

APR 30 2010

STATE OF VERMONT  
DEPARTMENT OF BANKING, INSURANCE, SECURITIES  
AND HEALTH CARE ADMINISTRATION

IN RE: JAMES Z. REMINGTON, JR.                    )  
  )  
  )           DOCKET NO. 10-035-I  
  )

**STIPULATION AND CONSENT ORDER**

**NOW COME** the Department of Banking, Insurance, Securities and Health Care Administration of the State of Vermont (“Department”) and James Z. Remington, Jr. (“Respondent”) and hereby stipulate and agree as follows:

**WHEREAS**, pursuant to the authority contained in 8 V.S.A. §§11, 12, 15, 4726 and 4804, the Department and the Commissioner of the Department are charged with administering and enforcing the insurance laws of the State of Vermont; and

**WHEREAS**, pursuant to the authority contained in 8 V.S.A. §4804(a)(3), the Commissioner may suspend, revoke or refuse to continue any license issued under 8 V.S.A. Chapter 131, if she finds that the licensee violated any insurance laws; and

**WHEREAS**, James Z. Remington, Jr., whose address of record is 1111 Cormier Road, Danville, Vermont 05828, was first issued a resident producer license in the State of Vermont on July 1, 2002, license number 92121; and

**WHEREAS**, the Department has conducted an investigation of the Respondent’s marketing of Medicare Part C plans. The investigation shows that Respondent’s marketing methods included the use of an advertisement that failed to disclose that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance agent. The Department’s investigation further showed that

Respondent used an appointment made to discuss a Medicare product to solicit the sale of an annuity without the customer requesting the solicitation; and.

**WHEREAS**, the Department has determined that Respondent has violated 8 V.S.A §4804 (8)(A)(i), which prohibits a licensee from soliciting the purchase of health insurance in Vermont through an advertisement which makes use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance, and that contact will be made by an insurance agent or insurance company and (8)(A)(ii), which prohibits the use an appointment that was made to discuss Medicare products or to solicit the sale of Medicare products to solicit sales of any other insurance products unless the consumer requests the solicitation, and the products to be discussed are clearly identified to the consumer in writing at least 48 hours in advance of the appointment.

**WHEREAS**, Respondent has been made aware that the Department will proceed with an administrative action against him for violating the insurance laws of the State of Vermont; and

**WHEREAS**, Respondent wishes to resolve this matter by entering into a stipulation and consent order with the Department on the terms and conditions hereinafter set forth in lieu of proceeding with a hearing.

**NOW THEREFORE**, in consideration of the mutual covenants contained herein, the Department and Respondent stipulate and agree as follows:

1. Respondent shall pay an administrative penalty of Five Hundred Dollars (\$500.00), Two Hundred Fifty Dollars (\$250.00) of which shall be suspended.

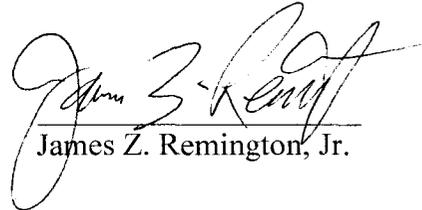
The unsuspended amount (\$250.00) shall be payable within ten (10) days of the signing of this order.

2. Respondent shall pay the costs of the Department's investigation of Respondent pursuant to 8 V.S.A. §18 in the amount of Three Hundred Dollars (\$300.00) due within ten (10) days of the signing of this order.
3. The Department may impose all or part of the suspended portion of the administrative penalty if: (1) the Department determines, with sufficient facts to support that determination, and after written notice to Respondent, that Respondent is not in compliance with the terms and conditions of this Consent Order and (2) Respondent has exhausted or waived all procedural and/or substantive rights and defenses he may have to the imposition of all or part of the suspended portion of the administrative penalty. This paragraph shall not, in any way, limit the Department's authority to impose, in addition to the imposition of all or part of the suspended portion of the administrative penalty, a fine or administrative penalty or any other enforcement remedies for violation of any Vermont statute, regulation, rule or law not specifically set forth herein.
4. The suspended portion of the administrative penalty shall remain pending and may be imposed against Respondent until May 1, 2012.
5. Respondent shall cease and desist from soliciting the purchase of health insurance in Vermont through any advertisement which makes use directly or indirectly of any method of marketing which fails to disclose in a conspicuous

manner that a purpose of the method of marketing is solicitation of insurance, and that contact will be made by an insurance agent or insurance company.

6. Respondent shall cease and desist from using an appointment that was made to discuss Medicare products or to solicit the sale of Medicare products to solicit sales of any other insurance products unless the consumer requests the solicitation, and the products to be discussed are clearly identified to the consumer in writing at least 48 hours in advance of the appointment.
7. Respondent hereby waives his statutory right to notice and a hearing before the Commissioner of the Department, or her designated appointee.
8. Respondent acknowledges and agrees that this stipulation is entered into freely and voluntarily and that except as set forth herein, no promise was made to induce the Respondent to enter into it and he understands all terms and obligations contained herein. Respondent acknowledges that he has been informed of his right to consult with counsel in this matter.
9. Respondent consents to the entry of this Order and agrees to be fully bound by its terms and conditions. Respondent acknowledges that noncompliance with any of the terms of this Order may constitute a separate violation of the insurance laws of the State of Vermont and may subject him to sanctions under the provisions of 8 V.S.A. §4804.

STATE OF Vermont  
COUNTY OF Caledonia

  
James Z. Remington, Jr.

Sworn to and subscribed before this  
The 21<sup>st</sup> day of April, 2010

Wendy M. Smies  
NOTARY PUBLIC

My Commission Expires: 2.10.11

Accepted by:  Date: 4.30.10  
Michael S. Bertrand  
Deputy Commissioner,  
Insurance Division, Vermont Department  
of Banking, Insurance, Securities  
and Health Care Administration

**ORDER**

**IT IS HEREBY ORDERED:**

- A. Respondent, James Z. Remington, Jr., shall comply with all agreements, stipulations, and undertakings as recited above.
- B. Nothing contained in this Order shall restrain or limit the Department in responding and addressing any consumer complaint about Respondent filed with the Department or shall preclude the Department from pursuing any other violation of law.

Dated at Montpelier, Vermont this 3 day of May 2010

  
PAULETTE J. THABAULT, Commissioner  
Vermont Department of Banking, Insurance, Securities  
and Health Care Administration