

# INSURANCE *Insights*

DIVISION OF AGENT AND AGENCY SERVICES

Volume 2, No. 6 - August 2013

## Florida's Economic Outlook Upgraded

Dear friends,

This week, the Fitch Rating Agency reaffirmed Florida's AAA credit rating and upgraded our outlook from negative to stable. Fitch's announcement is great news for our state and an affirmation that our efforts to grow the economy, decrease debt and ensure government accountability are paying off.

Florida's AAA rating translates directly into savings for Florida taxpayers by keeping our borrowing costs low and keeping taxpayer dollars where they belong - in the pockets of our citizens. Floridians know best how to spend their money and in turn that strengthens our economy.

The Fitch report attributes Florida's upgrade to a trend of economic stabilization and the implementation of fiscally prudent measures, such as a balanced state budget. Because of Florida's sound financial practices today, Florida is going to be more prosperous tomorrow.



**Jeff Atwater**  
**Chief Financial Officer**  
**State of Florida**

**VERIFY**  
**BEFORE** ✓  
**YOU SELL**

Agents should routinely verify the licensure of the companies for which they're selling.

[Read more >>](#)

## News You Can Use

- Updating you on what's going on

### **CFO Jeff Atwater Appoints Chris Gardner as New Chairman of Citizens Board of Governors**

Florida Chief Financial Officer Jeff Atwater announced the appointment of Chris Gardner as Chairman of the Board of Governors for Citizens Property Insurance Corporation. Gardner, a resident of Winter Park, has 20 years of experience in the retail insurance brokerage business with a specific focus in Commercial Property and Casualty Insurance. He has served as a member of the Citizens board since his appointment in July 2011.

[Click here to read the press release >>](#)

### **CFO Jeff Atwater's Letter to Florida Insurance Commissioner Kevin McCarty Regarding the Cost of Property Insurance**

Please see the [letter](#) from Chief Financial Officer Jeff Atwater to Florida Insurance Commissioner Kevin McCarty regarding the reinsurance market and the cost of property insurance for Floridians.

### **CFO Jeff Atwater Announces Arrests of Five Individuals Accused of More than \$130,000 in Workers' Compensation Fraud**

Florida Chief Financial Officer Jeff Atwater announced the arrests of Otto Biltres, Tampa, 41; Charles Brown, Tarpon Springs, 38; Kelly Bree Brown, Tarpon Springs, 34; Johnny Alton Lewis, Clearwater, 51; and Joseph T. Jordan, Palm Harbor, 50, for an organized scheme to defraud and operating without an insurance license.

[Click here to read the press release >>](#)

### **Notice of Rule Development: Penalties for Violation of s. 626.621, F.S.**

The Florida Department of Financial Services, Division of Agent & Agency Services, hereby provides Notice of Rule Development for Rule 69B-231.090, Florida Administrative Code, relating to penalties for violations of subsections 626.621(13) and (14), F.S. The notice has been filed with the Florida Department of State and was officially published in the *Florida Administrative Register* on July 31, 2013.

The revisions are intended to amend Rule 69B-231.090, F.A.C., to conform to section 626.207(8), F.S., which requires the Department to adopt rules establishing specific penalties against licensees for violations of Section 626.621 F.S. The proposed rule amendments set forth the penalties for violations of subsections 626.621(13) and (14), F.S.

[Click here to read the full text of the notice >>](#)

## **Notice of Proposed Rule: Temporary Bail Bond Agent Employment Report**

The Florida Department of Financial Services, Division of Agent & Agency Services, hereby provides Notice of Proposed Rule for Rule 69B-221.051, Florida Administrative Code, relating to temporary bail bond agent monthly-filed employment reports. The notice has been filed with the Florida Department of State and officially published in the Florida Administrative Register on August 7, 2013.

The proposed rule provides that monthly-filed employment reports for temporary bail bond agents must be received by the Department no later than the last day of the month following the month being reported on the form. The proposed rule is further amended to require both the supervising bail bond agent and the temporary bail bond agent to certify that the hours reported reflect the actual hours worked. The proposed rule also revises forms and updates electronic links to such forms. The rule is renumbered to reflect the proposed changes.

[Click here to read the full text of the notice >>](#)

## **Notice of Proposed Rule: Criminal Proceedings**

The Florida Department of Financial Services, Division of Agent & Agency Services, hereby provides Notice of Proposed Rule for Rule 69B-231.150, Florida Administrative Code, relating to administrative actions against licensees based on criminal proceedings. The notice has been filed with the Florida Department of State and was officially published in the Florida Administrative Register on August 16, 2013.

The revisions in the proposed amendments are intended to conform Rule 69B-231.150, F.A.C. relating to administrative license actions based on criminal proceedings to changes already made to Rule 69B-211.042, F.A.C. It is also being amended to clarify what is meant by the terms “felony” and “revocation”. Also, the word “immediate” is removed to better reflect the administrative process requirements which exist. A subsection is being deleted to remove standards which are in conflict with statutory changes and replaced with a new subsection to conform the penalty scheme with Section 626.207, F.S., and Rule 69B-211.042, F.A.C. A subsection is being added to clarify qualifications for administrative actions based on criminal proceedings outside the United States.

If requested, a rule hearing will be held on Thursday, September 12, 2013.

[Click here to read the full text of the notice >>](#)

## **Notice of Proposed Rule: Sample Powers of Attorney**

The Florida Department of Financial Services, Division of Agent & Agency Services, hereby provides Notice of Proposed Rule for Rule 69B-221.075, Florida Administrative Code, relating to the sample power of attorney required to be filed by insurers engaged in the writing of bail bonds with and approved by the

Department. The notice has been filed with the Florida Department of State and was officially published in the Florida Administrative Register on August 28, 2013.

Section 648.43, F.S., requires every insurer engaged in the writing of bail bonds through bail bond agents in the State of Florida to submit and have approved by the Department a sample power of attorney, which will be the only form of power of attorney the insurer will issue to bail bond agents in this State. The proposed rule sets forth the information a sample power of attorney must contain in order to be approved by the Department. The proposed amendment will allow insurance companies to continue using their existing forms as long as the items required for approval are included on the form.

If requested, a hearing will be held on Tuesday, September 24, 2013.

[Click here to read the full text of the notice >>](#)

## Amendments Adopted to Rule Chapter 69B-228, F.A.C.

The Florida Department of Financial Services, Division of Agent & Agency Services, hereby provides notice that the amendments to Rules 69B-228.180 and 69B-228.220, F.A.C., were filed for adoption with the Florida Department of State and took effect on August 4, 2013. The rules were amended to implement the 5-Hour Law & Ethics Update continuing education course requirement.

[Click here to read the full text of the amended rules >>](#)

## Public Adjusters: Reminder of Important Statutory Changes Effective on July 1, 2013

Important changes were made to the Florida Statutes regulating the business of public adjusters recently. Below are some that are the most important, including ones that became effective July 1, 2013.

- The insurer may not exclude the public adjuster from its in-person meetings with the insured. The insurer shall meet or communicate with the public adjuster in an effort to reach agreement as to the scope of the covered loss under the insurance policy. **The public adjuster shall meet or communicate with the insurer in an effort to reach agreement as to the scope of the covered loss under the insurance policy.** This section does not impair the terms and conditions of the insurance policy in effect at the time the claim is filed.
- Public adjusters are prohibited from receiving compensation or any other thing of value from **any source** which would exceed the statutory fee cap.
- The public adjuster must ensure that **prompt** notice is given of the claim to the insurer, the public adjuster's contract is provided to the insurer, the property is available for inspection of the loss or damage by the insurer, and the insurer is given an opportunity to interview the insured directly about the loss and claim.
- A public adjuster shall not acquire any interest in salvaged property, except with the written consent and permission of the insured through a signed affidavit.

[Click here to read more of the statutes regulating public adjusters >>](#)

## **CFO Jeff Atwater Invites You to Participate in Operation S.A.F.E. with 'Be Scam Smart' Workshops**

Florida Chief Financial Officer Jeff Atwater launched Operation S.A.F.E (Stop Adult Financial Exploitation) as part of his On Guard for Seniors initiative to help inform, empower, and protect Florida's seniors from financial scams and fraud. The workshops are intended to protect seniors from becoming victims of consumer fraud, scams and identity theft.

The "Be Scam Smart" workshops are part of CFO Atwater's Operation S.A.F.E. (Stop Adult Financial Exploitation) initiative, the newest addition to On Guard for Seniors launched last year to educate seniors on specific financial topics such as annuities, identity theft, reverse mortgages and long-term care insurance.

Operation S.A.F.E. focuses on frauds and scams, such as fake lotteries and repair scams, and how these scams work. Scams that are addressed in the workshop include the Grandparent Scam, the Romance Scam, lotteries and sweepstakes, reverse mortgage scams, home improvement scam and more.

The "Be Scam Smart" workshops are presented by representatives from the Department's Division of Consumer Services, the Broward County Sheriff's Office, the St. Lucie County Sheriff's Office, the Volusia County Sheriff's Office, the Collier County Sheriff's Office, the Charlotte County Sheriff's Office, the Marion County Sheriff's Office, the Pinellas County Sheriff's Office, and the Pasco County Sheriff's Office.

To learn more or to register for a workshop, visit [www.MyFloridaCFO.com/SAFE](http://www.MyFloridaCFO.com/SAFE).

## **Agent/Broker Federally-facilitated Marketplace Training Available**

Agent/broker training for the Federally-facilitated Marketplace (FFM) is now available. All training will occur online. Agents and brokers may begin their training immediately, and the second part of the agent/broker FFM registration process will be available later in August. At that time, agents/brokers will be able to obtain an active FFM User ID by completing an identity verification process online.

To take the training now, please visit <http://Marketplace.MedicareLearningNetworkLMS.com>.

## **Office of Insurance Regulation Authorizes Florida Blue to Change Corporate Structure but Prohibits Sale of Stock**

The Florida Office of Insurance Regulation issued an [Order](#) authorizing Blue Cross and Blue Shield of Florida, Inc. d/b/a Florida Blue to reorganize its corporate structure and move subsidiary companies within the group. However, the Order does not authorize Florida Blue to sell stock to investors outside the Florida Blue group. Click [here](#) to view the new organizational structure.

[Click here to read the full text of the press release >>](#)

[Click to read more recent news >>](#)

## Make Sure You Don't Miss Important Information From Us

We highly recommend licensees to routinely check their [MyProfile](#) account(s) for messages from the Department. We send an email notification at the same time to remind you to check your [MyProfile](#) account but on rare occasions you may not receive that email. For that reason, we suggest you add our domain **MyFloridaCFO.com** to your email software's Trusted or Safe Senders List to ensure you are able to receive email notifications from us. Licensees who have a valid email address on file with the Department, as required by law, are sent important email notifications when something that affects their application, license, continuing education, or appointment(s) occurs. Additionally, we will keep you informed with warnings regarding new schemes and scams being marketed to licensees. You can update your contact information through your [MyProfile](#) account. We want to keep you informed in a timely manner of pertinent information. You are still required to abide by the Florida Insurance Code regardless of whether you read the information we provide or attempt to provide.

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## In The Know

- Keeping you informed is what it's all about

### Opening an Insurance Agency

So, you're thinking about opening your own insurance agency? Well, before you open the doors for the first time, a review of the laws and rules affecting insurance representatives and the operation of Florida insurance agencies could be very beneficial to you. After all, you want to maintain a compliant agency. Insurance laws are located in [Title XXXVII of the Florida Statutes](#) and in [Chapter 69B of the Florida Administrative Code](#).

Here's a quick overview of the laws and procedures that new (and not-so-new) agents frequently inquire about, along with the applicable legal citations, for opening a major lines\* insurance agency. If that's not for you, you can also read the guidelines for opening a [title insurance agency](#) and [bail bond agency](#) on our website.



\*For clarification, when we refer to "major lines" we are referring to those agencies that sell property, casualty, health, and/or life insurance including variable annuity products.

### Naming your agency

Florida law prevents you from naming your agency anything that would be misleading or deceptive in any way. Names chosen should not imply that the agency is an insurance company, governmental agency, or any other national or state organization. We will not allow any agency to use a name that does not meet this criteria. [s. [626.602](#), F.S.]

### Obtain an agency license

No individual or business can act as an insurance agency unless they possess an insurance agency license for each place of business where insurance is transacted. You apply for a license through [MyProfile](#) using the agency's information (Federal Employer Identification Number, etc.). Your agency license must be renewed every three years. [s. [626.172](#), F.S.]

When you apply for an agency license, you will be asked when the agency began transacting. The transaction date requested is the date the agency began transacting insurance business in the State of Florida. This is not the date the agent became licensed nor the date the agency became incorporated. Current fingerprints will need to be submitted to us, if they have not been already, for any individual who is not currently licensed and appointed such as an officer or director. Also, if the agency changes its agent in charge, or officers, the agency has **30 days** to inform us of the changes. [s. [626.541](#), F.S.]

## Designating an agent in charge

Each person operating an insurance agency and each location of a multiple-location agency is required to designate a **licensed and appointed** agent in charge for each location. You do this when you're applying for your agency license, but if it changes you can let us know through the agency's [MyProfile](#) account. [s. [626.172](#) and [626.747](#), F.S.]

On a related matter, you are required to notify us within **30 days** if there is a change in your name, residence address, principal business street address or mailing address, email address, or telephone numbers. This is quickly and easily done by logging in to the [MyProfile](#) account for you and/or the agency, depending on what needs to be changed and for whom. Don't forget that there is a [MyProfile](#) account for your **agent** license and a separate account for your **agency** license. [s. [626.551](#), F.S.]

## Display of Agency License or Registration Required

All Florida insurance agencies are required to display the Department-issued agency license or registration prominently and in a manner that makes the certificate clearly visible to any customer or potential customer who enters the agency. Posting your Department-issued agency certificate provides consumers with the information they need to verify an agency's license/registration status before they make a financial decision. Failure to comply with this statute may result in disciplinary action against the agency. Please be sure you've prominently posted your agency certificate today! [s. [626.172\(4\)](#), F.S.]

[Click here to read more information and links to pertinent laws >>](#)



## Education Central

- Things to know about your continuing education

### CE Requirements for Nonresident Licensees

Nonresident licensees, except title agents, who are required to complete continuing education in Florida, may satisfy that requirement by remaining compliant with the continuing education laws of their home state. Except that adjusters whose home state is not reciprocal with Florida may satisfy the requirement by remaining compliant with the CE laws of a reciprocal state in which they are also licensed.

Nonresidents, who remain licensed and in good standing in their home state, do not need to contact the Department. We will automatically verify the status of the license and place the licensee in compliance.

In the event, we are unable to verify a valid license in good standing in a reciprocal state, we will notify the licensee via their MyProfile account and by email.

All licensees may log in to their [MyProfile](#) account to securely review their requirements and other records.

To review Frequently Asked Questions we receive, please visit our [FAQ page](#).

### Update on the 5-hour Update Course

The enforcement of the required 5-hour update course will begin for compliance cycles ending October 31, 2014 and later. There are few approved courses to meet this requirement currently available; however that number will continue to increase in the future.

Each licensee must complete a 5-hour course specific to their license type. When two or more licenses are held, the licensee must complete a 5-hour course specific to at least one license type held. Below you will find a list of available course authorities for the 5-hour course and how the requirement corresponds to each license type.

#	5-hour Course Authority	Corresponding License Type
5-215	Life, Health and Annuity 5-hour course	Life including variable annuity and health, or life and health agents. (e.g. 2-15 or 2-18)
5-214	Life and Annuity 5-hour course	Life and/or annuity agents. (e.g. 2-14 or 2-16)
5-240	Health 5-hour course	Health agents (e.g. 2-40)
5-220	General Lines 5-hour course	General lines or personal lines agents, customer representatives, or limited customer representatives, and industrial fire and burglary agents. (e.g. 2-20, 20-44, 4-40, 4-42, 2-33)
5-620	Adjuster 5-hour course	Adjusters, except public adjusters. (e.g. 5-20, 6-20)
5-320	Public Adjuster 5-hour course	Public adjusters. (e.g. 3-20)
5-237	Bail Bond 5-hour course	Bail bond agents (e.g. 2-34)

Applicable compliance cycles are not yet reflecting the 5-hour course requirement on the MyProfile system. Licensees should make note that once the system has been updated all applicable compliance cycles will be updated to reflect the legal requirement.

5-hour update courses will not satisfy specifically required CE courses, such as senior suitability or hurricane mitigation, for compliance cycles that end before October 31, 2014. To verify which requirement you need to fulfill, please log on to your [MyProfile](#) account to see a complete list of your prior and current CE requirements.

For questions pertaining to CE requirements, please email [Education@MyFloridaCFO.com](mailto:Education@MyFloridaCFO.com).

## Are You Compliant with Your CE or Not?

If you have ever felt confused about what it means to be continuing education (CE) compliant, you are not alone. That's why we're continuously finding and implementing ways to help you with this. To be CE compliant requires more than just taking CE courses. Below are a few often overlooked suggestions for remaining CE compliant.

- CE requirements change. You should regularly review your CE status through your [MyProfile](#) account. Your total hours have specific allocation requirements that must be met. Be sure to take all the right categories of CE courses.
- Check for late hours. Hours taken after your due date will still post on your compliance evaluation screen (however it will show it as late). Though your hours requirement may have been met, you're still delinquent for being late in completing your CE hours. You will then have the option of paying a \$250 fine, in addition to completing any required hours within a specified time, to keep from losing your appointments.
- Check past evaluation periods. Always check previous compliance periods to make sure you are not delinquent for a prior period. Be sure to click on **VIEW ENFORCEMENT NOTICE** just below the **Not Compliant** text to check for any outstanding fines.
- Check your transcript. The **same course** cannot be taken with the **same provider** within a three-year period and receive credit. This will be noted on your transcript as a duplicate course. You will need to take a different course to meet your CE requirement.

We wish you success as you continue to complete your hours to remain knowledgeable in an ever-changing insurance market. And remember, your CE compliance date is your **DUE** date, not your **DO** date.

## How to Search for Approved CE Courses

Looking for continuing education (CE) courses to be sure you get all your hours completed? Our online course search can easily help you by listing those courses approved by the Department.

1. Go to our website at [www.MyFloridaCFO.com/Division/Agents](http://www.MyFloridaCFO.com/Division/Agents).
2. Click on **MyProfile** on the left panel and log in to your account.
3. Once in your MyProfile inbox, click on **Locate** at the top left. Then click on **Future Course Offerings**.
4. Select the **Course Authority** for the type of license held or course you need to take.
5. You can also make other choices, like **Study Method** and **Location**, to narrow your search results.
6. If you click on **Perform an Advanced Search**, you will have additional options to narrow your search results, such as **Course Date** and **Course Level**.

Because many factors may affect your continuing education requirement (e.g. licenses held, number of years licensed, etc.), we encourage you to periodically check your [MyProfile](#) account to

determine your individual continuing education compliance requirements and status. You will also be able to find more approved CE courses after logging in to your [MyProfile](#) account versus the public search option, which limits the results to the first 100 course offerings.

## **Prelicensing Education Providers: Designation Course Certificates**

The Department is soliciting help from our Prelicensing Education Providers who offer designation courses for examination exemption under Section [626.221](#), F.S.

Providers are asked to communicate with individuals who have completed designation courses and received Certificates of Completion to not send the Certificate of Completion to the Department until the individual has submitted an application for licensure to the Department.

An individual must have submitted an application for licensure to the Department in order to attach a Certificate of Completion received to an individual's pending application record.

Any questions regarding this may be sent to [Education@MyFloridaCFO.com](mailto:Education@MyFloridaCFO.com).

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## Compliance Corner

We continue to see a pattern of noncompliance in the areas noted below. This section has been created to assist you in keeping your insurance business in compliance. The items are intended as reminders only and are not necessarily the exact text of the [Florida Statutes](#) or [Florida Administrative Code](#). The legal cites have been provided for your further reference.

### Agency and Firm Owners: Check Your Hires' Backgrounds

Agency and firm owners have an obligation to check the backgrounds of individuals they hire for administrative action history with the Department and for criminal history. Employing an individual with a suspended or revoked license can lead to action against your own license and possibly criminal charges.

Florida law states that during the period of suspension or revocation of a license or appointment, and until the license is reinstated or, if revoked, a new license issued, the former licensee or appointee may **not** engage in or attempt or profess to engage in any transaction or business for which a license or appointment is required. Additionally, they may **not** directly or indirectly own, control, or be **employed** in any manner by an agent, agency, adjuster, or adjusting firm.

It is also important to know the criminal background of individuals employed in your agency. Some licensees, such as bail bond agents, are prohibited from allowing convicted individuals in their agencies. A person who has been convicted of or who has pleaded guilty or no contest to a felony or a crime involving moral turpitude or a crime punishable by imprisonment of 1 year or more regardless of whether adjudication of guilt was withheld, may not act in any capacity for a bail bond agency or participate as a director, officer, manager, agent, contractor, or employee of any bail bond agency or office. Any person who permits a person who has been convicted to do so can be charged with a third degree felony.

[See [626.342](#), [626.621](#), [626.641](#), [648.387](#), [648.44](#), and [648.441](#), Florida Statutes]

### Title Agencies: Release Tracking or Post Closing Lien Search Fees

The Florida Statutes defines "primary title services" to mean determining insurability in accordance with sound underwriting practices based upon evaluating a title search or such other information, determining and clearing of underwriting objections and requirements to eliminate risk, preparing and issuing a title insurance commitment, and preparing and issuing the policy. Such services do not include closing services or title searches, for which a separate charge or separate charges may be made.

The Florida Statutes further define "premium" as the charge that is made by a title insurer for a title insurance policy, including the charge for performing primary title services, and incurring the risks incident to such policy, under the several classifications of title insurance contracts and forms. The word "premium" does not include a commission.

Under primary title services the title insurance agent or agency is required to perform a determination and clearance of underwriting objections and requirements to eliminate risk. If the agent or agency fails to verify that the proper releases have been satisfied and recorded then these requirements have not been fulfilled.

You will note that primary title services are considered to be a part of the premium. Therefore, charging a separate fee for tracking a release or performing the post closing search to confirm the status of the property's title would be considered to be charging an additional premium to the insured, which is not permitted.

[See [627.7711](#), Florida Statutes]

## Still Haven't Created Your MyProfile Account? It's Quick and Easy!

The Department communicates with its licensees, appointing entities, and education providers via email and their secure [MyProfile](#) account on our website. We continue to receive inquiries from some of our customers that they cannot access their [MyProfile](#) account. Typically, they received an email from the Department to go check their MyProfile account for details about their license, appointment, or continuing education requirement and can't log in when they try. They try different usernames and passwords but nothing works. It seems like the system is broken and not letting them in. The real problem: **they never created an account.**

You must create your MyProfile account(s) with a username and password before you can access your account. At the same time, you will also set up some security questions and answers so you can easily retrieve your username or password in the event you forget either in the future. You will also verify your contact information on file. We strongly encourage you to use your actual email address as that is how we will notify you of any important information to go check in your [MyProfile](#) account. After the new [MyProfile](#) account information has been entered , the system automatically transfers your information on file into your new account.

A guide to assist you with creating an account and retrieving a forgotten username or password is located at [www.MyFloridaCFO.com/Division/Agents/Licensure/myProfileHelp/documents/MyProfile\\_Create\\_PWD\\_UN.pdf](http://www.MyFloridaCFO.com/Division/Agents/Licensure/myProfileHelp/documents/MyProfile_Create_PWD_UN.pdf).

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## Case Notes

The following are instances in which licensees or other persons violated the Florida Insurance Code and the administrative action the Department has taken against them. Note: All administrative investigations are subject to referral to the [Division of Insurance Fraud](#) for criminal investigation.

**Case:** An insurance company notified the Department that a licensed life & health agent submitted five bogus applications for insurance. The business entity was real, however the social security numbers and addresses on the applications for five employees were false. Initially, the agent claimed she submitted the applications at the direction of her sales manager. She later claimed to be conspiring with her manager to submit fraudulent applications. She stated that the manager completed the applications and she signed her name, hoping they would be rescinded before any problems arose. Her license was suspended for three months. However, during the suspension period she allegedly falsified an email she received from a Department employee so it appeared as if her license was active and not suspended. She forwarded the email to a carrier she was submitting life insurance applications to in order to get them to accept the business.

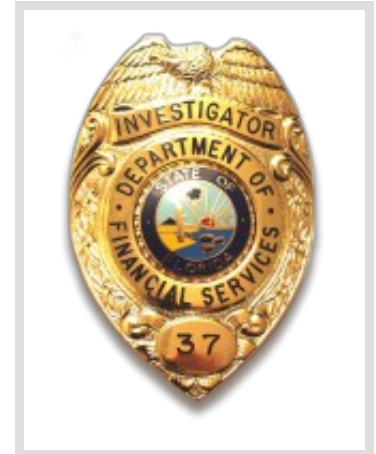
**Disposition:** License revoked. She was arrested and is currently facing criminal charges.

**Case:** An investigation of a general lines agent alleged that he blatantly allowed his unlicensed staff members to transact personal lines insurance to unsuspecting consumers. Compounding matters, he also systematically overcharged his clients, failed to submit their premiums and withheld their refunds. In at least one instance, he even brazenly issued fraudulent auto insurance I.D. cards.

**Disposition:** License revoked.

**Case:** An investigation of two bail bond agents was opened after a complaint was filed with the Department by a bail bond indemnitor and defendant stating they were handcuffed and held against their will in a bail bond agency by two unidentified individuals until they were able to raise additional funds to pay toward the balance due on the bail bond. The Department's investigation revealed the unidentified individuals were bounty hunters hired by the owner of the bail bond agency. The bail bond agent who wrote the bond was also at the agency when the two were held against their will. The Department filed charges against both alleging they used threats and coercion to collect a debt related to the issuance of a bail bond and allowed unlicensed individuals to apprehend and hold the two against their will.

**Disposition:** The bail bond agent's license was suspended for three months. The bail bond agency owner was fined \$5,000.



**Case:** A title insurance agency held monies (\$1,000) from a closing to ensure that an expired permit was satisfied. The sellers rectified the permit issue but when they sought the release of their monies from the title agency they discovered that the title agency had dispersed the monies to a repairman and refused to reimburse the sellers. The title agency had no formal written agreement concerning the holdback and were ordered to reimburse the sellers, which they did.

**Disposition:** Fined \$1,500.

**Case:** An investigation of a nonresident life & health agent revealed that Colorado issued a Final Agency Order against her, after they determined that she abandoned 521 consumer files, failed to comply with a rental agreement, and failed to respond to an inquiry by the Colorado Commissioner of Insurance. She was ordered by Colorado to pay \$2,200 in fines. She was found untrustworthy and incompetent by the Colorado Commissioner of Insurance for improperly disposing of files that could have led to the unlawful disclosure of sensitive information about insureds. Due to her actions the Florida Department of Financial Services found that she demonstrated a lack of fitness or trustworthiness to engage in the business of insurance in Florida. She also demonstrated a lack of reasonably adequate knowledge and technical competence to engage in the transactions authorized by a license or appointment. In addition, she failed to timely notify the Department of the Final Agency Order issued by the Insurance Commissioner of Colorado within 30 days of final disposition as required by Florida law.

**Disposition:** License suspended for 12 months.

**Case:** The Florida Office of Financial Regulation (OFR) entered into a Final Order permanently barring a life & health agent from seeking securities registration in the State of Florida and ordering him to refrain from engaging in selling or offering to sell any securities within or into Florida, refrain from acting as an investment advisor refrain from offering such services to a Florida resident. He failed to report the administrative action taken against him by OFR, demonstrated a lack of fitness and trustworthiness to engage in the business of insurance, and failed to notify the Department in writing after a change of principal business address and contact telephone number with 30 days.

**Disposition:** License revoked and permanently barred.

**Case:** A life & health agent submitted two life insurance applications to an insurer where the owner was taking out life insurance on her adult son and also on her boyfriend. During an investigation by the insurer it was revealed that the agent signed as a witness to the named insureds' signatures. However, both named insureds stated they did not sign the application and the policy owner admitted to signing their names to the applications. The Department filed charges against the agent alleging she knowingly made fraudulent misrepresentations on two insurance applications for the purpose of obtaining a commission from the insurer.

**Disposition:** License suspended for 12 months.



## Enforcement Actions

- June and July 2013

Some of the following disciplinary actions were resolved through a settlement process resulting in an order for discipline. Notification of disciplinary actions is in the public interest. While every effort is made to provide correct information, our readers are cautioned to check with the Department before making a decision based upon this listing. This listing does not reflect pending appeals or requests for hearings.

Warning: No part of this listing may be used by a licensee to gain an unfair competitive advantage over any person named herein. Any licensee who does do so is in violation of Section 626.9541(1)(c), Florida Statutes.

**IMPORTANT NOTE:** Copies of enforcement action documents can be located by searching the [Division of Legal Services' database](#). After clicking the **Locate** link below and the database opens, click on **Final Orders** on the left, followed by **Dept of Financial Services**, then **Agents and Agencies**, then **Final Orders 2013**. You will then be able to locate the document by the first letter of the individual's last name or business name. For further information, you may make a public records request via [email](#) or contact the [Public Records Unit](#).



LAST/BUSINESS NAME	FIRST NAME	LICENSE#	LICENSE TYPE	DISPOSITION	FINE/COST	RESTITUTION	CITY, STATE	DOCUMENT
A+ Restorations, Inc.			No License	Cease & Desist			Saint Petersburg, FL	<a href="#">Locate</a>
Affinity Title LLC		W078474	Title Agency	Probation and Fined	\$2,500		Ft. Myers, FL	<a href="#">Locate</a>
Alekov	Kristian	W096191	Title Agent	Probation and Fined	\$2,500		Fort Myers, FL	<a href="#">Locate</a>
Alexander	Jonathan	A003334	Health	License Revoked			Boca Raton, FL	<a href="#">Locate</a>
Alfaro	Gil	P041392	Public Adjuster	License Suspended 3 Months			Miami, FL	<a href="#">Locate</a>
Anderson	I. Fred	A006129	Surplus Lines, General Lines	Probation and Fined	\$500		Fort Lauderdale, FL	<a href="#">Locate</a>
Azhari	George	P055019	Public Adjuster	Fined	\$2,500		Deerfield Beach, FL	<a href="#">Locate</a>

Barzroudpour	Ashraf	A015365	General Lines	License Surrendered			Boynton Beach, FL	<a href="#">Locate</a>
Beckman	Peter	P175412	Life, Health, Variable Annuity	License Revoked			Jacksonville, FL	<a href="#">Locate</a>
Beckman Advisors LLC		L065383	Insurance Agency	License Revoked			Jacksonville, FL	<a href="#">Locate</a>
Bejel	Andrew	P174234	Public Adjuster	License Suspended 3 Months			Miami, FL	<a href="#">Locate</a>
Bischofberger	Walter	E049240	Life, Health, Variable Annuity	License Suspended 2 Months			Sarasota, FL	<a href="#">Locate</a>
Blanco	Fernan	E118410	General Lines	Probation and Fined	\$12,000		Miami, FL	<a href="#">Locate</a>
Burkey	Gary	A035691	Surplus Lines, General Lines, Life & Health	Probation and Administrative Cost	\$7,500		Maitland, FL	<a href="#">Locate</a>
Burkey	Stefan	A295330	Surplus Lines, General Lines, Life & Health	Administrative Cost Accessed	\$10,000		Lake Mary, FL	<a href="#">Locate</a>
Burns	Michael	A036090	Life, Health, Variable Annuity	License Revoked			Fort Myers, FL	<a href="#">Locate</a>
Cabrera, Jr.	Carlos	P033638	Public Adjuster	License Suspended 3 Months			Miami, FL	<a href="#">Locate</a>
Calleja	Rafael	A304454	Life, Variable Annuity	License Revoked			Tampa, FL	<a href="#">Locate</a>
Capeles	Juan	W090403	Customer Representative	License Revoked			Miami, FL	<a href="#">Locate</a>
Carey	Carmichael	E065786	Life, Variable Annuity	License Revoked			Miami, FL	<a href="#">Locate</a>
Carey	William	E011125	Life, Health, Variable Annuity	License Revoked			Palmetto, FL	<a href="#">Locate</a>
Castillo	Gilma	P047738	Public Adjuster	License Suspended 3 Months			Miami, FL	<a href="#">Locate</a>
Coffee	Wendy	P163358	Public Adjuster	Fined and Restitution	\$1,750	\$840.16	Miami, FL	<a href="#">Locate</a>
Cruz-Santiago	Medellin	A058718	Bail Bond	License Revoked			West Palm Beach, FL	<a href="#">Locate</a>
Curbelo	Eglys	E188329	Public Adjuster	License Suspended 3 Months			Coral Gables, FL	<a href="#">Locate</a>

Davis	Andrew	P167727	Life, Health, Variable Annuity	License Revoked			Gainesville, FL	<a href="#">Locate</a>
Davis	Robin	D070891	Life, Health, Variable Annuity	Probation and Fined	\$5,000		Stuart, FL	<a href="#">Locate</a>
Davis	Samuel	P165683	Bail Bond	License Suspended 4 Months, Fined and Cost	\$7,000		Fort Myers, FL	<a href="#">Locate</a>
Detore	Pamela	A066923	Title Agent	Permanently Barred	\$500		Tampa, FL	<a href="#">Locate</a>
Fernandez	Anyi	P059110	Public Adjuster	Probation and Fined	\$1,500		Miami Lakes, FL	<a href="#">Locate</a>
Ferro, Jr.	Angel	E149460	Public Adjuster	Fined	\$500		Miami, FL	<a href="#">Locate</a>
Fortun	Hector	A087774	Surplus Lines, General Lines, Life & Health	Fined	\$3,500		Coral Gables, FL	<a href="#">Locate</a>
Furer	Dove	P175696	Public Adjuster	Fined	\$500		Tamarac, FL	<a href="#">Locate</a>
Garrido	Melissa	P057958	Title Agent	License Suspended 3 Months			Miami Lakes, FL	<a href="#">Locate</a>
Gomez	Juan	P039986	Life, Variable Annuity	License Suspended 9 Months			Miami, FL	<a href="#">Locate</a>
Gomez	Myra	E053474	Life, Health, Variable Annuity	Probation and Fined	\$2,500		Miami, FL	<a href="#">Locate</a>
Grynewicz	Lynette	E027287	Customer Representative	License Revoked			St Petersburg, FL	<a href="#">Locate</a>
Hagle	Christopher	E049350	Surplus Lines, General Lines	Administrative Cost Accessed	\$3,500		Lake Mary, FL	<a href="#">Locate</a>
Harmon	Lauren	D043531	Title Agent	Probation and Fined	\$1,000		Ft. Myers, FL	<a href="#">Locate</a>
Hinojosa	Jeanette	E146400	Public Adjuster	License Suspended 2 Months			Miami, FL	<a href="#">Locate</a>
Hopkins (Decker)	Kristin	E114255	Customer Representative	Probation			Punta Gorda, FL	<a href="#">Locate</a>
Hunt	Christina	P179298	Life, Health, Variable	License Revoked			Cape Cora, FL	<a href="#">Locate</a>

			Annuity					
Insurance Programs of America, Inc.		L050437	Insurance Agency	Probation and Administrative Cost	\$7,500	\$86,801.40	Altamonte Springs, FL	<a href="#">Locate</a>
Iriarte	Julio	E029888	Public Adjuster	Fined	\$1,500		North Miami, FL	<a href="#">Locate</a>
Jones	Matthew	P067009	Bail Bond, MGA	Probation and Fined	\$1,500		Punta Gorda, FL	<a href="#">Locate</a>
Jordan	William	W093953	Life, Health, Variable Annuity	License Surrendered			Capistrano Beach, CA	<a href="#">Locate</a>
Kaiser	Kevin	A136181	Bail Bond	Fined	\$3,000		St. Petersburg, FL	<a href="#">Locate</a>
KJV Insurance Underwriters, Inc.		L054084	Insurance Agency	Probation and Fined	\$7,500		Miami, FL	<a href="#">Locate</a>
Knerr	Denise	A136074	Public Adjuster	License Suspended 3 Months			Key West , FL	<a href="#">Locate</a>
Lanier	James	P111743	Life, Health, Variable Annuity	License Revoked			Tallahassee, FL	<a href="#">Locate</a>
Legal Elite Title, Inc.		W108068	Title Agency	Fined	\$500		Hollywood, FL	<a href="#">Locate</a>
Lima	Ileana	E082397	Customer Representative	Probation and Fined	\$7,500		Miami, FL	<a href="#">Locate</a>
Llama Insurance		L011586	Insurance Agency	License Suspended 2 Months			Miami, FL	<a href="#">Locate</a>
Lora	Paola	P097305	Public Adjuster	License Revoked			Miami, FL	<a href="#">Locate</a>
Malaszek	Susanne	A163036	General Lines	License Suspended 6 Months			Hollywood, FL	<a href="#">Locate</a>
Manyoma	Jacklyn	E190693	Public Adjuster	Fined	\$500		Miami, FL	<a href="#">Locate</a>
McKinnon	Justin	W095851	Life, Health, Variable Annuity	License Revoked			Fremont, MI	<a href="#">Locate</a>
Menendez	Mario	P189916	Public Adjuster	Fined	\$200		Hialeah, FL	<a href="#">Locate</a>
Miles	Darrayl	D048038	General Lines, Life & Health	Probation and Fined	\$500		Clermont, FL	<a href="#">Locate</a>

Moore	Lakendra	P237873	Life, Health, Variable Annuity	License Suspended 12 Months			Altamonte Springs, FL	<a href="#">Locate</a>
Moose Insurance LLC		L071765	Insurance Agency	License Surrendered			Fort Lauderdale, FL	<a href="#">Locate</a>
Ortega	Jorge	A197185	General Lines, Life, Health	Probation and Fined	\$3,500		Miami, FL	<a href="#">Locate</a>
Papa	Matthew	P099863	Life, Health, Variable Annuity	License Revoked			Windermere, FL	<a href="#">Locate</a>
Partagas	Juan	A201095	General Lines, Public Adjuster	License Suspended 6 Months			Pembroke Pines, FL	<a href="#">Locate</a>
Paul	Stephanie	P219114	Life, Health, Variable Annuity	License Revoked			Altamonte Springs, FL	<a href="#">Locate</a>
Pemberton	Alex		No License	Cease & Desist			Saintt Petersburg, FL	<a href="#">Locate</a>
Pena	Walter	P028036	Public Adjuster	License Suspended 3 Months			Coral Gables, FL	<a href="#">Locate</a>
Pendleton Title Group LLC		W128557	Title Agency	Fined	\$500		Tampa, FL	<a href="#">Locate</a>
Perez	Carlos	P045902	Public Adjuster	Probation and Fined	\$1,500		Miami, FL	<a href="#">Locate</a>
Persaud	Gurudeo	D044536	Life, Variable Annuity	License Revoked			Orlando, FL	<a href="#">Locate</a>
Platinum Insurance Corp		L057012	Insurance Agency	License Revoked			Plant City, FL	<a href="#">Locate</a>
Pratt	Timothy	W047854	General Lines	License Suspended 3 Months			Oakland Park, FL	<a href="#">Locate</a>
Quiles	Margaret	A308074	Bail Bond	Probation and Fined	\$1,500		Tampa, FL	<a href="#">Locate</a>
Quintanilla	Alex	P006666	Health	License Revoked			Hollywood, FL	<a href="#">Locate</a>
Ramirez	Rogelio	A214603	Life, Health, Variable Annuity	License Revoked			Port Saint Lucie, FL	<a href="#">Locate</a>
RBHN Agency, Inc.		L070822	Insurance Agency	License Suspended 2 Months			Fort Pierce, FL	<a href="#">Locate</a>
Roberts	Greg	P194549	Life, Health, Variable Annuity	License Revoked			Saint Augustine, FL	<a href="#">Locate</a>

Rodriguez	David	E051146	Bail Bond	License Indefinitely Suspended			Miami, FL	<a href="#">Locate</a>
Rodriguez	Diego	P189759	Life, Health, Variable Annuity	License Revoked			Hallandale Beach, FL	<a href="#">Locate</a>
Rubio	Dante	D045472	General Lines, Health	Probation and Fined	\$2,000		Miami, FL	<a href="#">Locate</a>
Russell	Kim	D004362	Bail Bond	Probation and Fined	\$3,000		Tampa, FL	<a href="#">Locate</a>
Sachs	Kenneth	A229579	General Lines	License Suspended			Boca Raton, FL	<a href="#">Locate</a>
Sanchez	Augustin	D044756	General Lines	License Surrendered			Miami, FL	<a href="#">Locate</a>
Security Title and Trust Incorporated		E104028	Title Agency	Probation and Fined	\$1,000		Ft. Myers, FL	<a href="#">Locate</a>
Silberman	Desiree	W018338	Public Adjuster	License Suspended 3 Months			La Mesa, CA	<a href="#">Locate</a>
Simmons	Vernard	W042826	Bail Bond	License Suspended			Jacksonville, FL	<a href="#">Locate</a>
Stawinski	Paul	A252869	Life, Health, Variable Annuity	Probation and Fined	\$1,500		New York, NY	<a href="#">Locate</a>
Stefano	Leslie	E123080	Public Adjuster	Fined	\$500		Miami, FL	<a href="#">Locate</a>
Stein	Richard	D005462	Bail Bond	Probation and Fined	\$1,500		Wilton Manors, FL	<a href="#">Locate</a>
Stevenson	William	D037771	Life, Health, Variable Annuity	Fined	\$1,000		Clearwater Beach, FL	<a href="#">Locate</a>
Stewart	Chay	D010209	Life, Health, Variable Annuity	Fined	\$1,500		Ormond Beach, FL	<a href="#">Locate</a>
Stewart	Katherine	D018631	Life & Health	Fined	\$1,500		Ormond Beach, FL	<a href="#">Locate</a>
Tal	Rony	E156519	Public Adjuster	License Revoked			Coconut Creek, FL	<a href="#">Locate</a>
Taylor	Freddie	A261465	Bail Bond	Fined	\$5,000		Jacksonville, FL	<a href="#">Locate</a>
Thomas	Marcus	P219741	Bail Bond	License Suspended			Jacksonville, FL	<a href="#">Locate</a>
Vargas	Jessica	D052514	General Lines, Life & Health	License Revoked			Plant City, FL	<a href="#">Locate</a>

Vecellio	Maryann	A114400	General Lines, Life & Health	License Revoked			Leesburg, FL	<a href="#">Locate</a>
Vera	Juana	P049034	Customer Representative	Probation and Fined	\$10,000		Miami, FL	<a href="#">Locate</a>
Wilkinson	Angela	W046776	Life, Health, Variable Annuity	Fined	\$1,000		Brandon, FL	<a href="#">Locate</a>
Wilson	Freddie	D012026	Bail Bond	License Indefinitely Suspended			Tampa, FL	<a href="#">Locate</a>
Woerner	Charles	E005283	Life, Variable Annuity	License Revoked			Fort Walton Beach, FL	<a href="#">Locate</a>
Young	Jillian	P020304	Title Agent	Probation and Fined	\$5,000		Orlando, FL	<a href="#">Locate</a>

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