STATE OF VERMONT
DEPARTMENT OF FINANCIAL REGULATION

IN RE: CHARMAINE HOLTZ) DOCKET NO. 12-055-I

DEFAULT JUDGMENT AND ORDER

Findings of Fact

1. Charmaine Holtz ("Respondent") is a licensed non-resident workers compensation adjuster in Vermont.

2. Respondent filed a request dated January 17, 2012 with the Insurance Division of the Department of Financial Regulation for an extension of time in which to complete her required continuing education seminar.

3. Respondent acknowledged that she was to attend the next available continuing education seminar that was scheduled to take place in the spring of 2012.

4. The Department received an attendee list for the spring 2012 continuing education seminar from the Vermont Department of Labor. Respondent's name was not on the list of attendees.

5. On December 12, 2012, the Insurance Division served upon Respondent the Petition for Suspension of License in this action.

6. Respondent has not filed an answer to date.

7. The Insurance Division filed a Motion for Default Judgment on January 14, 2013 in this matter.

Conclusions of Law

8. The Commissioner, pursuant to 8 V.S.A. § 4803 shall require worker's compensation adjusters to complete educational programs in their field. The Commissioner may suspend or

revoke a license of any person who fails to comply with the educational requirements established by the Commissioner.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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 and service of the motion.

ORDER

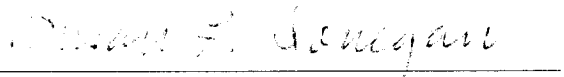
IT IS ORDERED THAT:

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 workers compensation adjuster license of Charmaine Holtz, #674618, is suspended, effective immediately.

3. Respondent shall, pursuant to 8 V.S.A. § 4806, forthwith deliver her license to the Department by personal delivery or by mail.

Dated at Montpelier, Vermont this 30th day of January, 2013.



Susan L. Donegan, Commissioner
Vermont Department of Financial Regulation