

6. Respondent, pursuant to Section 5(a) of Regulation 82-1, was required to file an answer no later than 30 days after the date of service. Respondent's answer in this action was due on October 15, 2016. No answer has been filed to date.

7. The certified mailing sent to Respondent's business address of record was delivered on September 19, 2016. The certified mailing sent to Respondent's residence of record was returned to the Department marked "unclaimed." See Exhibit 1.

8. On October 20, 2016, the Department served upon Respondent a Motion for Default Judgment by certified mail return receipt requested to both her business address of record and her residence of record.

9. The certified mailing sent to Respondent's business address of record was delivered on October 25, 2016. See Exhibit 2.

Conclusions of Law

10. To obtain a Vermont non-resident producer license, an applicant must be currently licensed as a producer and in good standing in his or her home state, and also comply with the requirements set forth in Chapter 131 of Vermont Statutes Annotated Title 8.

11. The Commissioner may suspend, revoke or refuse to continue or renew a non-resident license already issued for any one of the reasons set out in 8 V.S.A. § 4804.

12. A license may be revoked if, in the conduct of his or her affairs, a licensee has used fraudulent, coercive, or dishonest practices, or has shown herself to be incompetent, untrustworthy, or financially irresponsible. 8 V.S.A. § 4804(a)(9).

13. Respondent's misuse of sensitive client information, at a minimum constitutes incompetent and untrustworthy conduct in violation of 8 V.S.A. § 4804(a)(9).

14. The Commission may revoke Respondent's non-resident producer license if he finds as to the licensee, any one of the conditions set forth in 8 V.S.A. § 4804.

15. 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 otherwise 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.

16. Section 5(b) of Regulation 82-1 provides 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 of this regulation. Respondent failed to respond to the properly served Petition and Notice in this case. The allegations contained in the Petition, thus, must be treated as proven and a default judgment may be entered.

17. Respondent was properly served both the Petition to Revoke Non-Resident Producer License and the Motion for Default Judgment at her business address of record. Ten days have passed since the Motion for Default Judgment was served upon Respondent, therefore the Commissioner may enter a default judgment and issue a decision by default.

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 producer insurance license #3119419 of Respondent, BRITTANY OUELLETTE, is revoked, effective immediately.

3. Respondent shall, pursuant to 8 V.S.A. § 4806, forthwith deliver her license to the Department.

Dated at Montpelier, Vermont this 2nd day of November 2016.



Michael Pieciak, Commissioner
Vermont Department of Financial Regulation