

# INSURANCE *Insights*

DIVISION OF AGENT AND AGENCY SERVICES

Volume 3, No. 7 - August 2014

## Protect Yourself and Your Community from Fraud

Dear friends,

Recently, our office announced the arrests of three more individuals following an investigation into a Jacksonville Personal Injury Protection (PIP) fraud scheme. The success of our dedicated and tireless employees to fight fraud and abuse in our state is incredible, yet the fight against insurance fraud remains an ongoing battle.


More than 5,000 insurance fraud arrests have been made since January 2011, an average of 3.8 insurance fraud arrests per day. Among these arrests are nearly 2,000 PIP fraud arrests, meaning we average 1.5 PIP fraud arrests every day.

Anyone who suspects insurance fraud is asked to call 1-800-378-0445. Our department has awarded \$349,000 to nearly 60 citizens as part of our Anti-Fraud Reward Program, which rewards individuals up to \$25,000 for information that directly leads to an arrest and conviction in an insurance fraud scheme.

For more information about fraud and consumer protection, visit our website:  
[www.MyFloridaCFO.com/Division/Consumers/fraudscams.htm](http://www.MyFloridaCFO.com/Division/Consumers/fraudscams.htm).



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



A disaster can strike your business or your home anytime. Take action and learn ways on how to prepare.  
[Read more >>](#)



## News You Can Use

- Updating you on what's going on

### **Amended Rule Chapter Effective September 10, 2014 - Penalties for Violations by Navigators**

The Florida Department of Financial Services, Division of Agent & Agency Services, hereby provides notice that amendments to Rule Chapter 69B-231, Florida Administrative Code, relating to penalties for violations by navigators have been adopted. The final adopted version of the rules will become effective on September 10, 2014.

The text for the final adopted version of the rules is available via the following links found on this page:  
<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=69B-231>

### **Notice of Proposed Rule - Adjusters**

The Florida Department of Financial Services, Division of Agent & Agency Services, hereby provides Notice of Proposed Rule for Rule Chapter 69B-220, Florida Administrative Code, relating to the conduct of public adjusters and ethical requirements for all adjusters. The notice has been filed with the Florida Department of State and was officially published in the *Florida Administrative Register* on August 22, 2014.

The proposed changes to Rule 69B-220.051, F.A.C., clarify the responsibilities and requirements of public adjusters and public adjuster apprentices, define the terms "adjusting services" and "public adjuster apprentice," specify the terms and conditions of public adjuster contracts, require the license number on advertisements, delete provisions that reiterate or paraphrase statutory materials, and prescribe practices to ensure fair dealing between public adjusters and claimants.

The proposed changes to Rule 69B-220.201, F.A.C., update the code of ethics for all adjusters, delete provisions that reiterate or paraphrase statutory materials, and clarify the responsibilities and requirements of all adjusters.

If requested, a rule hearing will be held on Tuesday, September 16, 2014, at 9:30 a.m. in Room 116 of the J. Edwin Larson Building, 200 E. Gaines Street, Tallahassee, FL 32399.

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

## **Amended Rule Chapter Effective September 1, 2014 - Pre-licensing Education**

The Florida Department of Financial Services, Division of Agent & Agency Services, hereby provides notice that amendments to Rule Chapter 69B-227, Florida Administrative Code, relating to pre-licensing education have been adopted. The final adopted version of the rules will become effective on September 1, 2014.

The text for the final adopted version of the rules is available via the following links found on this page:  
<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=69B-227>

### **CFO Jeff Atwater Announces Arrests of Three Jacksonville Residents for PIP Fraud**

Florida Chief Financial Officer Jeff Atwater announced the arrests of three Jacksonville residents for personal injury protection (PIP) fraud. Yolanda Vargas, Christian Vargas and Willdelyn Rodriguez are each charged with one count of committing a staged motor vehicle accident and one count of insurance fraud.  
[Click here to read the press release >>](#)

### **CFO Atwater Announces Arrest of Miami Man for Stealing Nearly \$1.1 Million in Insurance Premiums**

Florida CFO Atwater announced the arrest of Carlos Gutierrez, the former president and owner of G.M. Underwriters in Miami, on grand theft and fraud charges after an investigation revealed he stole nearly \$1.1 million in insurance premiums from seven insurance and premium finance companies.  
[Click here to read the press release >>](#)

### **CFO Atwater Announces Dozens of Identity Theft and Workers' Compensation Fraud Arrests at Collier County Business**

Florida CFO Atwater announced that an investigation in Naples by the Florida Department of Financial Services' Division of Insurance Fraud has revealed that as many as 146 employees of Fruit Dynamics, LLC, more commonly known as Incredible Fresh or Collier County Produce, may have committed workers' compensation fraud. At least 27 of these employees are also believed to have stolen the identities of victims from 25 different other states.  
[Click here to read the press release >>](#)

### **Office Statement on Annual Workers' Compensation Rate Filing**

The Office of Insurance Regulation (Office) recently received the 2015 Florida workers' compensation rate filing by the National Council on Compensation Insurance (NCCI), which proposes a statewide average rate decrease of 2.5% - the first decrease in four years.  
[Click here to read the Office's statement >>](#)

## Office Issues Orders Terminating Certain Cat Fund Emergency Assessments

The Florida Office of Insurance Regulation (Office) issued Orders to insurance companies terminating a 1.3% assessment on most property insurance policies that has been used to pay off past hurricane claims. The assessment will be eliminated on policies issued or renewed on or after January 1, 2015 - 18 months ahead of schedule, due to an early payoff of the bonds used to pay the claims.

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

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

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

We highly recommend that licensees 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

### **Health Agents Registering for the Federally-facilitated Marketplace**

The federal Centers for Medicare & Medicaid Services' (CMS) Center for Consumer Information & Insurance Oversight (CCIIO) has issued a guide to agents for [Registering to Participate in the Federally-Facilitated Marketplace \(FFM\) for the 2015 Plan Year](#).

They have also issued to agents a [Step-By-Step Guide to Plan Year 2015 Federally-facilitated Marketplace Registration with MLN and EIDM Screen Shots](#) as an in-depth registration resource.

### **CMS Guidance Regarding Training, Certification, and Recertification for Navigator Grantees and Non-Navigator Assistance Personnel in the Federally-facilitated Marketplace**

In preparation for the Open Enrollment Period beginning November 15, 2014 for the 2015 plan year in the individual market, CMS is updating the Navigator and non-Navigator assistance personnel training curriculum for the Federally-facilitated Marketplace. The updated training will be available in early September. In the guide below, CMS refers to this updated training curriculum as the "2015 training" and refers collectively to these assister types as "assisters." To allow current assisters to take advantage of the full scope of improvements and updates to the training modules, all assisters, whether they are seeking recertification or initial certification, will be required to complete the 2015 training.

[Click here to read the CMS guide regarding Training, Certification, and Recertification for Navigator Grantees and Non-Navigator Assistance Personnel in the Federally-facilitated Marketplace \(FFM\) for the 2015 Plan Year](#).

# FSLSO Alert: Discontinuation of Florida Hurricane Catastrophe Fund Emergency Assessment (FHCF)

BULLETIN: 2014-01

TO: Florida Surplus Lines Agents and Independently Procured Coverage (IPC) filers

FROM: Gary D. Pullen, Executive Director, Florida Surplus Lines Service Office (FSLSO)

DATE: July 28, 2014

SUBJECT: Discontinuation of Florida Hurricane Catastrophe Fund Emergency Assessment (FHCF)

The purpose of this bulletin is to inform you that the Florida Office of Insurance Regulation (OIR) has directed the Florida Surplus Lines Service Office (FSLSO), by order, to discontinue assessing the Florida Hurricane Catastrophe Fund (FHCF) emergency assessment on applicable surplus lines policies issued or renewed with an effective date on or after January 1, 2015.

For policies issued or renewed with an effective date on or after January 1, 2015, the Florida Hurricane Catastrophe Fund assessment will no longer be assessed.

For policies issued or renewed with an effective date between January 1, 2011 - December 31, 2014, and all subsequent endorsements to those policies, the Florida Hurricane Catastrophe Fund assessment will continue to be charged at 1.3%.

For policies issued or renewed with an effective date between January 1, 2007 - December 31, 2010, and all subsequent endorsements to those policies, the Florida Hurricane Catastrophe Fund assessment will continue to be charged at 1.0%.

Business rules for calculating the FHCF assessment will be programmed into FSLSO's management system. You do not need to make any changes for SLIP or XML batch filing. However, you may need to contact your agency's information technology vendor or staff regarding needed revisions to your agency management system that may be necessary to calculate the revised FHCF assessment.

The FHCF assessment is refundable on a proportional basis for return premium endorsements and cancellations. FSLSO will continue to collect the assessment, if applicable, by generating a quarterly invoice specific to the Florida Hurricane Catastrophe Fund emergency assessment.

A complete copy of the [Florida OIR Order #156729-14 discontinuing the FHCF assessment is available here](#).

For further information, please contact the FSLSO toll-free at 800.562.4496, email [easy@fslso.com](mailto:easy@fslso.com) or visit their website, [www.fslso.com](http://www.fslso.com).

## Education Central

- Things to know about your continuing education

### Answers to the Common Questions about New CE Compliance Cycles

October 1, 2014 is speedily approaching. If you have a continuing education (CE) compliance cycle that ends after this date you may be aware that the requirements have changed. If you're not aware, or if you still have questions, this article should help. Below are responses to some of the most common questions we have received regarding CE compliance cycles ending after October 1, 2014.

#### **What is this 5-Hour course?**

The 5-hour Law and Ethics update course is a *NEW* requirement for licensees with a compliance cycle ending October 2014 or later, except for title agents. The 5-hour course must be specific to a line of insurance for which you are licensed. There are many approved courses that may be found on our website at <https://dice.fldfs.com>.

While the 5-hour course is a new requirement, these are not additional hours. Under the old continuing education law you were required to take certain courses in ethics, suitability or mitigation discounts. Those requirements were all rolled into the new 5-hour course. The total number of continuing education hours remains the same as under the previous law.

#### **What courses do I take to satisfy elective hour requirements?**

Elective hours are the remaining balance of your CE requirement aside from the 5-hour course. Most licensees can satisfy this requirement by completing any approved continuing education course.

#### **Can I really take ANY approved course?**

For most licensees, the answer is yes. However, public adjusters will be required to satisfy ALL continuing education requirements by completing courses that are approved in the line of public adjusting. Title insurance agents are not included in the 5-hour course requirement and therefore must complete courses that are approved in the line of title insurance.

## **Can I take a course twice?**

Not within a three-year window; otherwise, it is considered a duplicate. Licensees must take a different 5-hour Law and Ethics update course every 2 years. Education providers will be required to submit a new 5-hour course outline each year with updated information if they desire to continue offering the course.

## **What if I hold more than one license type?**

Dually licensed insurance representatives (those with multiple license types), except title insurance agents, will have CE requirements of all licenses merged into one compliance cycle every two years requiring 24 hours of approved course work. Any applicable reduction of hours that has been earned and/or approved will still apply.

A 5-hour course completed in any line of insurance for which someone is dually licensed will satisfy the 5-hour course requirement for the cycle.

## **Are non-resident requirements different?**

Non-resident adjusters and public adjusters can satisfy their Florida CE requirement by meeting the CE requirements of their home state or a reciprocal state in which they are also licensed. You can check this by [clicking here to view a list](#). Otherwise, they must complete Florida CE requirements as resident adjusters or public adjusters respectively.

Non-resident agents can satisfy their Florida CE requirement by meeting the CE requirements of their home state. Otherwise, they must complete Florida CE requirements as resident agents.

Non-resident title insurance agents must complete the same Florida CE requirements as those for resident title insurance agents.

## **Can I take a basic course?**

Yes, even if you are an experienced licensee. There is no longer a requirement to take an intermediate or advanced course.

## **What if I take too many hours?**

Excess hours taken during any compliance cycle are eligible to be carried over to the next compliance cycle. Duplicate courses will not receive credit.

As always send any comments or questions about CE to [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 are 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, but they will be noted as "Late". Though your hours requirement may have been met, late completion of your continuing education requirement will result in penalties. The statutory penalty for failure to complete CE is the cancellation of all your appointments, however you may be given the option of paying a \$250 fine instead. Regardless of the penalty assessed, you are still required to complete past due CE requirements.
- 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 is 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 in completing 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.

## Education Providers: How to Survive a Department Audit

Grab your audit survival kit and follow the step-by-step directions. With these tips you won't have to worry about heartburn the next time your school is audited by the Department.

Being the subject of a Department audit does not infer that you did something wrong and shouldn't be viewed negatively. Step back for a moment and think about why audits are performed. It's a process to address procedures that may be in need of attention. So, very generally speaking, an audit is meant to be used as a tool to identify opportunities for transforming procedures to be more efficient and effective moving forward.

Taking that logic and applying it to Department audits we can surmise that they help to maintain the integrity of the education marketplace and promote awareness of the rules and guidelines that are set forth by the Florida Statutes and Florida Administrative Code.

So how do you keep your blood pressure in check? Here are a few tips that will help you survive a Department audit:

- **Know the Laws and Rules**  
Just by knowing the laws and rules you are governed by gives you a huge advantage. This can help keep you out of the penalty box and in the game without missing a beat.
- **Remain Calm and Collected**  
By keeping your cool and maintaining your composure you will go through the audit process with ease. Mastering this key point will allow you think clearly and act quickly so that you can manage your time appropriately to continue focusing your attention on your daily job priorities and fulfill the audit requirements simultaneously.
- **Gather Requested Documentation**  
Gather the requested documentation and submit it immediately so that you can move on. The faster you leap over this hurdle the easier it will be to finish the race leaving you feeling energized and prepared rather than emotionally drained and physically exhausted.
- **Stick to the Deadline**  
Don't procrastinate. It is human nature to procrastinate when the deadline seems so far away. Instead, move quickly to gather the necessary information and submit everything so that you have plenty of time without scrambling at the last minute to get the documentation submitted prior to the deadline.
- **Review the Audit and Work Toward Improvement**  
Once the audit has been released to you for review, look it over and make notes so that you can immediately address the areas that need attention and praise your staff for the items that received higher marks. From here you will be able to make a cohesive plan of action to improve the areas that need attention.

Take these tips and implement as many as you can immediately. Change any part of your process that is not in line with the laws, rules, and guidelines that are set forth. Once audit time rolls around again, you will be much more confident which will keep you from reaching your boiling point. For more information on the laws, rules, and guidelines follow the links on the Education Central page located at [www.MyFloridaCFO.com/Division/Agents/Licensure/Education](http://www.MyFloridaCFO.com/Division/Agents/Licensure/Education).

## Compliance Corner

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.

### New Law for the Surrendering of Life Insurance and Annuity Contracts

House Bill 633 created section 627.4553, Florida Statutes, which was effective July 1, 2014. This statute addresses the surrender of life insurance and annuity contracts when the proceeds from the transaction are not being used to obtain a new life insurance or annuity contract.

This statute requires two things to be done:

1. The owner of a life insurance policy or annuity being surrendered must be provided with certain information about the contract that is being surrendered. The information to be provided includes at least the following information:
  - The amount of any surrender charge,
  - If the consumer lost any minimum interest rate guarantees,
  - The amount of any tax consequence resulting from the transaction,
  - The amount of any death benefits lost, and
  - If the consumer lost any other investment performance guarantees.

It is our understanding that any company providing the information listed above to the owner of a contract being surrendered will be in compliance with the new statute, at this time.

2. The Department of Financial Services is to create and adopt a rule that clarifies what is required to be provided to the consumer. The Department will be creating a rule as required that will clarify the information that is to be provided. The rule may only clarify the requirements imposed by the statute to help people to understand the statute. The rule may not set new terms or conditions to be met. The rulemaking process does take some time to complete, so the rule may not be adopted until later this year, possibly in the fall. The statute does not require the Department to create a form to be used for these surrenders. The form is one that each company will provide, although it must include the information required by the rule that is adopted. We believe many companies may already be performing this service to their customers on forms or letter formats that they have created on their own.

The exact wording of the new statute is:

**627.4553 Recommendations to surrender:** If an insurance agent recommends the surrender of an annuity or life insurance policy containing a cash value and does not recommend that the proceeds from the surrender be used to fund or purchase another annuity or life insurance policy, before execution of the surrender, the insurance agent, or insurance company if no agent is involved, shall provide, on a form that satisfies the requirements of the rule adopted by the department, information relating to the annuity or policy to be surrendered. Such information shall include, but is not limited to, the amount of any surrender charge, the loss of any minimum interest rate guarantees, the amount of any tax consequences resulting from the transaction, the amount of any forfeited death benefit, and the value of any other investment performance guarantees being forfeited as a result of the transaction. This section also applies to a person performing insurance agent activities pursuant to an exemption from licensure under this part.

We will keep you updated on the progress of the rule as it is written and proceeds through the rulemaking process. You can also monitor our "Industry Alerts" on our division's homepage at [www.MyFloridaCFO.com/Division/Agents](http://www.MyFloridaCFO.com/Division/Agents).

[See Chapter [2014-123](#), Laws of Florida and section [627.4453](#), Florida Statutes]

## Agencies and Their Members' Appointment Requirements

If a sole proprietorship, partnership, corporation, or association holds an agency contract, all members thereof who solicit, negotiate, or effect insurance contracts, and all officers and stockholders of the corporation who solicit, negotiate, or effect insurance contracts, must qualify and be licensed individually as agents or customer representatives, and all of such agents must be individually appointed as to each property and casualty insurer entering into an agency contract with such agency. Each appointing insurer must comply with this and must determine and require that each agent so associated with such agency is likewise appointed as to the same such insurer and for the same type and class of license. However, an insurer is not required to comply with these provisions for an agent within an agency who does not solicit, negotiate, or effect insurance contracts for that insurer.

All bail bond agents who are members of the same agency, partnership, corporation, or association must be appointed to represent the same surety companies. If any member of such agency, partnership, corporation, or association is licensed and appointed as a professional bail bond agent, all members thereof must be licensed and appointed as one also. While it is the responsibility of each insurer to require that each bail bond agent in an agency is appointed to represent that particular insurer, Rule 69B-241.100(41), F.A.C., states that the license of the primary bail bond agent for the bail bond agency may be suspended until all the agents in the agency are in compliance. When necessary, a bail bond agent can send a letter to the Department requesting termination of any of their appointments with an insurer/surety company.

The ability for a licensee to make a request to the Department to terminate an appointment applies to all license types as has always been the case.

[See sections [626.733](#) and [648.55](#), Florida Statutes, and Rule [69B-241.100](#)(41), Florida Administrative Code]

## Bail Bonds Agents: Reporting Contact Information Changes

Every bail bond agent must notify the Department, insurer, managing general agent, and the clerk of each court in which the licensee is registered within 10 working days after a change in the licensee's principal business address or telephone number. The licensee must also notify the Department within 10 working days after a change of the name, address, or telephone number of each agency or firm for which he or she writes bonds and any change in the licensee's name, home address, e-mail address, or telephone number. This can be easily accomplished through the licensee's [MyProfile](#) account. Otherwise, you may submit form [DFS-H2-1564](#) to the Department.

The owner or operator of a bail bond agency must designate a primary bail bond agent for each location, and must file with the Department the name and license number of the person and the address of the location on a form approved by the Department. Failure to notify the department within 10 working days after such change is grounds for disciplinary action. This can be easily accomplished by submitting form [DFS-H2-1541](#) to the Department. This form should **not** be used to report a change in a licensee's demographic information.

[See sections [648.387](#) and [648.421](#), Florida Statutes]

## New Website with Compliance Information

We recently launched a new [section on our website](#) dedicated to compliance information. The new section also provides consumers and licensees with an overview of the investigative process and many functions performed by our Bureau of Investigation. We encourage you to visit this new section to our website and come back often as we update and add more information to it. You can visit the new compliance site at [www.MyFloridaCFO.com/Division/Agents/Compliance](http://www.MyFloridaCFO.com/Division/Agents/Compliance).

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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:** A case was opened on a general lines agent based on a complaint stating she collected premium, failed to forward the premium to the insurance company and then issued a fraudulent certificate of liability insurance. An inspection of the agency revealed four additional consumers who also had been issued fraudulent certificates of liability insurance, after she collected their premium and failed to forward to the insurance company.

**Disposition:** License revoked and permanently barred from the insurance industry. She was arrested by the Division of Insurance Fraud and pleaded guilty to the felony crime of scheme to defraud.

**Case:** The Department received notification from an insurance company that an employee of a roofing contractor who was licensed as a life and health insurance agent, acted as a public adjuster when he negotiated the insured's roofing claim with the insurance company.

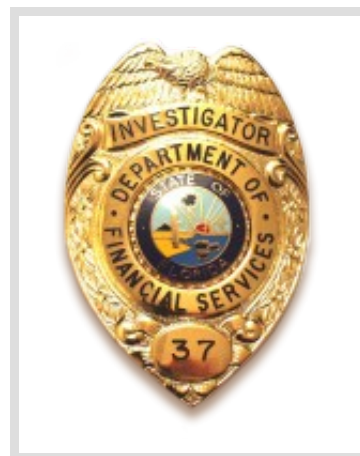
**Disposition:** License revoked. The Division of Insurance Fraud arrested him for the unlicensed activity.

**Case:** A life and health agent submitted multiple fraudulent applications in connection to a phony group, using fake clients, and was advanced more than \$16,000 in commissions. The company was unable to verify the authenticity of the information on the applications due to invalid information on them. Each application also had phony bank information. The phony group used the name of a corporation that the agent had formed and was paid for with a check from the phony group. The agent bypassed his up-line agent who always reviewed the applications before forwarding them on to the insurer.

**Disposition:** License revoked. He was arrested and convicted of multiple felony counts making him permanently ineligible for future licensure.

**Case:** A referral was received alleging a general lines agent and her agency were providing quotes, receiving insurance premium, but issuing fraudulent certificates of insurance. Instead of forwarding the premium funds to the insurance companies as required, she was pocketing the premiums and sending insufficient funds checks to the companies. Due to the diligent efforts of the Bureau of Investigation, restitution in the amount of \$42,228.26 was made to the consumers.

**Disposition:** The agent's license was suspended for 18 months. She was arrested by the Division of Insurance Fraud and is currently charged with multiple felonies. The agency was fined \$8,000 and placed on probation for two years; however, it failed to pay the fine and its license was suspended.



**Case:** The Department received two separate complaints from consumers alleging that a general lines agent failed to forward premiums to their respective homeowner carriers. In both cases payments had been sent to the agency through the consumers' escrow accounts, yet their policies lapsed for nonpayment of premium. In one instance, the consumer suffered a loss which was denied by the carrier due to no insurance being in place. The agent's response to the complaint by the homeowner was to show up at their door with a roofer who started to fix damaged shingles. The agent wanted the homeowner to sign a paper he prepared stating that she would not file a claim, but she refused. When the agent submitted a new application to a second homeowner carrier, the agent indicated on the application that there were no prior losses. Due to the diligent efforts of the Bureau of Investigation, restitution in the amount of \$1,203 was made to the consumer.

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

**Case:** An investigation of a bail bond agent revealed that she failed to ensure that all officers of her bail bond agency were licensed and appointed, as required by law.

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

**Case:** A referral was received from an insurance company regarding the general lines agent in charge and owner of an insurance agency. The investigation revealed that the agency collected premiums in full on homeowners' policies and would deposit the funds into the agency operating bank account. The funds were then transferred to a personal checking account which belonged to the customer representative and vice president of the agency. Quarterly e-payments were then made to the insurance company from the customer representative's personal bank account. Several agency files were audited and because they were unlawfully diverting premiums that belonged to the insurance company, one insured suffered a lapse in coverage.

**Disposition:** The agency and the general lines agent were each fined \$3,000 and the customer representative was fined \$2,500. All three were also placed on probation for one year. The agent had to return overpayments and all impacted consumers received a refund.

**Case:** An investigation of a life & health agent alleged that while serving in the capacity of an insurance instructor he provided continuing education credits without the person actually taking the class. The agent/instructor would simply request a check payable to him and he would then send a Certificate of Completion.

**Disposition:** License suspended for six months; fined \$500; and his authority to be a course provider, school official, or instructor was revoked.

**Case:** A referral was received from an insurance company regarding a violation of Florida Statutes by a public adjuster. The public adjuster failed to obtain the signatures of all named insureds on a public adjusting contract, failed to indicate the type of claim on a public adjusting contract, and failed to notify the Department within 30 days of a change in contact information.

**Disposition:** Fined \$2,500.

**Case:** During the Medicare open enrollment period, a life & health agent decided he needed help selling Medicare products to seniors. The problem was he used unlicensed staff to make the sales. In fact, he allowed his son and several other staff members at his agency to sell insurance without any insurance license whatsoever let alone the fact they did not have sufficient insurance knowledge. This lack of licensure and adequate insurance product knowledge seriously disadvantaged the insurance-buying public.

**Disposition:** Fined \$1,500 and placed on probation for one year. Additionally, he was required to complete an additional three (3) hours of CE on the topic of ethics.

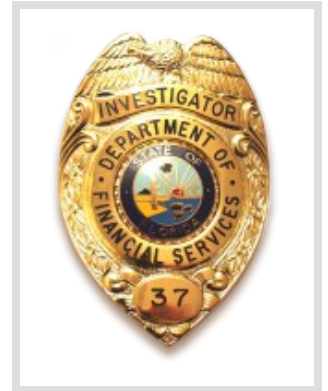


## Enforcement Actions

- June & July 2014

Some of the following enforcement actions were resolved through a settlement process resulting in an order for discipline. Notification of enforcement 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 **Agent and Agency Services**, then **Final Orders 2014**. 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
Abreu	Armando	A000569	Public Adjuster	Fined	\$500		Miami, FL	<a href="#">Locate</a>
Adams	Charles	P077356	Life & Variable Annuity	License Revoked			Conroe, TX	<a href="#">Locate</a>
Anderson	Tyler	W116931	Life & Variable Annuity	License Revoked			Tallahassee, FL	<a href="#">Locate</a>
Asad	Hala	P182170	Life, Variable Annuity, Health	License Suspended 2 Years			Plantation, FL	<a href="#">Locate</a>
Azemard	Daniel	P014973	Health	License Revoked			Miami, FL	<a href="#">Locate</a>
Barganier	Brian	P106189	Life, Variable Annuity, Health	Probation and Fined	\$5,000		Fort Lauderdale, FL	<a href="#">Locate</a>
Bowman	Dale	A027321	Bail Bond	License Revoked Permanently			Jacksonville, FL	<a href="#">Locate</a>
Bryant	Jamee	P195896	Bail Bond	License Suspended 3 Months and Probation			Jacksonville, FL	<a href="#">Locate</a>



Burnham	Brandi	W045276	Bail Bond	Fined	\$500		St Augustine, FL	<a href="#">Locate</a>
Camacho	Donald	A303931	Bail Bond	License Revoked Permanently			Pensacola, FL	<a href="#">Locate</a>
Careaga	Mario	A040451	Life, Variable Annuity, Health	License Revoked			Fort Lauderdale, FL	<a href="#">Locate</a>
Clark	Leticia	W066986	Life & Variable Annuity, Legal Expense	License Revoked			Lake City, FL	<a href="#">Locate</a>
Claytor	Russ	W159277	Life & Variable Annuity	License Revoked			Navarre, FL	<a href="#">Locate</a>
Coons	Jason	P132173	Public Adjuster	License Suspended 3 Months			Tampa , FL	<a href="#">Locate</a>
Corona	Joshua	W010990	Life, Variable Annuity, Health	License Revoked			Miami, FL	<a href="#">Locate</a>
Coslow, Jr.	Billy	W080103	Life, Variable Annuity, Health	License Suspended 1 Year			Orlando, FL	<a href="#">Locate</a>
Coyle	Timothy	E038555	Life & Variable Annuity	License Suspended 6 Months			Palm Harbor, FL	<a href="#">Locate</a>
Dawson, Jr.	Hamp	A063474	Life, Variable Annuity, Health, General Lines	Probation and Fined	\$5,000		Jacksonville, FL	<a href="#">Locate</a>
Deighan	Daniel	A064770	Life, Variable Annuity, Health	License Suspended 3 Months and Fined	\$3,000		Melbourne, FL	<a href="#">Locate</a>
Facenda	Maria	D073086	Customer Representative	License Suspended 1 Year			Miami, FL	<a href="#">Locate</a>
Fagan	Jennifer	E138003	General Lines	License Suspended 1 Year, Fined and Probation	\$7,500		Estero, FL	<a href="#">Locate</a>
Fernandez	Tia	A083018	Bail Bond	Administrative Cost	\$1,500		Fort Lauderdale, FL	<a href="#">Locate</a>
Ferreri	Mario	A083246	Life, Variable Annuity, Health	Permanently Barred			Windermere, FL	<a href="#">Locate</a>
Financial Management Resources, Inc.		L029528	Insurance Agency	License Revoked			Windermere, FL	<a href="#">Locate</a>
Firestone	Marc	E000750	Life, Variable Annuity, Health	License Surrendered			Beverly Hills, CA	<a href="#">Locate</a>
First Network Insurance Agency		R000702	Insurance Agency	Registration Surrendered			Jacksonville, FL	<a href="#">Locate</a>

Fraiman	Jonathan	W066468	Life, Variable Annuity, Health	License Revoked			Henderson, NV	<a href="#">Locate</a>
Fugazzi	Andrew	P170700	Public Adjuster	License Suspended 3 Months			Pompano Beach, FL	<a href="#">Locate</a>
Godoy Zuniga	Violeta	W011411	Life & Variable Annuity	License Revoked			Miami, FL	<a href="#">Locate</a>
Gutschlag	John	E159683	Health	License Revoked			Aubrey, TX	<a href="#">Locate</a>
Hafler	Ronald	P203276	Life, Variable Annuity, Health	License Revoked			Pompano Beach, FL	<a href="#">Locate</a>
Hawkins, Jr.	Howard	A114036	Life & Variable Annuity	License Suspended 18 Months			Brandon, FL	<a href="#">Locate</a>
Heimbach	Michael	A115514	Life, Variable Annuity, Health	License Suspended 1 Year			Tampa, FL	<a href="#">Locate</a>
Helios Title Group, LLC		W112676	Title Agency	Fined	\$500		Miami, FL	<a href="#">Locate</a>
Hernandez, Jr.	Jose	P022820	Public Adjuster	Fined	\$500		Miami, FL	<a href="#">Locate</a>
Hester	Michael	D044694	Life & Variable Annuity	License Suspended 3 Months			Tampa, FL	<a href="#">Locate</a>
Hill	Norman	E028319	Life, Variable Annuity, Health, General Lines	License Revoked			Windermere, FL	<a href="#">Locate</a>
Holeve	Mitchell	A121400	Life, Variable Annuity, Health	License Surrendered			Cooper City, FL	<a href="#">Locate</a>
Jensen	Nathan	D053729	General Lines	Probation and Fined	\$9,000	\$5,408.54	Lutz, FL	<a href="#">Locate</a>
Laisney	Michael	P171690	Life, Variable Annuity, Health	License Revoked			Jacksonville Beach, FL	<a href="#">Locate</a>
Lamenta	Fabian	W015103	Bail Bond	License Suspended			Old Town, FL	<a href="#">Locate</a>
Levesque	Edward	E141194	Life, Variable Annuity, Health, All Lines Adjuster	License Revoked			Lakewood Ranch, FL	<a href="#">Locate</a>
Malloy	Christopher	A163307	Public Adjuster	Cease & Desist			Delray Beach, FL	<a href="#">Locate</a>
Malloy	John	A163314	Public Adjuster	Cease & Desist			Delray Beach, FL	<a href="#">Locate</a>
Mann	Theresa	E107624	Life, Variable Annuity, Health	License Revoked			Tavares, FL	<a href="#">Locate</a>
Mitchell	Eric	W028829	Bail Bond	Fined	\$3,000		Jacksonville, FL	<a href="#">Locate</a>
Nathanson	Randolph	E023528	Life, Variable Annuity, Health	License Suspended 2 Months			Farmingdale, NY	<a href="#">Locate</a>

Obregon	Yoana	P130344	General Lines	Permanently Barred			Miami, FL	<a href="#">Locate</a>
Obregon Insurance Corp		L065345	Insurance Agency	Probation and Fined	\$7,500		Miami, FL	<a href="#">Locate</a>
O'Brien	Kevin	P169445	Life, Variable Annuity, Health	Probation and Fined	\$2,000		Fort Walton Beach, FL	<a href="#">Locate</a>
Palmer	Rhonda	A199445	Life, Variable Annuity, General Lines	Probation 1 Year & CE Ordered			Bokeelia, FL	<a href="#">Locate</a>
Phipps	Colin	P000081	Public Adjuster	Fined	\$500		Lauderhill, FL	<a href="#">Locate</a>
Quality Insurance of South Florida		No License	Insurance Agency	Cease & Desist			Miami, FL	<a href="#">Locate</a>
Rothman	David	A226926	Life, Variable Annuity, Health	License Revoked			South Hampton, PA	<a href="#">Locate</a>
Ruthenberg	Denise	W094664	Life, Variable Annuity, Health	Permanently Barred			Brooksville, FL	<a href="#">Locate</a>
Sala, III	Leo	A229974	Life & Variable Annuity	License Revoked			Lutz, FL	<a href="#">Locate</a>
Sanoir	Gail	P080313	General Lines	License Suspended 6 Months, Restitution Ordered		\$1,234.48	Tamarac, FL	<a href="#">Locate</a>
Schuetz	Joshua	P189643	Life & Variable Annuity	License Surrendered			Alton, IL	<a href="#">Locate</a>
Severino	Jamie	P209010	Customer Representative	License Revoked			Largo, FL	<a href="#">Locate</a>
Taylor	Priscilla	A261753	Life, Health, General Lines	License Suspended 6 Months		\$109	West Palm Beach, FL	<a href="#">Locate</a>
Thebeau	Alexandria	W164982	Bail Bond	License Suspended 6 Months			Fort Lauderdale, FL	<a href="#">Locate</a>
Toro	Liliana	A266738	General Lines	License Suspended 3 Months			Clearwater, FL	<a href="#">Locate</a>
Torres	Melanie	W097584	Customer Representative	License Suspended 1 Year			Kissimmee, FL	<a href="#">Locate</a>
Ullman	David	D084789	Life, Variable Annuity, Health	License Revoked			Lake Wales, FL	<a href="#">Locate</a>
Vento	Allyn	D010932	Bail Bond	License Suspended			Miami, FL	<a href="#">Locate</a>
Wade	Booker	D053515	Life, Variable Annuity, Health, General Lines	License Revoked			Miramar, FL	<a href="#">Locate</a>

West Sunset Insurance, Inc.		L029910	Insurance Agency	License Suspended 3 Months			Miami, FL	<a href="#">Locate</a>
Zink	Jamie	P187702	Life, Variable Annuity, Health	License Revoked			Ocala, FL	<a href="#">Locate</a>
Zweifel, Jr.	Ernest	A294586	Bail Bond	Fined	\$2,500		Jacksonville, FL	<a href="#">Locate</a>



# Contact Us

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## Bureau of Licensing

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