

**STATE OF VERMONT  
DEPARTMENT OF FINANCIAL REGULATION**

In Re: Deborah L. Lefaiivre

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DOCKET NO. 14-026-1

**CONSENT ORDER**

This Consent Order is entered this ninth day of September, 2014 (“Effective Date”) by and among Deborah L. Lefaiivre (“Respondent”) and the State of Vermont Department of Financial Regulation (the “Department”).

WHEREAS, the Commissioner of the Department is responsible for administering and enforcing the insurance laws of the State of Vermont, including but not limited to Vermont Statutes, Title 8, § 13 and Department Regulation 79-02 § 5, which pertain to subpoenas and requests for information from licensed agents;

WHEREAS, as a result of the Department’s investigation, the Department has concluded that the Respondent failed to respond to requests for information and to lawfully issued subpoenas of the Department;

WHEREAS, the Respondent has been advised that she has the right to obtain counsel at any time in these proceedings;

WHEREAS, as the Department has accordingly sought, the Department and the Respondent have agreed to take corrective and remedial measures as more specifically described herein;

WHEREAS, the Respondent admits to the facts described herein without the necessity of further formal proceedings; and

WHEREAS, the Respondent elects to permanently waive any right to a hearing and appeal under: Title 8; Vermont statutes pertaining to insurance; the Vermont Administrative Procedure Act, 3 V.S.A. Chapter 25; the rules, regulations, and orders of the Commissioner; and any right the Respondent may have to judicial review by any court with respect to this Consent Order,

NOW THEREFORE, the parties so stipulate, and the Commissioner makes findings and conclusions as follows:

## FINDINGS OF FACT

The Respondent admits and subjects herself to the jurisdiction of the Commissioner and Department; the Respondent admits the Findings of Fact and Conclusions of Law contained in this Order; and the Respondent consents to the entry of this Order by the Commissioner.

1. The Respondent is actively engaged in the business of insurance in Vermont and has held Vermont resident producer license #90350, since November 3, 2009.
2. On or about April 4, 2014, a consumer filed a complaint (“consumer complaint”) regarding the Respondent.
3. Per Department Regulation 79-2, Section 5: “An insurer who receives an inquiry or complaint from the Department [of Financial Regulation] shall furnish a response within fifteen (15) working days addressing itself to the specifics of the inquiry or complaint.”
4. In an effort to resolve the consumer complaint, the Department effected to contact the Respondent for the purpose of requesting a written response addressing the specifics of the consumer complaint, including letters of April 4, 2014 and of May 6, 2014, and telephone calls of May 21, 2014, and May 28, 2014, and an outgoing e-mail of April 28, 2014.
5. As of June 3, 2014, no written response was made by the Respondent to the Department
6. On June 3, 2014, the Commissioner issued a Subpoena Duces Tecum to the Respondent, by certified mail, directing the production of certain information and documents by June 16, 2014; a copy of the consumer complaint as well as records showing the Department’s efforts to address this consumer complaint and related inquiry, accompanied the mailing.
7. By July 30, 2014, 44 days after the Respondent was required to provide certain records or documents to the Department, the Respondent had not produced the records or documents nor did the Respondent respond in any other way to the Department to the Subpoena Duces Tecum of June 3, 2014.
8. On July 30, 2014, the Commissioner issued a second Subpoena Duces Tecum in this matter.
9. On August 1, 2014, investigators of the Department served the second Subpoena Duces Tecum on the Respondent by in person service.

10. On August 1, 2014, the Respondent cooperatively responded to the in-person service and began providing the Department with the required records or documents.

11. Since August 1, 2014 through the date of this Order, the Respondent has cooperated with the Department and complied with the second Subpoena Duces Tecum.

#### CONCLUSIONS OF LAW

1. Per Department Regulation 79-2, Section 5: "An insurer who receives an inquiry or complaint from the Department [of Financial Regulation] shall furnish a response within fifteen (15) working days addressing itself to the specifics of the inquiry or complaint."
2. Pursuant to 8 V.S.A. § 13(b), a person who fails to produce papers or records for examination, upon properly being ordered to do so, may result in the suspension person's authority to do business, for not more than six months, and may result in an administrative penalty of not more than \$2,000.00 per day for each day of noncompliance.

#### CONSENT ORDER

NOW, THEREFORE, based on the stipulation of the Respondent, and on the basis of the findings, the Commissioner issues the following Order, to be fully complied with following receipt by the Commissioner of the duly executed Consent to Entry of Administrative Order:

1. The Respondent agrees to pay a penalty of \$1,000 to the Department.
2. All payments required hereunder shall be effected within thirty (30) days of the date hereof.
3. The Respondent will cooperatively avail herself to an in-person "check-in" by the Department for the purpose of reviewing or examining her conduct in the business of insurance during the next 12 months.
4. This Consent Order documents the resolution of all matters arising from Department's above-referenced investigation and will not be a basis for action against the Respondent by the Department arising out of these same events except in determining any action or penalty that may be imposed by the Department for any future violations of law by the Respondent.

If the Respondent fails or neglects to comply with any of the terms, conditions or

undertakings set forth in this Consent Order, the Department may upon written notice to the Respondent institute any legal or administrative proceedings it deems appropriate to enforce same and to seek such other appropriate sanctions.

This ORDER shall become effective immediately upon the date set forth below.

BY ORDER OF THE COMMISSIONER

Entered at Montpelier, Vermont, this 9 day of September, 2014.

A handwritten signature in black ink, appearing to read 'Michael S. Pieciak', written over a horizontal line.

Michael S. Pieciak  
Acting Commissioner  
Vermont Department of Financial  
Regulation

CONSENT TO ENTRY OF ADMINISTRATIVE ORDER BY  
DEBORAH L. LEFAIVRE

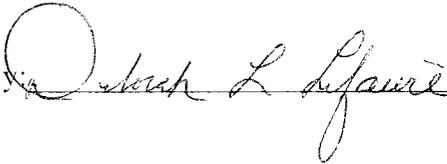
DEBORAH L. LEFAIVRE (“Respondent”) hereby admits the jurisdiction of the Commissioner over the subject matter of this proceeding, and solely, with respect to this matter, knowingly and voluntarily waives any and all rights to a hearing before the Commissioner or her designee and all other procedures otherwise available under Vermont insurance law, and any successor act, or the rules, regulations, and orders of the Commissioner. Respondent also waives compliance with the provisions of 3 V.S.A., Chapter 25 regarding contested cases. Respondent acknowledges that this Consent Order constitutes a valid order duly rendered by the Commissioner.

1. Respondent voluntarily and knowingly waives any rights she may have to judicial review by any court by way of suit, appeal, or extraordinary remedy resulting from the issuance of the Consent Order.
2. Respondent acknowledges and agrees that the Consent Order is entered into freely and voluntarily and that no promise was made, nor was any coercion used, to induce the Respondent to enter into the Consent Order.
3. Respondent acknowledges her understanding of all terms, conditions, and obligations contained in the Consent Order and further acknowledges that should she fail to comply with any and all provisions of the Consent Order, the Commissioner may impose additional sanctions and seek other appropriate relief subject to the Respondent’s rights to a hearing.
4. Respondent consents to the issuance of this Consent Order and agrees to be

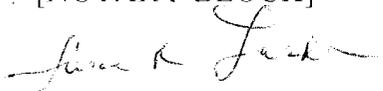
fully bound by its terms and conditions as settlement of the issues contained in this Order.

Dated this \_\_\_ day of September, 2014.

DEBORAH L. LEFAIVRE

By  \_\_\_\_\_

[NOTARY BLOCK]

  
3/10/2015