UEC 232014

## STATE OF VERMONT DEPARTMENT OF FINANCIAL REGULATION

In Re: Steve Stokeling, VT License No. 827912	) )	DOCKET NO. 14-040-I
	,	

#### DEFAULT JUDGMENT AND ORDER

### **Findings of Fact**

- 1. Steve Stokeling ("Respondent") holds Vermont non-resident insurance producer license # 827912.
- 2. On August 6, 2014, the Insurance Division (the "Division") properly served on Respondent the Petition for Revocation of License and Notice of Right to Request Hearing in this action. (Attached as Exhibit 1.)
- 3. As of the date of this Order, Respondent has not answered or otherwise responded to the Petition for Revocation of License.
- 4. On September 22, 2014, the Division filed and served a Motion for Default Judgment. (Attached as Exhibit 2.)
- 5. As of the date of this Order, Respondent has not answered or otherwise responded to the Motion for Default Judgment.
- 6. On November 18, 2014, the Division filed and served an Amended Motion for Default Judgment. (Attached as Exhibit 3.)
- 7. As of the date of this Order, Respondent has not answered or otherwise responded to the Amended Motion for Default Judgment.

### **Conclusions of Law**

- 8. Section 5(a) of Regulation No. 82-1 (Revised) ("Regulation 82-1") requires a Respondent to file an answer to a petition in a contested case no later than 30 days after the date of service of the petition.
- 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), 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 states 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. 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.

#### Order

### IT IS ORDERED THAT:

- 12. A Default Judgment is entered against Respondent pursuant to Section 12 of Regulation No. 82-1.
- 13. Respondent's non-resident insurance producer license # 827912 is revoked, effective immediately.

14. Respondent is required to deliver his license to the Division by personal delivery or by mail, pursuant to 8 V.S.A. § 4806.

Dated at Montpelier, Vermont this 23<sup>rd</sup> day of December, 2014.

Susan L. Donegan, Commissioner

Vermont Department of Financial Regulation

# **EXHIBIT 1**

In Re: Steve Sto	okeling, VT License No. 827912	)	Docket No. 14-040-I
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### PETITION FOR REVOCATION OF LICENSE

The Insurance Division of the Vermont Department of Financial Regulation ("Department") petitions the Commissioner, pursuant to 3 V.S.A. § 814(c) and 8 V.S.A. §§ 4804(a)(3) and (10) to revoke the non-resident producer license of Steve Stokeling ("Respondent") based on violations of conditions in § 4804.

### I. FACTS

- 1. Respondent, whose address of record is 1401 Peachtree Street NE, Suite 100, Atlanta, Georgia 30363, was issued Vermont non-resident producer license # 827912 on July 9, 2012.
- 2. Respondent held an active resident insurance agent license in his resident state of Georgia until February 6, 2014.
- 3. On February 6, 2014, Respondent voluntarily surrendered his resident insurance agent license in Georgia. (See attached Exhibit 1.)
- 4. Respondent held an active non-resident insurance producer license in Colorado until April 17, 2014.
- 5. On April 17, 2014, the Colorado Division of Insurance summarily suspended Respondent's non-resident insurance agent license. (See attached Exhibit 2.)
- 6. Respondent held an active non-resident insurance agent license in Kentucky until April 18, 2014.

- 7. On April 18, 2014, the Kentucky Department of Insurance revoked Respondent's non-resident insurance agent license. (See attached Exhibit 3.)
- 8. As of the date of this petition, Respondent has not reported to the Commissioner the revocation of his non-resident insurance agent license by the Kentucky Department of Insurance.

### II. CONDITIONS SUPPORTING REVOCATION OF LICENSE

- 9. Respondent voluntarily surrendered his license in Georgia, his home state, leaving Respondent out of compliance with 8 V.S.A. § 4813h(a)(1) and meeting the conditions for revocation under 8 V.S.A. § 4804(a)(3).
- 10. Respondent's license has been suspended in Colorado, meeting the conditions for revocation under 8 V.S.A. § 4804(a)(10).
- 11. Respondent's license has been revoked in Kentucky, meeting the conditions for revocation under 8 V.S.A. § 4804(a)(10).
- 12. Respondent failed to report to the Commissioner the revocation of his license by the Kentucky Department of Insurance within 30 days of the final disposition of the matter in violation of 8 V.S.A. § 4813o(a) and meeting the conditions for revocation under 8 V.S.A. § 4804(a)(3).

#### III. RELIEF REQUESTED

The Insurance Division requests the Commissioner issue an order revoking the Vermont non-resident producer license # 827912 of Respondent.

### Dated at Montpelier, Vermont this August 6, 2014.

Department of Financial Regulation

Ву:

Ryan Chieffo

Assistant General Counsel

89 Main Street

Montpelier, VT 05620-3101

(802) 828-3301

### NOTICE OF RIGHT TO REQUEST HEARING DOCKET NO. 14-040-I

STEVE STOKELING ("Respondent") is given NOTICE that he must file an answer to the Petition for Revocation of License dated August 6, 2014 in accordance with the Vermont Department of Financial Regulation No. 82-1 (Revised) ("Regulation 82-1") within thirty (30) days from the date of mailing of this Notice. The answer must be delivered to the attention of the Docket Clerk, Diane Lewis, Vermont Department of Financial Regulation, 89 Main Street, Montpelier, Vermont 05620-3101. The Department is located at 89 Main Street, City Center. 3<sup>rd</sup> Floor, Montpelier, Vermont.

Respondent's answer must include a response to the substance of each allegation, a brief statement of any legal or factual defense, and a statement as to whether the Respondent waives an oral hearing, as set out more fully in Regulation No. 82-1, Section 5. Any hearing in this matter will be conducted in accordance with the contested case procedures described in 3 V.S.A. § 809 et seq. and Regulation No. 82-1. All parties have the right to represent themselves or be represented throughout the proceedings herein by legal counsel.

FAILURE TO RESPOND IN A TIMELY MANNER OR TO ATTEND A
HEARING THAT HAS BEEN SCHEDULED MAY RESULT IN THE ENTRY OF
DEFAULT JUDGMENT AGAINST YOU FOR THE RELIEF REQUESTED BY THE
DEPARTMENT.

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In Re:	Steve Stokeling,	VT License No. 827912	)	Docket No. 14-040-I
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### **CERTIFICATE OF SERVICE**

I hereby certify that on August 6, 2014, I served the Petition for Revocation of License. Statutory References, and Notice of Right to Request Hearing in the above-captioned matter by causing the same to be mailed to Respondent, Steve Stokeling, by certified mail, return receipt requested, at Respondent's mailing address of record: 1401 Peachtree Street NE, Suite 500, Atlanta, Georgia 30363.

Dated at Montpelier, Vermont this 6<sup>th</sup> day of August, 2014.

Vermont Department of Financial Regulation

By:

Ryan Chieffo

Assistant General Counsel

89 Main Street

Montpelier, VT 05620-3101

(802) 828-3301

# **EXHIBIT 2**

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In Re: Steve Stokeling, VT License No. 827912	Docket No. 14-040
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### MOTION FOR DEFAULT JUDGMENT

Petitioner, the Insurance Division of the Vermont Department of Financial Regulation ("Department"), pursuant to Section 12 of Regulation No. 82-1 (Revised) ("Regulation 82-1"), hereby requests that the Commissioner issue a decision by default in the above captioned matter and enter an Order suspending the nonresident insurance producer license of Respondent, Steve Stokeling ("Respondent").

### **Factual Allegations**

- 1. On August 6, 2014 the Department served upon Respondent the Petition for Suspension of License ("Petition") and Notice of Right to Request Hearing ("Notice") in this action by sending a copy of the Petition to the Respondent at his last known address by certified mail, return receipt requested, pursuant to Section 4(b) of Regulation 82-1. (See attached Exhibits 1 and 2).
- 2. Respondent, pursuant to Section 5(a) of Regulation 82-1, was required to file an answer no later than September 5, 2014, 30 days after the date of service.
  - 3. No answer has been filed as of the date of this motion.

#### Discussion of Law

4. Section 5(b) of Regulation 82-1 states that if a Respondent fails to serve an answer timely, "the allegations contained in the pleading which initiated the contested

case will be treated as proven and a default judgment may be entered as provided in Section 12."

5. Section 12 of Regulation 82-1 states, "where a Respondent, against whom a pleading initiating a contested case has been properly filed and served, fails to answer within the time period specified in Section 5(a)...or otherwise fails to defend the charge, the Petitioner may move for a decision by default."

6. Respondent failed to respond to the properly served Petition and Notice.

The allegations contained in the Petition, thus, must be treated as proven and a default judgment may be entered.

7. The Department, based upon the Respondent's failure to respond to the Petition in this action, moves for the issuance of a default judgment and for an Order suspending the Vermont nonresident insurance producer license no. 827912 of Respondent.

Dated at Montpelier, Vermont this 22<sup>nd</sup> day of September 2014.

Department of Financial Regulation

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Axistant General Counsel

89 Main Street

Montpelier, VT 05620-3101

(802) 828-3301

Re: Steve Stokeling, VT License No. 827912	)	Docket No. 14-040-I
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### **CERTIFICATE OF SERVICE**

I hereby certify that on the 22<sup>nd</sup> day of September, 2014, I served the Motion for Default Judgment in the above-captioned matter by causing the same to be mailed to Respondent, Steve Stokeling, by U.S. mail, postage pre-paid, at his address of record, 1401 Peachtree Street NE, Suite 500, Atlanta, Georgia 30363.

Dated at Montpelier, Vermont this 22<sup>nd</sup> day of September, 2014.

Department of Financial Regulation

By: Ryan Chieffa

Assistant General Counsel

89 Main Street

Montpelier, VT 05620-3101

(802) 828-3301

# **EXHIBIT 3**

In Re:	n Re: Steve Stokeling, VT License No. 827912	)	Docket No. 14-040-I
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### AMENDED MOTION FOR DEFAULT JUDGMENT

Petitioner, the Insurance Division of the Vermont Department of Financial Regulation ("Department"), pursuant to Section 12 of Regulation No. 82-1 (Revised) ("Regulation 82-1"), hereby requests that the Commissioner issue a decision by default in the above captioned matter and enter an Order revoking the nonresident insurance producer license of Respondent, Steve Stokeling ("Respondent").

### **Factual Allegations**

- 1. On August 6, 2014 the Department served upon Respondent the Petition for Revocation of License ("Petition") and Notice of Right to Request Hearing ("Notice") in this action by sending a copy of the Petition and Notice to the Respondent at his last known address by certified mail, return receipt requested, pursuant to Section 4(b) of Regulation 82-1. (See attached Exhibits 1 and 2).
- 2. Respondent, pursuant to Section 5(a) of Regulation 82-1, was required to file an answer no later than September 5, 2014, 30 days after the date of service.
  - 3. No answer has been filed as of the date of this motion.

#### Discussion of Law

4. Section 5(b) of Regulation 82-1 states that if a Respondent fails to serve an answer timely, "the allegations contained in the pleading which initiated the contested

case will be treated as proven and a default judgment may be entered as provided in Section 12."

5. Section 12 of Regulation 82-1 states, "where a Respondent, against whom a pleading initiating a contested case has been properly filed and served, fails to answer within the time period specified in Section 5(a)...or otherwise fails to defend the charge, the Petitioner may move for a decision by default."

6. Respondent failed to respond to the properly served Petition and Notice. The allegations contained in the Petition, thus, must be treated as proven and a default judgment may be entered.

7. The Department, based upon the Respondent's failure to respond to the Petition in this action, moves for the issuance of a default judgment and for an Order revoking the Vermont nonresident insurance producer license no. 827912 of Respondent.

Dated at Montpelier, Vermont this 18<sup>th</sup> day of November, 2014.

Department of Financial Regulation

By: (

Assistant General Counsel

89 Main Street

Montpelier, VT 05620-3101

(802) 828-3301

In Re: Steve Stokeling, VT License No. 827912	) ) )	Docket No. 14-040-
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### CERTIFICATE OF SERVICE

I hereby certify that on the 18<sup>th</sup> day of November, 2014, I served the Amended Motion for Default Judgment in the above-captioned matter by causing the same to be mailed to Respondent, Steve Stokeling, by U.S. mail at his address of record, 1401 Peachtree Street NE, Suite 500, Atlanta, Georgia 30363.

Dated at Montpelier, Vermont this 18<sup>th</sup> day of November, 2014.

Department of Financial Regulation

By:\_\_\_\_\_

Assistant General Counsel

89 Main Street

Montpelier, VT 05620-3101

(802) 828-3301