



Texas Department of Insurance

Life, Accident & Health , Mail Code 111-1A
333 Guadalupe P. O. Box 149104, Austin, Texas 78714-9104
800-252-3439 telephone 512-475-1771 fax www.tdi.state.tx.us

April 26, 2012

ALAN HAMILTON
9902 CHILDRESS DRIVE
AUSTIN TX 78753

Re: DOCUMENT ID: 981023
SUBJECT: MAURINE HAMILTON
MUTUAL OF OMAHA INSURANCE COMPANY
DANIEL DAVILA

Dear Mr. Hamilton:

We have enclosed copies of the replies received from the agent and the insurance company, which explain their positions on the matter you brought to our attention. We have reviewed the information received from you, the agent and the company.

The insurance company advises that the annuities were surrendered per the direction of the annuitant

This appears to be a matter that falls under the authority of the civil courts. If you feel that fraudulent Power of Attorney paperwork was submitted to the company to surrender your mother's annuities, you may want to consult legal counsel to pursue the matter further.

We hope this information is helpful to you.

Sincerely,

Barbara G. Evans

Barbara G. Evans
Compliance Division
Texas Department of Insurance
512-305-7505
barbara.evans@tdi.state.tx.us

Enclosure

UNITED OF OMAHA LIFE INSURANCE COMPANY

A MUTUAL of OMAHA COMPANY

Mutual of Omaha Plaza, Omaha, NE 68175, 402-342-7600



April 16 2012

LAH INTAKE UNIT 111-1A
 TEXAS DEPARTMENT OF INSURANCE
 LIFE ACCIDENT AND HEALTH
 MAIL CODE 111-1A
 333 GUADALUPE
 AUSTIN TX 78714 9104

Document ID: 981023
 Letter ID: 1264302
 Subject: Maurine Hamilton
 Alan Hamilton
 Policy #: UA7728306 Individual Annuity
 Policy #: UA7728307 Individual Annuity
 Policy #: UA7728312 Individual Annuity
 Policy #: UA7762551 Individual Annuity
 Policy #: UA8441079 Individual Annuity
 Policy #: UO1126221 Individual Annuity
 Policy #: UA8493131 Individual Life Insurance
 Policy #: UA7714948 Individual Life Insurance
 Insuring company: United of Omaha Life Insurance Company
 NAIC #: 69868

Sent by facsimile: 512-475-1771

Attn.: LAH Intake Unit 111-1A

We received your April 5, 2012, letter addressed to Fred Kottmann. I appreciate this opportunity to review Mr. Hamilton's concerns and respond on behalf of United of Omaha Life Insurance Company NAIC 69868.

In reviewing the above referenced policies, the six annuities were cash surrendered in October 2004. Attached is a copy of the letter sent to Ms. Hamilton.

In reviewing policies UA9496131 and UA771948, life insurance benefits were paid to Alan Hamilton on January 17, 2007, in the amounts of \$103,904.00 and \$107,763.86. Attached is a copy of the letter sent to Mr. Hamilton on January 17, 2007.

Should you have any questions or require any additional information, please call our toll-free number for Insurance Departments, 1-800-525-7664.

Sincerely,

Marilyn K. Brown
 Senior Regulatory Issues Analyst
 Corporate Compliance and Ethics Division

Phone: 402-351-5076
 Fax: 402-351-4683
 Email: marilyn.brown@mutualofomaha.com

#670332v1

04/16/2012 2:36PM (GMT-05:00)

FILE COPY - United of Omaha

January 17, 2007

ALAN HAMILTON
9902 CHILDRESS DRIVE
AUSTIN, TX 78753

MAURINE P HAMILSTON
Coverage ID: UA7714948
UA8473131

Dear Mr. Hamilton:

Benefits have been approved for the claim on the policy insuring Maurine P Hamilton. Enclosed is our check representing the amount payable under the policy. The claim statement below indicates how the benefits were calculated.

DEATH CLAIM STATEMENT

\$100,000.00	Face Amount of Policy UA8473131
+7,492.50	Refund of Unearned Premium
+141.36	Interest on Claim
\$107,763.86	TOTAL AMOUNT
\$100,000.00	Face Amount of Policy UA7714948
+3,768.00	Refund of Unearned Premium
+136.00	Interest on Claim
\$103,904.00	TOTAL BENEFIT

We sincerely appreciate the loyalty shown our Company in the past. If you have any questions about the benefit payment, or if additional information is needed, please call us at 1-800-456-0227. Mutual of Omaha offers a variety of insurance and financial services. We hope you will keep us in mind in the future.

Sincerely,



Peggy Rodewald
Claim Specialist
Individual Life Claims

Enc.

FILE COPY - United of Omaha

October 22, 2004

MAURINE P HAMILTON
 9008 EAST DR
 AUSTIN, TX 78753-5112

Coverage ID: UA7728306
 UA7728307
 UA7728312
 UA7762551
 UA8441079
 UO1126221

Dear Ms. Hamilton:

Thank you for your recent letter and request to terminate these policies. Based on the information you sent, we are waiving the surrender charges and the enclosed checks represent the entire cash value of your annuities.

Below is a breakdown of the cash values of your policies as of today and the checks enclosed:

Policy Number	Cash Value	Taxable Amount
UA7728306	\$50,285.57	\$285.57
UA7728307	\$98,562.47	\$410.19
UA7728312	\$56,444.06	\$56,444.06
UA7762551	\$101,476.88	\$576.27
UA8441079	\$33,668.54	\$3,668.54
UO1126221	\$73,721.65	\$3,721.65
	\$414,159.17	\$65,106.28

A form 1099R will be sent to you in January. You will need to use the information provided in this form when preparing your 2004 tax return.

2

As a valued customer, you are important to us and we'll help you in any way we can. Please call our Home Office at 1-800-646-7592 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Michelle Bogatz". The signature is written in a cursive, flowing style.

Michelle Bogatz
Individual Retirement Plan Services
Retirement Plans Division



Davila Buschhorn
& Associates, P. C.

April 10, 2012

Texas Department of Insurance
PO Box 149104
Austin, Texas 78714-9104

RECEIVED
CONSUMER PROTECTION
APR 13 2012
TEXAS DEPARTMENT
OF INSURANCE

RE: Your letter dated April 5, 2012 concerning complaint by Mr. Alan Hamilton
Document ID 981023
Letter ID 1264304

I will attempt to address the attached letter by referencing each numbered item.

- 1) I am not aware or have I asserted that \$800,000 of annuities have been stolen from Maureen Hamilton. As the attached letter illustrates I was able to get full surrender values of certain Mutual of Omaha annuities due to agent misconduct. To my knowledge all the proceeds were delivered to Ms. Maureen Hamilton, and I have no knowledge of what Ms. Hamilton actually did with the proceeds.
- 2) As previously stated in the attached correspondence, I prepared Ms. Maureen Hamilton personal returns, and assisted her in getting full access to her annuities at Mutual of Omaha. I am not aware of any caretaker or allegations of intimidation tactics by Mutual of Omaha. I never received any monies from Ms. Maureen Hamilton other than for tax preparation and consulting.
- 3) I have never had access to any of Ms. Maureen Hamilton's monies nor have I ever stolen her money. Our firm was not engaged to prepare Ms. Hamilton's estate tax return and/or any trust return after Ms. Hamilton died on 10/06/2006. Her daughter did employee us to file her final 1040.
- 4) I am not aware of any claimant report and/or investigation by the Austin Police Department concerning any white collar crime. I am likewise unaware of any wire of \$150,000 sent to Ms. Hamilton's caretaker.
- 5) No IRS official has ever contacted me concerning Ms. Hamilton.
- 6) Mr. Alan Hamilton did file a complaint with FINRA. That complaint was investigated and closed without actions to my knowledge. See attached documents.
- 7) As previously stated, FINRA closed the investigation.

8) I encourage the Department of Insurance to visit the website noted. Most of the content is incomprehensible.

9) No comment needed.

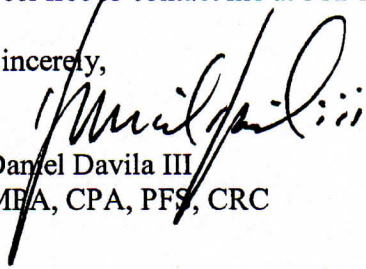
Conclusion:

Mr. Hamilton appears to take his anger out on me due to his mother passing and his ongoing feud with his sister, Ms. Sylvia Hamilton. Apparently, Mr. Hamilton has a difference of opinion as to how the estate was to be divided between himself and his sister.

I have never had a professional relationship with Mr. Alan L. Hamilton and quite frankly his complaints against me are irresponsible and border on harassment.

Feel free to contact me at 512-258-6637 for any questions or further clarification.

Sincerely,


Daniel Davila III
MBA, CPA, PFS, CRC



Financial Industry Regulatory Authority

October 27, 2011

Mr. Allen L. Hamilton
9902 Childress Drive
Austin, TX 78753

Re: 20110259169 CC
Triad Advisors, Inc. / Daniel Davila

Dear Mr. Hamilton:

This is to advise you that FINRA has completed its review of the matter that you brought to our attention in your initial complaint on December 31, 2010 regarding Triad Advisors, Inc. and Daniel Davila.

Our investigation included an analysis of the information you provided and additional details we collected during the examination process. Based on our assessment of the information, FINRA has closed its investigation of this matter. If new information develops, FINRA may re-open its investigation.

It is our view that a determination by FINRA not to take action against a FINRA member or a member's associated person has no evidentiary weight in any mediation, arbitration, or judicial proceeding that you have filed or may file. Further, it is inconsistent with just and equitable principles of trade for a FINRA member or a member's associated person to attempt to introduce such a determination into evidence in any of these forums.

If you feel you are entitled to monetary relief, you may wish to initiate an individual action, such as mediation or arbitration. Please be advised that FINRA provides a forum for resolving individual disputes through its Dispute Resolution Division. Information about our mediation and arbitration programs is available at www.finra.org.

Sincerely,

A handwritten signature in black ink, appearing to read "D L McKay".

Dexter L. McKay
Examination Manager

pbj

cc: Triad Advisors, Inc.
National Planning Corporation
Mr. Daniel Davila

Investor protection. Market integrity.

Atlanta District Office t 404 239 6100
One Securities Centre, Suite 500 f 404 237 9290
3490 Piedmont Road, NE www.finra.org
Atlanta, GA
30305-4808



Your Future. Our Business

Austin Wealth Management, LLC

March 3, 2011

FINRA
3490 Piedmont Road, NE
Suite 500
Atlanta, GA 30305-4808

7207 McNeil Dr.
Austin, Texas
78729-7610

P (512) 623-3477
F (512) 258-7699

Danny Davila III
MFA, CPA, PFS, CRC

Brendan McLaughlin

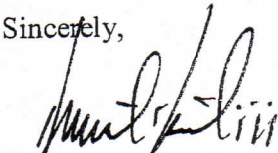
Dear FINRA:

I am responding to a complaint filed (filing id 1442381) with your office by Mr. Alan Lyle Hamilton on 12/31/2010. The complaint is for lost or stolen funds/securities and/or unsuitable recommendations for "Annuity-Fixed Equity Indexed" with Mutual of Omaha. It appears that I am being pulled into a family dispute by someone who has never been a client, friend or acquaintance of mine. Also, the complaint is on a matter that has nothing to do with my current or past licensing with FINRA or the Texas Department of Insurance. I am the Certified Public Accountant (CPA) of Alan's sister Sylvia and I was the CPA to the late Ms. Maurine P. Hamilton.

I have never been appointed with Mutual of Omaha and I've never conducted any securities or insurance business with Ms. Maurine P. Hamilton (owner of said annuities and deceased mother of Alan Lyle Hamilton). The agent of record on all annuity contracts for Ms. Hamilton was Mr. Brian Dudley. Ms. Hamilton had numerous complaints about Mr. Dudley and asked if I would help draft a letter to Mutual of Omaha to request a full redemption of her annuity contracts. I've included this letter with Mutual of Omaha's response for your review.

If you have any questions or need any additional information please contact my office at (512) 258-6637.

Sincerely,



Daniel Davilla III
MFA, CPA, PFS, CRC

www.AustinWealthMGMT.com

SECURITIES OFFERED THROUGH TRIAD ADVISORS, INC. MEMBER FINRA/SIPC.
INVESTMENT ADVISORY SERVICES OFFERED THROUGH VISION CAPITAL PARTNERS, INC. A REGISTERED INVESTMENT ADVISOR.



Davila Buschhorn
& Associates, P.C.

IRPD OCT 15 2004

October 8, 2004

United of Omaha Life Insurance Co.
Attn: Customer Service Division (CSD)
Mutual of Omaha Plaza
Omaha, NE 68175

RE: Ms. Maurine P. Hamilton Annuities

Attached is the Annuity withdrawal form for Ms. Hamilton's qualified and non-qualified annuities. Ms. Hamilton is requesting that any and all surrender charges be waived in the contract(s) due to breach of fiduciary responsibility by the agent, Mr. Brian Dudley, and your company.

Some, but not all, of the malicious behavior by the agent and your company can be summarized as follows:

- Promoting only annuities for a client who is elderly (83 years old).
- Promoting only annuities for a former client, Mr. Alfred Hamilton, who died in April of 2004 (89 years old).
- The agent borrowed an estimated \$15,000 from Ms. Hamilton. These loans were never adequately documented nor repaid in full. Our best efforts indicate that Mr. Dudley still owes her approximately \$11,000. Most of the repayments were small cash amounts (\$50-100).
- Upon pressured for repayment, Mr. Dudley filed for personal bankruptcy.
- Coming to Ms. Hamilton's house at odd hours, when no one other than Ms. Hamilton was home. Ms. Hamilton's daughter, Sylvia Hamilton, had tried numerous times to discuss her mother's financial affairs with the agent to no avail. At times her daughter was scared to leave the house in fear that Mr. Dudley would pay her mother a visit.
- The agent misrepresented the annuities as something safe without mention of the surrender charges.
- Pressuring the clients, Mr. & Mrs. Hamilton, to buy numerous annuities with the same company.
- Visiting the home of Ms. Hamilton within 24 hours of Mr. Hamilton's death on April 8, 2004 requesting that she buy yet still more insurance based products.
- Mr. Dudley once came to the house demanding money from both Sylvia and Maurine to help fix his auto.
- Mr. Dudley pressured Ms. Hamilton to sell a rent house and with the net proceeds buy yet another annuity (approximately \$70,000) with your company.
- Ms. Hamilton was pressured into buying a \$90,000 annuity, however, she was able to cancel this contract and receive her \$90,000 back after some 90 days later.

20 MAILING OCT 12 2004

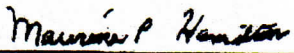
- The agent pressured Ms. Hamilton to sign blank insurance/annuity forms.
- Never questioning the validity of an elderly couple having numerous annuities with the same company.
- Finally, the agent was terminated as an agent of your company in the summer of 2004.

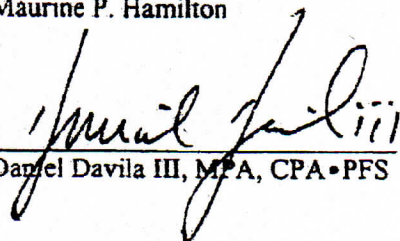
In summary, Ms. Hamilton is requesting her annuities be surrendered without penalty as soon as possible. If this request is delayed and/or denied she reserves the right to file a formal complaint against the agent and United of Omaha with the Texas State Board of Insurance.

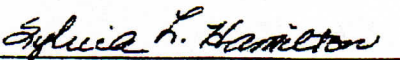
Additionally, Ms. Hamilton is NOT canceling her life insurance contracts with your company. Those policies that should remain in force are UA7714948 and UA8473131.

If you have any questions you can notify my CPA, Daniel Davila III at (512) 258-6637 and/or my daughter Sylvia L. Hamilton at (512) 834-4309. A Power of Attorney for my daughter is attached.

Sincerely,


Maurine P. Hamilton


Daniel Davila III, M.P.A., CPA • PFS


Sylvia L. Hamilton

FILE COPY - United of Omaha

October 22, 2004

MAURINE P HAMILTON
9008 EAST DR
AUSTIN, TX 78753-5112

Coverage ID: UA7728306
UA7728307
UA7728312
UA7762551
UA8441079
UO1126221

Dear Ms. Hamilton:

Thank you for your recent letter and request to terminate these policies. Based on the information you sent, we are waiving the surrender charges and the enclosed checks represent the entire cash value of your annuities.

Below is a breakdown of the cash values of your policies as of today and the checks enclosed:

Policy Number	Cash Value	Taxable Amount
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UA7728307	\$98,562.47	\$410.19
UA7728312	\$56,444.06	\$56,444.06
UA7762551	\$101,476.88	\$576.27
UA8441079	\$33,668.54	\$3,668.54
UO1126221	\$73,721.65	\$3,721.65
	\$414,159.17	\$65,106.28

A form 1099R will be sent to you in January. You will need to use the information provided in this form when preparing your 2004 tax return.

2

As a valued customer, you are important to us and we'll help you in any way we can. Please call our Home Office at 1-800-646-7592 if you have any questions.

Sincerely,

Michelle Bogatz

Michelle Bogatz
Individual Retirement Plan Services
Retirement Plans Division

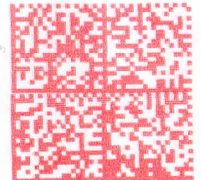


Texas Department of Insurance

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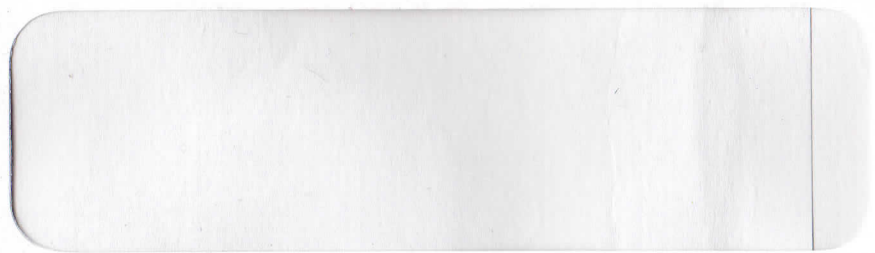
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04/30/2012

Mailed From 78701
US POSTAGE

RETURN SERVICE REQUESTED



CIZEAB3 78753



When Shopping for Insurance... Shop Smart!

- Review your coverage each year and make sure it keeps up with your changing needs.
- Choose the highest deductible you can afford. The higher the deductible, the lower your premium.
- Remember the type of car you drive affects your automobile rates. Some companies will not insure cars built for speed.
- Don't purchase insurance coverage on your home that exceeds its replacement cost.
- Take advantage of discounts. Ask your agent what discounts are available.
- Shop around! Get price quotes from several companies.

For More Information and Assistance

- Call the **Consumer Help Line**, 8 a.m. to 5 p.m., Central time, Monday–Friday
1-800-252-3439
(463-6515 in Austin)
- Call the 24-hour **Publications Order Line** for free publications
1-800-599-SHOP (7467)
(305-7211 in Austin)
- Visit our websites
www.tdi.state.tx.us
www.helpinsure.com
www.TexasHealthOptions.com
- You may file an insurance-related complaint with TDI several ways:
 - By our website at **www.tdi.state.tx.us**
 - By e-mail at **ConsumerProtection@tdi.state.tx.us**
 - By fax at **512-475-1771**
 - By mail at
Texas Department of Insurance
Consumer Protection (111-1A)
P.O. Box 149091
Austin, TX 78714-9091

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