant to K.S.A. 77-613(e) to receive personal service of a petition for judicial review on behalf of the Kansas Insurance Department is:

Justin L. McFarland, General Counsel
Kansas Insurance Department
1300 SW Arrowhead Rd.
Topeka, Kansas 66604

CERTIFICATE OF SERVICE


The undersigned hereby certifies that she served the above-and-foregoing Consent Agreement and Final Order on this 21st day of June 2021, by causing the same to be deposited in the United States Mail, certified, addressed to the following:

Mack Wurtz

Leavenworth, KS

Respondent

Randy R. Debenham
Debenham Law Office, LLC
3615 SW 29th Street
Topeka, KS 66614
debenhamlaw@gmail.com
Counsel for Respondent



Toni Garrard
Senior Administrative Specialist