

**STATE OF VERMONT
DEPARTMENT OF FINANCIAL REGULATION**

IN RE: JEFFREY DOUGLAS PENTA) DOCKET NO. 12-052-I

DEFAULT JUDGMENT AND ORDER

Findings of Fact

1. Jeffrey Douglas Penta (“Respondent”) is a licensed non-resident producer in Vermont.
2. On October 31, 2012, effective November 19, 2012, the State of Kansas revoked the non-resident producer license held by Respondent in that state due to Respondent’s violations of Kansas insurance laws.
3. On December 4, 2012, the Insurance Division (“Division”) served upon Respondent the Petition for Revocation of License and Notice of Right to Request Hearing in this action.
4. Respondent has not filed an answer to date.
5. The Division filed and served a Motion for Default Judgment on January 4, 2013.

Conclusions of Law

6. The Commissioner, pursuant to 8 V.S.A. § 4804(a)(10), may suspend, revoke or refuse to continue or renew any license issued under Chapter 131 of Vermont Statutes Annotated Title 8 if, after notice and opportunity for hearing, she finds that Respondent’s license has been suspended or revoked in any other state.
7. Pursuant to 8 V.S.A. § 15 the Commissioner may issue orders necessary to the administration of and to carry out the purposes of Title 8 of the Vermont Statutes.
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 Division's Motion for Default Judgment and ten (10) days has passed since the time of the filing and service of the motion.

ORDER

IT IS 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 Jeffrey Douglas Penta, #748109, is 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 22nd day of January, 2013.



Susan L. Donegan, Commissioner
Vermont Department of Financial Regulation