

CONSUMER COMPLAINT FORM

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OFFICE OF THE ATTORNEY GENERAL

ATTORNEY GENERAL MARK BRNOVICH

YOUR NAME MARY [REDACTED]

YOUR ADDRESS [REDACTED]
CITY SURPRISE STATE AZ ZIP CODE [REDACTED]

HOME PHONE NUMBER [REDACTED] BEST NUMBER TO CALL DURING DAY [REDACTED]

EMAIL ADDRESS [REDACTED]

NAME OF FIRM YOU ARE COMPLAINING AGAINST ATHENE
1 SW SECURITY BENEFIT PL

ADDRESS OF FIRM [REDACTED]
CITY TOPEKA STATE KS ZIP CODE 66636

PHONE NUMBER OF FIRM 800-888-2461

ATHENE
7700 MILLS CIVIC PKWY
WEST DES MOINES, IA 50266
888-266-8489

For statistical purposes, please indicate:

Your Age:
 Under the age of 30
 Between the age of 31-59
 Between the age of 60-79
 Over the age of 80

Military/veteran:
 Currently in military service
 A veteran

How did you hear about our complaint form (please choose only one):

Called Phoenix AG Office
 Called Tucson AG Office
 Went onto AG Website
 Visited an AG Satellite Office
 An out of State Agency
 Media: Newspaper/Radio/TV
 Another Arizona State Agency/State Legislator
 Attended AG Presentation/Event
 Other _____

May we send a copy of this to the person or firm you are complaining against? YES NO
(By selecting the answer, "Yes", to the question, "May we send a copy of this to the person or business you are complaining against," I hereby authorize the Office of the Arizona Attorney General to communicate with the party(ies) against whom I have filed this complaint. I also authorize the party(ies) against whom I have filed this complaint to communicate with and provide information related to my complaint, including disclosure of non-public personal information, to the Office of the Arizona Attorney General in connection with this complaint. If your response is "No", we may be prevented from taking any action on your complaint.)

May we provide your name and telephone number to the media in the event of an inquiry about this matter? YES NO

May we send a copy of your complaint to another government agency for their review or investigation? YES NO

Was an oral or written warranty given? YES NO

Did you sign any documents? YES NO

Date of transaction 1/28/08 Place of transaction Surprise AZ
Witness to transaction DAUSMAN Salesperson's name MARK MELKUSK
Total amount of damages (list actual loss only) \$ 7365

Have you complained to the firm? YES NO
What was their response? YES AS AG

Was the product or service advertised? YES NO
If yes, indicate the date and how it was advertised _____

Do you have an attorney? YES NO
If yes, please provide the attorney's name and address _____

Is any legal action pending? YES NO
List any other consumer agencies contacted _____

PLEASE EXPLAIN THE ENTIRE CIRCUMSTANCES SURROUNDING YOUR COMPLAINT IN THE FOLLOWING PAGE PROVIDED.

I declare, under penalty of perjury, that the facts and statements contained in this declaration, including any attached statements, are true, correct, and based upon my personal knowledge.

Signature [Signature]

Date 4/25/18

Mary [REDACTED]
[REDACTED]

April 25, 2018

The Honorable Mark Brnovich
Arizona Attorney General
2005 N Central Avenue
Phoenix, AZ 85004

Dear Attorney General Brnovich,

I am a 76 year old mother with a disabled daughter and I am writing you to help me recoup my \$7,365 loss on the switching & churning of my annuities and the 10% that my agent promised me that I did not earn in either Aviva (Athene) or Security Benefit FIAs.

I was invited to a seminar held at the Golden Coral, in Surprise. The subject content was "How to protect your 401K". Mark Melkowski was the speaker at the seminar, and there were about 25 seniors and retirees attending. At the time I was 63 years of age, single, with a disabled daughter and ready to move my money out of the stock market. I knew the market fluctuated, and I didn't want to take a risk with my 401K. At the meeting, Mark Melkowski discussed how a life insurance annuity would be a safe place for a 401K. It sounded good to me, so Mark set a time to meet. When I met with Mark, he reassured me my 401K would be safe with Aviva Life Insurance Annuity. Mark Melkowski also told me at this time I would be receiving 10% interest on my monies. I then told him I have a disabled daughter, which lives with me. I then made it clear to Mark that she will need enough funds to live on, after my passing. Mark suggested a life insurance policy, and said she would not have to pay taxes on the monies. We discussed a \$450,000 or \$350,000 policy. I was unsure whether to take out the \$450,000, because of the cost. Mark Melkowski suggested and wrote up an Indianapolis Life Insurance policy for \$350,000. Mark Melkowski assured me that the 10% interest I would be making off my monies would pay for the policy. It's never happened.

Mark Melkowski, Servicing Financial Advisor, with Aviva, has been advising me since my first annuity purchase in the amount of \$259,347.76 on 1/28/2008. There was a 10% bonus, which encouraged me to make the purchase. I was with Aviva 7 years, and I rarely met with Mark during that time. I noticed he was in the City of Surprise Newspaper frequently, and was busy holding seminars. When I did have questions concerning my account, I called the annuity company directly.

Once Athene bought Aviva, Mark called me to set up an appointment, because he didn't like Athene. He advised me to transfer my 401K from Athene into Security Benefit. Security Benefit had an annual "point to point" option, that he said would benefit my account. I told him I wanted to stay with Athene, because I was with them 7 years, and didn't want to change. I knew I would lose the surrender fee time I had accumulated. Mark Melkowski became upset with me, and began raising his voice saying why wouldn't you want to change and go with Security Benefit's annual "point to point" option. I was so pressured by Mark Melkowski, that I gave my approval to transfer my account to Security Benefit. He assured me that I would have better growth potential, then what I was getting with Athene. I was under the impression I would get a guaranteed maximum annual spread of 5% interest, and a 50% guaranteed minimum participation rate. I thought monies would be applied to my account yearly, but my statements never reflected this.

I called Mark to set up a meeting. I wanted to let him know that the Security Benefit funds were not performing as he had indicated they had the potential to do. My account keeps going down in value, even the annual "point-to-point" amount, which was supposed to improve my account. Mark said, "not to worry yet, wait and find out what happens on the 5 year anniversary". My Athene account was \$232,371.31 before the transfer to Security Benefit. The amount transferred to "Security Benefit" was \$225,006.27, including a bonus of 10%. I showed Mark the paperwork indicating the costs of \$7365.04 to move my 401K from Athene to Security Benefit. Mark said, he wasn't aware of that cost. How could he not be informed? Mark Melkowski was my financial advisor. After my talk with Mark Melkowski, I called Security Benefit, and told them about the situation, and had him removed from my account.

I placed too much trust and faith in Mark Melkowski, and my accounts have suffered. Seniors and retirees need supervised agents working with insurance companies, to protect their interest. So not only did the agent make a commission selling me Aviva (Athene) and then again made a commission moving from Aviva (Athene) to Security Benefit He told me he did not like that Aviva had been purchased by Athene BUT come to find out that he does offer annuities from Athene. Why would he do that to a single mother with a disabled daughter? The answer is in the high commissions that are being paid on these complicated annuities offered by Security Benefit and Aviva (Athene).

I am urging you to investigate Security Benefit and the agents that sell these horrible annuities to find out how many many more consumers have been deceived and misled just like me.




