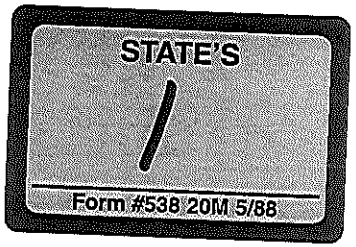
List of MC Exams and Investigations						
Initiated during 2009 and 2010						
Closed Files						
Respondent	Exam #	Exam Type	Initiation date	Completion Date	Action Taken	Comments
Liberty Mutual Group		M/C Exam	3/25/2009	11/4/2010	Yes	Four Liberty Mutual companies were added to the original Liberty Mutual investigation (Sircon File # 86) as a result of our original investigation. The exam ended with a settlement of $199,466.00 through a stip and consent order. They were also fined $100,000.00 for failing to follow provisions of a prior order in 2009.
Reliance Standard	119	Investigation	3/18/2009	11/4/2010	Yes	Resulted in a penalty of $100,000.00 through a stip and Consent Order and they had to file changes to their form to bring it in compliance with Vermont mandates.
Anthem Blue Cross of New Hampshire	126	Investigation	6/5/2009	8/10/2010	Yes	Resulted in a fine of $100,00.00 and they were to continue to provide coverage until 2/1/2011 providing all Vermont mandates under the AWANE association.
Monumental Life	129	Ivestigation	7/6/2009	8/10/2010	Yes	As a result of a class action suit and the Department's investigation the company was fined $5,000.
American National	130	Investigation	7/8/2009	11/4/2010	Yes	Received a referral from the rates and Forms Section regarding late payment of Life Claims. We investigated and the company only had seven claims paid in a ten year period. The company paid the claims with interest and we closed the file without further action.
Aetna Life	134	Investigation	7/19/2009	11/4/2010	Yes	Resulted in a fine of $125,000.00 and the company agreed to cease and desist from selling and marketing Limited Benefit Policies of health or certificates to Vermont residents. The company will continue to provide coverage under these LBP while providing Vermont mandates until July 1, 2011.
Fidelity Security	145	Investigation	8/14/2009	11/4/2010	No	Referral from HCA complaint section, investigation revealed less than 25 Vermonters and as a result the company was exempt from filing their form. Investigation closed without action.
Transamerica Life Ins Co	146	investigation	8/27/2009	11/4/2010	Yes	Referral from HCA health section regarding denial of a claim and whether the policy form was approved in VT. Only ten Vermonters on the group plan so the company is exempt but they did refund the premium and association fee totalling $2,254.00.
Koenig, Robert	109	Investigation	1/14/2009	2/2/2009	No	Received an inquiry from Consumers regarding an allegation that USAA was illegally retaining in excess of 6.5 million of policy holders premium. We investigated the allegations and did not find any evidence to support the charge. We closed the file without any further action.
Krampitz, Sharon	110	Investigation	1/15/2009	2/3/2009	Yes	Referral involing refund of bail bond. Carrier paid the refund of $4,500.00 and a warning letter was sent to bond agent as it was a first offense.



Stairs Unlimited	111	Investigation	1/27/2009	12/11/2009	No	received a referral from Damon Hall of the IRON Workers Union regarding a workers comp/VDOL complaint. after our investigation it was determined that the employer did not violate VT statute and the file was closed. "Case closed Comment: We talked with CNA today and they did a reaudit finding that the insured, Stairs Unlimited, did not misrepresent the work. The steel erection and off site work was done by the two partners who were excluded from the policy. Their ended up being a return premium after the re-audit.
Cianchetta	113	Investigation	2/3/2009	7/16/2009	No	Received a referral from CMS regarding the sale of prescription drug plan. After interviewing the respondent the file was closed without action do to a lack of evidence.
Oxonia Insurance Group	114	Investigation	2/11/2009	7/13/2009	No	Received a referral from TVC regarding Respondent based on actions in other states. The respondent did not produce any business in VT for the period in question so file was closed without action.
Edelheit, Robert David	115	Investigation	2/12/2009	7/13/2009	No	Received a referral from TVC regarding Respondent based on actions in other states. The respondent did not produce any business in VT for the period in question so file was closed without action.
Antonucci, Robert	116	Investigation	2/17/2009	11/4/2010	No	Market Conduct received a referral from Tom Van Cooper regarding respondent based on a Security Division action in 2007 and their continued concern with the repsondent and the fact that Mr. Antonacci's license is up for renewal. Based on these facts TVC requested we audit respondent's insurance activities. We reviewed his 12 active insurance accounts and did not find any obvious problems. Cuna who employed terminated his employ during our investigation which they called violating company policies. We closed our file for lack of information to proceed. We have not received any complaints on the insurance side since 2009.
Intergro Insurance Brokers	118	Investigation	3/2/2009	7/16/2009	No	HFM complained to Department that Lexington Insurance Company was soliciting hospital association directly. I investigated and did not find any violations and the solicitation was done in NH and concerned Dartmouth Medical Center.
International E & S Ins Brokers	120	Investigation	3/26/2009	8/27/2009	No	International E & S Insurance Brokers was required to remit a significant payment to the State of California for underpaying the surplus lines taxes. We have been asked to review whether the broker wrote any business in Vermont in 08 to dteermine any basis for an investigation. We found that no policies were written in Vermont in 2008 and consequently there was possibility of a violation during this time. We therefore closed our file without action.

Wilson, Ron	121	Investigation	4/6/2009	8/20/2009	No	Received notification from State of Washington that The R. J. Wilson Agency was issued a Stip and Consent order for the sale of insurance without a proper licence. No policies were written in Vermont. Consequently we closed the case.
Lester, Patrick	122	Investigation	4/9/2009	11/4/2010	No	Received referral from HCA regarding alleged misrepresentation by Lester Patrick. Information from complainant was not supported by facts so we closed the file.
Commerce and Industry	123	Investigation	4/9/2009	1/10/2011	No	Received referral from George Mitchell regarding workers comp complaint regarding whether the respondent has classified sub contractors consistently for workers comp. The employer never filed the appeal with NCCI so we had nothing to investigate.
Blue Cross of Vermont	124	Investigation	4/17/2009	2/8/2011	No	Blue Cross Blue Shield of Vermont incorrectly terminated Staff Sterling Management LLC, Group # 12128 and this generated a complaint through HCA. This may have been a violation of Title 8 Section 4089i. The Enforcement Division decided that after reviewing this Blue Cross referral we decided to close the investigation without action. This was for the following reasons: 1. The initial issue had already been resolved by the company and the HCA complaint process. 2. It was not a pattern but an isolated situtation as witnessed by the fact that we have not received any other similar complaints from HCA since 2009. David Martini concurred with our findings.
United Steel Erectors	125	Investigation	6/5/2009	11/4/2010	No	This is a Labor Department case and until they do their work we are closing our file.
Sears Roebuck and Company	127	Investigation	6/7/2009	11/4/2010	No	Received a referral from George Mitchell regarding Sears selling credit insurance without the customer's knowledge. We did not find enough information to prove a business practice violation.
Kerr, Christopher	128	Investigation	6/16/2009	8/10/2010	No	Received a referral that Chemplan was writing policies in Vt without authority or filed forms. I found no evidence to support the allegation of the complainant and closed the file accordingly.

Real Benefit Association	147	Investigation	9/1/2009	11/2/2011	Yes	Three complaints were received by HCA regarding this health plan. None of the complainants have received a certificate of insurance. Spencer and Associates who was the third party administrator of the plan terminated their relationship in a letter stating it came to their attention that the insurance company was not licensed in VT or any other state in the country. 11-02-2011 Subject: Closed case Comment: The case was given to cliff Peterson to handle with the AG office. Date: 09-03-2009
Chianchetta, Thomas	149	Investigation	10/15/2009	3/8/2011	Yes	The agent, Thomas Cianchetta may have solicited the consumer and sold unsuitable annuities to the consumer. Closed case Order signed and fine paid in the amount of $250.00.
Continental Indemnity Company	150	Investigation	10/22/2009	9/30/2010	Yes	Allegation that the insurer may be coercing the insured and its employees in attempt to avoid claims submissions by requiring employees to complete a combination payment acknowledgement and health status form for self and fellow employees. it is possible that the carrier could place the employer in a position to deny payment of wages if its employees fail to comply with the requirement. I just talked with their General Counsel, Jeffrey Silver, and he assured me that you would receive a notice next week showing a return premium. Please copy me on any information you receive on this issue. Thank you, Charlie
Uris, William	153	Investigation	12/16/2009	11/4/2010	No	William Uris is not licensed in Vermont and he approached a small business owner and offered to sell him health insurance through an unlicensed company. (Empire Blue Cross) Closed file not enough information to continue.
Peerless Insurance Company	155	Investigation	1/27/2010	11/4/2010	Yes	This involved 79-2 but was actually part of the Liberty Mutual Group so it was closed as an additional $10,000.00 fine was added to the Liberty settlement.

Metropolitan P & C	156	Investigation	1/27/2010	3/8/2011	No	The allegation is whether Metropolitan P and C did a reasonable claim review of claimant's medical injury claim and in a timely manner. Also a possible violation of Regulation 79-2,6, E for failure to extend the statute of limitations even though they failed to notify claimant of the deadline. Discussed with Deputy Commissioner Donegan on 3/8/2011 regarding pursuing the issue of adjuster Walmsley and was instructed to close the file.
Rexroat-Craigmiles, Melissa	157	Investigation	3/5/2010	11/5/2010	Yes	Examinee was issued a non resident producer license in error due to fact that her resident State of Indiana license was issued in error. She has not responded to Producer licensing's attempts to make contact to withdraw her license.Subject: Closed case Comment: The licensee lost her non-rresident license because she did not have a resident license in her home state.
Simone, Anthony	158	Investigation	3/5/2010		Yes	Closed file since Respondent no longer had an active license per TVC.
MMG	159	Investigation	3/10/2010	11/5/2010	Yes	Comment: Department received a letter from the company advising us that they over charged 741 Vermont Policyholders $36,649.65 for the period between December 2007 and January 2010. Settled through a Stip and Consent order, company paid a $5,000.00 fine and $18,032.00 in interest to 741 policyowners.
Becker, Peter	160	Investigation	3/11/2010	8/10/2010	Yes	Received referral from Director of Regulation regarding Mr. Becker. Mr. Becker was terminated for cause by Allianz life for alleged violations of making unsuitable replacement of a policy. He also signed an application in which he allegedly did not meet with the client in question. Respondent entered into a Stip and Consent order to voluntarily surrender his license and pay the Department's expenses of $348.00.
Faber	161	Investigation	3/12/2010	9/1/2011	Yes	Received a referral from Tom van Cooper, Director of Regulation regarding a termination for cause he received from Allianz that involved producer Jeffrey Faber. The company allegeds that he issued an unsuitable replacement policy and did not mark the application as replacement even thougn it was replacing an Aviva Life annuity. Respondent entered into a Stip and Consent order to surrender his license and pay the Depertment's expenses in the amount of $5,317.60.

Remington, James	162	Investigation	4/1/2010	4/1/2010	Yes	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. Settled through a Stip and Consent order with a $250.00 fine and C and D fro soliciting the purchase of health insurance in VT through advertisement which fails to dsiclose in a conspicuous manner that a purpose of marketing is solicitation of insurance.
United Behavioral Health	163	Investigation	5/7/2010	8/10/2010	Yes	UBH is in alleged violation of Title 8, Section 4089b (c)(2). This is specifically for the exclusion of licensed mental health or substance abuse providers located in the geographic coverage area of the health benefit plan if the provider is willing to meet the terms and conditions for participation established by the health insurer. Respondent settled through a Stip and Consent order and paid a $5,000.00 fine and Department expenses of $948.00 and follow written plan of correction.
Scott, Karianne	164	Investigation	5/20/2010	8/10/2010	Yes	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. Settled through a Stip and Consent order with a $250.00 fine and C and D fro soliciting the purchase of health insurance in VT through advertisement which fails to dsiclose in a conspicuous manner that a purpose of marketing is solicitation of insurance.
Olzeski, Paul	165	Investigation	5/26/2010	2/16/2011	Yes	Respondent's license was revoked based on revocation in another jurisdcition and his failure to notify the Department.
MVP Health Care	166	Investigation	5/27/2010	12/30/2010	No	This matter was referred to our division based on an allegation of their failure to comply with Rule H-2009-03 § 4 (B) which requires that an exception be made for a member when the member's prescribing physician certifies the member can not take a generic environment when the PBMP requirement: (1) has been ineffectiveor is reasonably expected to be ineffective or significantly less effective in treating this member's condition such that an exception is medically necessary or (2) has caused or is reasonably expected to cause adverse or harmful reactions in this member.Date: 12-30-2010 Subject: Closed case Comment: Non market conduct action needed. Note that this may be appealed.

Krampitz, Sharon	167	Investigation	6/4/2010	3/8/2011	Yes	Complainant has not been able to recover her bond from Sharon Krampitz of Cutting Edge Bail Bonds. She charged an additional $500.00 to Ms. Craft and it does not appear to be a genuine expense. I spoke with the bond agency and they have terminated her and do not have a record of this bond and she has other Powers they are missing. Ssettled the case by getting the refunds for two consumers in the amount of $500.00 and when we discovered that Sharon did not have a Trust Account she decided to give up her license as no agency was willing to supervise her.
American Progressive	168	Investigation	6/24/2010	12/30/2010	Yes	Alledged violation of Title 8, Section 4724 (18) and company settled through a Stip and Consent order paying a $5,000.00 fine and Department Expenses of $854.00.
Unum	169	Investigation	7/13/2010	12/30/2010	Yes	Class Action Suit alleges that Umum's use of a Security Account (Life Retained Asset Account) checkbook as payment of life insurance benefits may violate the beneficiaries right ti interest payment of death claims under Title 8, Section 3665. The Defendent estimates that there are potentially 163 class members in Vermont. Settled through a Stip and Consent with Unum paying the Department Expenses in the amount of $1,788.00 and and paying interest on life claims in the amount of $4,073.00.
Aetna Life	170	Investigation	7/13/2010	12/30/2010	Yes	Class Action Suit alleges that Aetna Life's use of a Security account (Life Retained Asset Account) checkbook as payment of life insurance benefits may violate the beneficiaries right to interest payments as part of a death settlement under Title 8, section 3665. The Defendent estimates that there are potentially 146 class members in Vermont. Settled through a Stip and Consent with Aetna paying the Department Expenses in the amount of $2,390 and and paying interest on life claims in the amount of $20,766.62 covering 189 beneficiaries.
Anthem Health Plans of Virginia	171	Investigation	7/16/2010	11/4/2010	No	This involves Northrop Grumman and over 500 members in Vermont who were placed with a company that did not file their forms in Vermont. The company United HealthCare when confronted with this fact advised Grumman and the policy was moved to Anthem Health Plans of Virginia. Anthem is not a Vermont licensed carrier. Date: 11-04-2010 Subject: closed case Comment: Determined that this was a self insured plan not regulated by BISHCA

Trattner, Steven	174	Investigation	7/21/2010	1/10/2011	No	Comment: Producer was cited in Florida for selling an insurance plan through an association established solely for the purpose of selling insurance which was a violatin of Florida and New York law. Date: 01-10-2011 Subject: closed case Comment: We did not find that any policies were sold in Vermont. Consequently, we closed the case
NEEE	175	Investigation	7/22/2010	11/4/2010	No	Comment: It is alleged that NEEE is calling and emailing agents stating that S.& H Underwriters has become a retail agency and that they are in financial trouble. After a full investigation we closed our file without action as the facts did not support the allegations.
American Heritage Life Insurance Co.	176	Investigation	8/5/2010	1/10/2011	No	Comment: Received a complaint and HCA referred it to us and it alleges that the company offers Lowe's Home Improvement Center part-time employees a limited benefit plan that may not be filed in Vermont. Date: 01-10-2011 Subject: closed case Comment: We found that they had less then 25 covered employees and filed for an exemption.
Olave, Louis Maurice	177	Investigation	8/9/2010	11/4/2020	No	Complaint received from CMS on behalf of Theodore Teffner regarding Part D Medicare Plan thru Coventry Health Care. Alleged unsolicited appointment and sale and delay in refunding the premium. Date: 11-04-2010 Subject: closed case Comment: We had tom Prindiville investigate the complaint. He found no evidence that Mr. Olave was involved in the original sale.
Smith, Thomas	178	Investigation	8/23/2010	9/1/2011	Yes	State Farm Insurance Company alleges that respondent, beginning sometime in 2006 and continuing until on or about April 30, 2010, initiated a number of transactions using State Farm Insurance Company's Life insurance policy system to atrificially inflate the balance in Respondent's Premium Fund Account ("PFA) Date 10-07-2011 Subject: closed case Comment: Mr. Smith no longer has a license. Therefore we closed the case. But we opened an investigaton of State Farm to determine why they did not catch this sooner. See exam #220. Date: 04-22-2011
Conseco Life	179	Investigation	8/23/2010	11/4/2010	Yes	The result of a class action suit and an inpending Regulatory Settlement Agreement. Comment: Received check representing Vermont share of the Regulatory Settlement Agreement in the amount of $5,039.00

Hewes, Jody	180	Investigation	9/1/2010	11/4/2010	Yes	Comment: It is alleged that the producer misappropriated premium, issued phoney binders and policies. After an investigation the Respondent's license was revoked and the company agreed to issue the policies that were either not issued or cancelled for non payment.
Regence BCBS of Utah	185	Investigation	9/21/2010	11/5/2010	Yes	A copy of the fully executed Stipulation and Consent Order in the above captioned matter along with a copy of the settlement check in the amount of $100,875.00. This successful settlement arises out of the blue card investigation. BC of Utah is not registered to sell insurance in VT.
Gao, Hong	188	Investigation	10/5/2010	3/22/2011	No	Received a referral from TVC about possible violations of Vermont health insurance laws. Mr. Gao may be selling a student health insurance product in Vermont and the product may be unapproved. Based on the Indiana C and D it appears that this is a Trust sitused in Washington DC. Date: 10-07-2011 Subject: Closed case Comment: No violatons found
Action Immigration Bonds	190	Investigation	10/27/2010	9/1/2011	No	Comment: Referral alleges that Action Immigration Bonds may be doing business in Vermont without a license. Closed as no evidence of activity in VT.
Mortgage Insurance Agency	191	Investigation	10/28/2010	11/16/2010	No	Received a referral regarding an allegation from a mortgage insurance agency that Stateside Underwriting Agency which is located in McHenry, IL may not be properly licensed in a large number of states. Subject: Closing investigation Comment: Charlie Piasecki and Paul Bicica reviewed the complaint and referral and it is clear that no specific information was provided to the Department by the complaining entity who is also a competitor of the Respondent and therefore our decision was to close the file without taking any enforcement action.

General Insurance Co of America	192	Investigation	11/2/2010	10/27/2011	Yes	Comment: It is alleged that the failed to comply with Regulation 79-2, Fair Claims Practices Act, Section 8, B,(1),(2), & (3) on auto total losses. The respondent did not offer a replacement vehicle, identify a comparable motor vehicle in the consumer's local market area or use a published auto price guide. Respondent used CCC and identified comparble autos that were not in the local market area of the claimant. Additionally, Respondent did not contact dealers or private parties listed in the valuation regarding the comparable vehicles that could be purchased in the local market area. Date: 10-27-2011 Subject: Closed case Comment: This company is part of the Safeco Group. This problem of total loss adjusting was addressed in the Liberty Mutual order.
Marsh USA	193	Investigation	11/4/2010	9/30/2011	No	Comment: Received referral from TVC regarding actions taken in other states against Marsh USA, Inc. Referral received in July and I am just opening a new investigation at this late date as I had incorporated TVC's referral into prior referral with same issue (# 131) until I realized that file # 131 was closed and therefore needed a new exam #. Comment: At the Market Conduct meeting Susan advised us to close the investigation due to lack of complaint and resources.
Sebring, Leslie	194	Investigation	11/7/2010	5/23/2011	Yes	Comment: General Agent, Les Sebring received reports which documented overcharged premiums and USA accounts received amounts in excess of the 10% filed rates and the aub brokers were trained by the general agents staff it is apparent that the use of unfiled rates began with Les Sebring's office. Settled with a Stip and Consent Order which paid Department expenses ($2,677.00), Will dedicate greater resources to tarin agents in future, and has begun refunding overpayments ($12,456.00).
United Healthcare	196	Investigation	11/10/2010	12/30/2010	No	Date 11-10-2010 Subject: No action to be taken Comment: No evidence was presented to show she acted as an producer prior to receiving her license. She was appointed by UnitedHealthcare on October 19, 2010. The bonus issue ocurred in another state and outside our jurisdiction and her telephone calls to potential customers do not by themselves indicate her acting as an agent. I therefore, recommend we close this file with out taking any action.

Aetna Life Insurance Company	198	Investigation	12/10/2010	2/9/2011	No	Comment: Allegation is that Aetna is covering a group in Vermont that has more than 25 Vermont subscribers on a policy that was issued in the State of Maryland. Date: 02-08-2011 Subject: Meeting Comment: Met with David Martini to advise him that I had concluded my investigation of Aetna and that we were closing the case. Aetna did not have 25 certificate holders in Vermont in any one year and so they fall within the exemption under Title 8, section 3368. David concurred with my findings. I asked David if he wanted the Enforcement Division to determine the company Sodexho contracted with upon the termination of the Aetna contract on 12/31/2010 and stated he did not see the necessity
Progressive Direct Insurance Co	199	Investigation	12/15/2010	1/13/2011	No	Comment: Referral is based on an allegation of failure of the Respondent to comply with regulation 79-2, Fair Claims Practices Regulation regarding third parties by failing to offer a replacement vehicle, ID a comparable vehicle in the claimant's local area or use a published price guide. This is alleged to violate Regulation 79-2 Section 8 (B) (1), (2), & (3). Date: 10-07-2011 Subject: closed case Comment: We had the referral withdrawn. TVC had not found any violation at the point of the withdrawal.
American Medical and Life Ins.	221	Investigation	9/9/2010	10/31/2011	Yes	Comment: Naic informed the Department that AMLI through one of their Managing General Agents may be selling health insurance in states without being licensed or authorized to do so. Date: 10-12-2011 Subject: Market Conduct Meeting Comment: During weekly Market Conduct meeting I explained the AMLI investigation including the status of the refunds to the 10 consumers totalling $10,350.00. I explained that I had hoped to work with the company on a letter to be sent to the consumer however, while on vacation the letter was released by the company. The letter did state that based on an agreement between the Dept and company the premiums were being refunded. Susan said she was fine with the fact that the letters had been released. The file is now closed.

Marsh USA	131	Investigation	7/9/2009	9/24/2009	No	Comment: Marsh USA was fined by the State of GA $427,000.00 for delinquent payment of taxes of 427 surplus lines policies. Will verify whether Marsh wrote any Surplus Lines business in VT in 2008 to determine if their is a basis for a market conduct investigation. : 09-24-2009 Subject: Closed case Comment: No violations were found. Date: 07-16-2009