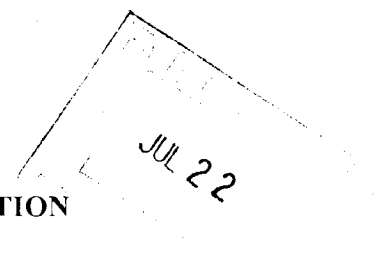


STATE OF VERMONT  
DEPARTMENT OF FINANCIAL REGULATION



IN RE: CLAYMONTE ARSHAWN MCNEILL ) DOCKET NO. 15-013-I  
LICENSE NO. 943203 )

**DEFAULT JUDGMENT AND ORDER**

**Findings of Fact**

1. Claymonte Arshawn McNeill (“Respondent”) is a licensed non-resident property and casualty adjuster in Vermont, license #943203.
2. Respondent’s license was issued pursuant to the licensing requirements set forth in Chapter 131 of Vermont Statutes Annotated Title 8.
3. According to the North Carolina Department of Insurance, Respondent was arrested on or about September 11, 2014 and charged with obtaining property by false pretenses and embezzlement by an insurance agent for allegedly issuing thirteen (13) unauthorized claim drafts totaling approximately \$70,000 to his spouse.
4. On October 8, 2014, the state of Washington revoked the non-resident insurance license held by Respondent in that state due to Respondent’s violations of Washington’s insurance laws.
5. On October 15, 2014, the state of Kentucky revoked the non-resident insurance adjuster license held by Respondent in that state due to Respondent’s violations of Kentucky insurance laws.
6. On April 7, 2015 the state of Idaho revoked the non-resident insurance license held by Respondent in that state due to Respondent’s violations of Idaho insurance laws.

7. Respondent failed to report administrative actions to the Department pursuant to 8 V.S.A. § 4813o (a) which requires Respondent to report actions taken against a producer in any other jurisdiction or state government agency within 30 days of final disposition.

8. Respondent also failed to report his criminal prosecution in North Carolina including providing the initial complaint filed, and other relevant legal documents to the Department within 30 days of the initial pretrial hearing date pursuant to 8 V.S.A. § 4813o(b).

9. On April 21, 2015 and on May 15, 2015 the Insurance Division (“Division”) served upon Respondent the Petition for Revocation of License and Notice of Right to Request Hearing in this action.

10. Respondent has not filed an answer to date.

11. The Division filed and served a Motion for Default Judgment on July 7, 2015.

#### **Conclusions of Law**

12. Respondent violated 8 V.S.A. § 4804(a)(3) for not complying with the insurance laws of Vermont and any other state including the laws of North Carolina, Washington, Kentucky and Idaho.

13. Respondent also violated 8 V.S.A. § 4804(a)(3) for failing to report administrative actions against him including applicable license revocations within 30 days pursuant to 8 V.S.A. § 4813o(a), and for failing to report criminal actions against him within 30 days of the initial pretrial hearing date pursuant to 8 V.S.A. § 4813o(b).

14. Respondent also violated §§ 4804(a)(9) and 4803(a)(2) since in the conduct of his affairs he has used fraudulent, coercive or dishonest practices or has shown himself to be incompetent, untrustworthy or financially irresponsible.

15. Respondent violated § 4804(a)(10) since his insurance license(s) have been suspended or revoked in other states, including in Washington, Kentucky and Idaho.

16. Respondent's violations of 8 V.S.A. §§ 4804(a)(3), (9) and (10) subjects Respondent to suspension or revocation in the State of Vermont. 8 V.S.A. § 4804(a) provides that the Commissioner may suspend, revoke or refuse to continue or renew any license issued under Chapter 131 of Title 8 if, after notice and opportunity for hearing, she finds that the Respondent is in violation of one or more applicable conditions listed under § 4804(a).

17. 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.

18. 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.

19. 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.

20. 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.

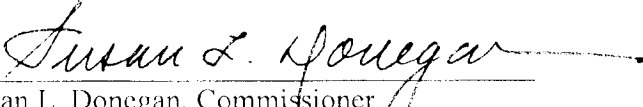
21. Respondent has failed to respond to the Division's Motion for Default Judgment and ten (10) days has passed since the time of the filing and service of the motion.

**ORDER**

**IT IS ORDERED THAT:**

1. A Default Judgment is entered against Respondent pursuant to Section 12 of Regulation No. 82-1 and a decision by default is rendered.
2. The non-resident property and casualty adjuster insurance license #943203 of Respondent, Claymonte Arshawn McNeill, is revoked, effective immediately.
3. Respondent shall, pursuant to 8 V.S.A. § 4806, forthwith deliver his license to the Department.

Dated at Montpelier, Vermont this 22<sup>nd</sup> day of July, 2015.

  
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Susan L. Donegan, Commissioner  
Vermont Department of Financial Regulation