



8. Respondent, pursuant to Section 5(a) of Regulation 82-1 (Revised) (“Regulation 82-1”), was required to file an answer no later than 30 days after the date of service of the petition in this contested case.

9. Section 12 of Regulation 82-1 provides, that where a Respondent, against whom a pleading initiating a contested case has been properly served, fails to answer within the time period specified in Section 5(a) or fails to defend the charge, the Petitioner may move for a decision by default. The Commissioner may render a decision by default at any time after the passage of ten days from the date of filing and service of the motion for default, whereupon the Commissioner may issue any applicable order.

10. Section 5(b) of Regulation 82-1 provides, that if a Respondent fails to serve an answer timely, the allegations contained in the pleading that initiated the contested case will be treated as proven and a default judgment may be entered as provided in Section 12 of this regulation.

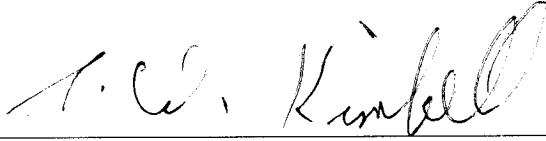
11. Respondent has failed to respond to the Insurance Division’s Motion for Default Judgment and ten (10) days has passed since the time of the filing of the motion.

**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. A Default Judgment is entered as against Respondent pursuant to Section 12 of Regulation No. 82-1 and a decision by default is rendered.
2. The non-resident producer license of Kevin J. Whitney, #758874, is hereby revoked, effective immediately.
3. Respondent shall, pursuant to 8 V.S.A. § 4806, forthwith deliver his license to the Department by personal delivery or by mail.

Dated at Montpelier, Vermont this 20<sup>th</sup> day of April, 2012.

A handwritten signature in black ink, appearing to read "S. W. Kimbell". The signature is written in a cursive style with a large, looped initial "S".

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STEPHEN W. KIMBELL, Commissioner  
Vermont Department of Financial Regulation,  
f/k/a the Vermont Dept. of Banking, Insurance,  
Securities and Health Care Administration