



## FINDINGS OF FACT

1. Respondent Kendall Ray Matteson was a Montana independent insurance adjuster, license number 911759.
2. On or about May 16, 2016, Respondent altered, forged, and deposited a National Farmers Union Property and Casualty Company (NFU) claim check in the amount of \$3,703.85 into his personal bank account.

## CONCLUSIONS OF LAW

1. The CSI has jurisdiction over this matter. § 33-1-311.
2. The CSI administers the Insurance Department to protect insurance consumers. § 33-1-311(3).
3. A person commits the act of insurance fraud when the person presents or causes to be presented counterfeit insurance documents to any person. § 33-1-1202(7).
4. Respondent committed insurance fraud by altering, forging, and depositing a claim check into his personal bank account.
5. The Commissioner may suspend, revoke, refuse to renew, or refuse to issue a license under this chapter, may levy a civil penalty, or may choose any combination of actions when a licensee has improperly withheld, misappropriated, or converted to his own use money or property belonging to policyholders, insurers, beneficiaries, or others and received in conduct of business under the license; or in the conduct of the affairs under the license, used fraudulent, coercive, or dishonest practices; or the licensee or applicant is incompetent, untrustworthy, financially irresponsible, or a source of injury and loss to the public. § 33-17-1001(1)(d), (1)(f).

6. The Commissioner may suspend, revoke, or refuse to renew Respondent's license, and/or levy a fine against him because Respondent presented a settlement check that he had forged into his personal account.

7. Pursuant to § 33-1-317, the Commissioner may impose a fine not to exceed \$5,000 upon an adjuster found to have violated the Code.

8. Pursuant to § 33-1-1211, the Commissioner must require the Respondent to make full restitution to NFU for all financial loss sustained as a result of the insurance fraud.

ORDER

Based on those findings of fact and conclusions of law, it is ORDERED that:

1. Respondent shall each pay a fine of \$5,000 to the Montana State Auditor's Office, 840 Helena Avenue, Helena, MT 59601;

2. Respondent shall make full restitution to NFU in the amount of \$3,703.85.

3. All fines must be paid, and restitution made, no later than thirty (30) days from the date of this order.

4. Respondent's independent insurance adjuster license is hereby REVOKED.

DATED this 15<sup>th</sup> of September, 2016.

  
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MONICA J. LINDEEN  
Montana State Auditor,  
Commissioner of Securities and Insurance

cc: Mike Winsor  
Kendall Ray Matteson