

MIKE WINSOR
Office of the Montana State Auditor
Commissioner of Securities and Insurance
840 Helena Avenue
Helena, MT 59601
(406) 444-2040

Attorney for the State

**BEFORE THE MONTANA STATE AUDITOR
COMMISSIONER OF SECURITIES AND INSURANCE**

IN THE MATTER OF
KENDALL RAY MATTESON,

Respondent.

)
)
) CASE NO.: INS-2015-308
)
) **MOTION FOR FINAL AGENCY**
) **DECISION BY DEFAULT**
)
)

Staff of the Office of the Montana State Auditor, Commissioner of Securities and Insurance (CSI), moves the Montana State Auditor, Commissioner of Securities and Insurance (Commissioner), to enter a final agency decision by default against Kendall Ray Matteson (Respondent) in this matter for the reason that Respondent has been served by mail and has failed to appear or otherwise defend in this matter. The Commissioner has authority to take such action under the provisions of Mont. Code Ann. §§ 2-4-601 et seq., and 33-1-701; and Admin. R. Mont. 1.3.214 and 6.2.101. This Motion is supported by the attached Affidavit of Bryan Stanley.

It is alleged that the Respondent violated § 33-1-1202(7) by altering, forging, and depositing a claim check into his personal bank account. Additionally, it is alleged that the Respondent violated § 33-17-1001(1)(d), (1)(f) by depositing a settlement check that he had forged into his personal account.

The Commissioner may impose a fine upon an independent insurance adjuster found to have violated the Code in an amount not to exceed \$5,000 for each violation. § 33-1-101 et seq., § 33-1-317. Additionally, the Commissioner must require the Respondent to make full restitution to National Farmers Union Property and Casualty Company (NFU) for all financial loss sustained as a result of the insurance fraud. § 33-1-1211. Moreover, the Commissioner may suspend or revoke an independent insurance adjuster's license if the adjuster is found to have violated § 33-17-1001. Therefore, staff requests that the Commissioner impose a fine upon the Respondent in the amount of \$5,000; require the Respondent to make restitution to NFU in the amount of \$3,703.85; revoke the Respondent's independent adjuster license; and require the Respondent to pay the fine and make full restitution no later than thirty (30) days from the entry of the Commissioner's final agency decision by default.

DATED this 6 of September, 2016.


MIKE WINSOR
Attorney

CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of the Motion for Final Decision by Default was sent by U.S. mail, postage paid, this 7th day of September, ~~2015~~, to the following:
2016





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**BEFORE THE MONTANA STATE AUDITOR
COMMISSIONER OF SECURITIES AND INSURANCE**

IN THE MATTER OF)
KENDALL RAY MATTESON,) CASE NO.: INS-2015-308
Respondent.) **AFFIDAVIT OF BRYAN STANLEY**
)
)
)

STATE OF MONTANA)
County of Lewis and Clark)
:ss.

Bryan Stanley, a person of lawful age, being duly sworn, deposes and states:

1. I am the investigator assigned to this matter on behalf of the Office of the Montana State Auditor, Commissioner of Securities and Insurance (CSI).

2. After full and careful investigation and review of the following facts, I have reasonable cause to believe that said facts justify the relief requested in the motion accompanying this affidavit, *to wit*:

A. Respondent Kendall Ray Matteson was a Montana independent insurance adjuster, license number 911759.

B. On or about May 16, 2016, Respondent altered, forged, and deposited a National Farmers Union Property and Casualty Company claim check into his personal bank account.

DATED this 6 day of September, 2016.



BRYAN STANLEY
Criminal Justice Investigator
Office of the Montana State Auditor,
Commissioner of Securities and Insurance

SUBSCRIBED and SWORN to before me by Bryan Stanley this 6th day of September, 2016.

