

INSURANCE *Insights*

DIVISION OF AGENT AND AGENCY SERVICES

Volume 4, No. 10 - October 2015

Alert: Email Scammers Posing as the Department's Division of Insurance Fraud

Dear friends,

As you know, my office works daily to reduce the rate of fraud in the state of Florida. Unfortunately, we've recently become aware that someone is attempting to bring fraud to our doorstep. We've identified a new scam in which emails are sent to consumers, claiming to come from the Director of our Division of Insurance Fraud, asking for pieces of personal information in order to assist our efforts on a case or to prevent being prosecuted for an alleged crime.

We've obtained copies of some of these emails, many of which instruct consumers to contact the Tucson International Airport for details on where to send their personal insurance-related information. We are looking into the matter and we aim to quickly get to the bottom of it. However, I can confirm that while these emails have our logo and our street address, they did not come from within our Department. Division of Insurance Fraud Badge

The Division of Insurance Fraud regularly conducts interviews and routinely speaks with consumers, insurance professionals, health care providers and others as part of their investigative work.

However, the Division of Insurance Fraud does not request personal information via email and would never ask a consumer to contact a third party in order to provide any confidential information. We ask anyone who has received any email claiming to come from Director Simon Blank or Assistant Director Timothy Cannon requesting such information to disregard any and all requests for personal information and refrain from calling any hotline or toll-free number that may be provided.

We've learned that some of these fraudulent emails have originated from a Gmail account--this account is not related in any way to the Department of Financial Services or the Division of Insurance Fraud. Should you or anyone you know receive an email from any Gmail account or any other personal account platform other than our official state government account, please contact our Office by calling 850-413-3115.

A copy of one such fraudulent email can be viewed here. Please remain vigilant in protecting your personal information and don't hesitate to give us a call if you receive correspondence that does not appear legitimate.

VERIFY
BEFORE ✓
YOU SELL

Agents should routinely verify the licensure of the companies for which they're selling. If you suspect an entity is not authorized or licensed to transact insurance in Florida, from Florida or with residents of Florida, please notify our office. Report suspected unlicensed activity. Call 877-MY-FL-CFO (1-877-693-5236).
[Read more >>](#)

Sincerely,



Jeff Atwater
Chief Financial Officer
State of Florida



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News You Can Use

- Updating you on what's going on

Miami Insurance Agent Arrested for Three Year, Nearly \$170,000 Overbilling Scam

The Florida Department of Financial Services' Division of Insurance Fraud (DIF) announced the arrest of Darley Caridad Carballeira, 50, for her involvement in a scam in which she overbilled a local company, Key International, Inc. more than \$167,000 during the sale of at least nine insurance policies. On top of inflating the policy amounts to gain a profit, Carballeira allegedly financed the insurance policies, which enabled her to pocket the upfront premium amount, leaving Key International on the hook for additional monthly payments to keep the policies current.

The investigation revealed that for more than three years, Carballeira overbilled Key International Inc. by inflating quoted prices for insurance policies. For example, if the quoted price for a policy was \$46,000, she charged the company \$67,000. She did this on at least three occasions, and her greed escalated each time. Carballeira overbilled the company \$3,100 on the first bill, overbilled \$11,000 on the second, and nearly \$21,000 on the third billing.

After the fictitious insurance premiums were paid by Key International in full, in an attempt to further her illegally-obtained financial gain, Carballeira decided to finance the original policy amounts without Key International's knowledge. Signatures were forged to finalize the financing documents and mailing addresses were altered to prevent Key International from receiving any notices on the recent financing of their insurance premiums. In total, Darley Carballeira stole more than \$167,000.

The case began when Key International, Inc. became suspicious and approached the Department's Division of Agent and Agency Services' Bureau of Investigation with a series of information regarding their allegations against Carballeira. The Bureau of Investigation launched a partnered investigation with the Division of Insurance Fraud into the day-to-day operations of the Miami insurance agency where Carballeira worked, Insurance Consultants of Dade, Inc.

Carballeira was apprehended on charges including first degree grand theft, misappropriated funds, and uttering forged documents. This case will be prosecuted by the office of Miami-Dade County State Attorney Katherine Fernandez Rundle, and if convicted, Carballeira faces up to 30 years in prison.

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

Stress Test Results Inject Confidence into Florida's Homeowners' Insurance Market

Chief Financial Officer Jeff Atwater knows that Florida's homeowners carry insurance to protect their property in the event of an emergency, natural or otherwise. Floridians have seen the costly destruction hurricanes can cause as well the financial volatility that storms can create in the property insurance market. Each year, the Office of Insurance Regulation tests the financial soundness of property insurance companies that conduct business in the state of Florida to ensure they can withstand the catastrophic losses generally associated with major storms. However, in an effort to bolster consumer confidence levels, CFO Atwater asked Florida Insurance Commissioner Kevin McCarty to strengthen the financial 'stress tests' these companies are put through and to share the results with Florida's policyholders.

"Companies large and small go through annual financial tests to make sure they are well-managed and able to deliver and remain viable when the next hurricane hits Florida's shores, but the results have not been made public in a way that's meaningful to the consumer," said CFO Atwater. "Consumers deserve to have confidence in their carrier, and we'll continue to share information that shows the processes that are undertaken to test their financial strength. I appreciate Commissioner McCarty's efforts to create a more robust test as well as his efforts to share the information with policyholders and the industry. I look forward to continue working together to create an even better test next year."

The stress test involves examining each of the participating property insurance company's ability to respond to the impact of historical storm scenarios. In order to pass the test, companies must carry post-event surplus greater than a minimum set in Florida law. Arriving at the required post-event surplus is a combination of an insurance company's existing surplus as well as the reinsurance program the company has in place to protect that surplus amount.

This year, three historical storm scenarios were used: the 1947 Fort Lauderdale hurricane, the 1921 Tampa Bay hurricane, and the four hurricanes of 2004, Hurricanes Charley, Frances, Ivan and Jeanne. During the 2015 season, each of the 67 participating companies ultimately passed the test.

To view the full report, visit OIR's website [here](#). For consumer assistance regarding insurance-related matters to include this report, call the Department's Insurance Helpline at 1-877-693-5236.

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

Multi-Agency Collaboration Nets 9 Arrests in Tampa Workers' Comp. Fraud Sting

The Florida Department of Financial Services' Division of Insurance Fraud (DIF) announced nine arrests following a multi-agency workers' compensation sting in Manatee County. These nine individuals were found to have advertised their ability to perform jobs such as plumbing, electrical, and air conditioning work without proper licenses or training, and without having workers' compensation coverage to protect their employees in the event of an accident or injury.

Those who were arrested include:

- Margaret Espinal,
- Ruben Hernandez-Caleron,
- Juergen Hinz,
- Martin Joseph Aldridge,
- Mario Marcello Botton,
- Michael Robert Hawkins,
- Victor Honeycutt,
- Stephen Clay Dennis
- Ian A. Oswald

During the three-day operation that ended September 25th, DIF detectives accompanied by logistical and tactical support from multiple agencies, established an undercover sting across the Tampa-Bradenton area in an effort to stop this illegal practice. Detectives responded to the aforementioned public advertisements, calling for contractors to perform services at a specified location in Manatee County.

The investigation revealed that of the nine individuals arrested, unlicensed and uninsured plumbing and electrical services were allegedly offered by Ruben Caleron, Juergen Hinz, Michael Hawkins, Victor Honeycutt, Stephen Dennis, and Ian Oswald. Illegal contracting services limited to plumbing only were allegedly offered by Margaret Espinal and Martin Aldridge and services regarding plumbing and AC repair were allegedly offered by Mario Botton.

When individuals knowingly neglect the law, they create a liability risk for property owners by performing sub-par work and by potentially leaving property owners responsible to cover medical costs if an uncovered worker is hurt on their property.

Multiple agencies played a vital role in securing the sting's successful outcome. These agencies include: the Manatee County Sheriff's Office, the Bradenton Police Department, the Palmetto Police Department, the Longboat Key Police Department, the Bureau of Workers' Compensation Compliance, the City of Bradenton Code Enforcement, the Department of Business and Professional Regulation, Manatee County Code Enforcement, and the Manatee County State Attorney's Office.

The nine individuals who were arrested were booked into Manatee County Jail on charges of workers' compensation fraud and unlicensed contracting, and if convicted, they can face up to five years in prison. These cases will be prosecuted by the Office of Manatee County State Attorney Ed Brodsky.

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

Broward County Chiropractor Arrested Following \$1.5 Million Insurance Fraud Scam

Chief Financial Officer Jeff Atwater announced the arrest of Broward County Chiropractor Eric Wiegandt, 41, on multiple felony fraud charges related to a \$1.5 million insurance fraud scheme. A joint state and federal investigation led by the Florida Division of Insurance Fraud revealed that Wiegandt allegedly orchestrated a scheme in which he fraudulently billed Blue Cross Blue Shield for services that were never rendered at his clinic, the Broward Spine and Rehab Center, located in Hollywood.

Investigators believe that between 2013 and early 2015, Eric Wiegandt fraudulently signed and submitted nearly \$1.5 million worth of fictitious and falsely represented insurance claims. In return, Wiegandt received commission payments from BCBS in excess of \$230,000.

In the early spring of 2014, following months of mismanagement and after losing his license for failure to complete continuing education requirements, Wiegandt was evicted from his practice location in Coral Gables and opened a new location in Hollywood. The Hollywood Police Department became aware of Wiegandt's now unlicensed practice and arrested him for continuing to conduct insurance-related business without an active license.

Shortly after, the Hollywood Police Department brought in the Division of Insurance Fraud to review the insurance transactions related to the clinic's day-to-day operations. As a result, investigators discovered that Blue Cross Blue Shield had flagged Eric Wiegandt during a proactive data analysis after recognizing that his practice produced exceptionally high totals in number of visits per patient and total amounts billed.

Records show that patients who previously visited Wiegandt's Coral Gables location were allegedly receiving duplicative treatments in his newest Hollywood location, all of which were being billed to BCBS. After multiple interviews were conducted with the alleged patients, most were found to have never received treatments and many had never been to the Hollywood location.

Wiegandt was arrested on eight counts of healthcare fraud and the case is being prosecuted by the US Attorney's Office of the Southern District of Florida. Multiple agencies contributed to the successful conclusion of this case including: Blue Cross Blue Shield of Florida, The Hollywood Police Department, as well as the Inspector General for the Federal Office of Personnel Management and the U.S. Postal Service.

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

Naples Man Arrested For Stealing Nearly \$100,000 in Insurance Claims Checks from Elderly Hurricane Sandy Victim

The Florida Division of Insurance Fraud, which operates under the direction of Chief Financial Officer Jeff Atwater and the Department of Financial Services, announced the arrest of Naples man Daniel T. Phelps, 56, for allegedly stealing two insurance claim payments totaling more than \$96,000 from an elderly New Jersey business owner. George Capuzzi filed the initial insurance claim after damage was sustained to his business during Hurricane Sandy in 2012.

In 2014, the Division of Insurance Fraud received information indicating that Daniel Phelps stole two checks from George Capuzzi, an insured business owner, who was awaiting an insurance payout to make the necessary repairs needed to re-open his business located in Atlantic City, New Jersey.

DIF's investigation revealed that in 2013, George Capuzzi was suffering from health-related issues and needed assistance with the processing of filing the post-hurricane insurance claims for his business. In light of Capuzzi's need for aid, a mutual friend referred Daniel Phelps as someone who could assist with the claims filing process.

Taking advantage of the elderly business owner, Phelps re-directed the delivery of the insurance

claims checks to his girlfriend's residence in Naples. Once the checks were mailed, Phelps took a trip to South Florida, where he endorsed the checks by forging Capuzzi's name. In an attempt to mask the fraudulent deposit, Phelps utilized his unsuspecting step-brother's driver's license to deposit the checks into a joint bank account. Phelps then transferred the money out of the joint account and into a personal account, where he used the money at will.

Over a course of three months, in addition to numerous cash withdrawals, Daniel Phelps spent George Capuzzi's \$96,000 on a new Jaguar car, a boat, Lasik eye surgery, and a trip to Key West. To date, George Capuzzi's business has never re-opened and Capuzzi is yet to have been made whole as a result of this theft.

Daniel T Phelps was picked up at the Broward County Health Center on charges of scheming to defraud, grand theft, and criminal use of personal ID. This case is being prosecuted by the Office of the State Attorney, 20th Judicial Circuit of Florida under State Attorney Stephen B. Russell.

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

Jacksonville Massage Therapist Latest in Series of PIP Fraud Arrests

The Department of Financial Services' Division of Insurance Fraud (DIF) announced the arrest of John Alexander Fraga (aka Juan Alejandro Fraga) for his involvement in the billing of more than \$40,000 to multiple insurance companies for the treatment of fake injuries following a series of staged car accidents in an attempt to fraudulently collect personal injury protection (PIP) insurance payments for profit.

Dating back to May 2011, DIF has investigated a series of staged car accidents that occurred in the Jacksonville area. During a five month period in 2012, DIF investigated three separate staged accidents that involved fraudulent rehabilitative practices at Jacksonville's Gate Parkway Diagnostics Center (GPDC).

DIF investigators discovered that the occupants of the vehicles involved in the staged accidents were allegedly recruited by GDPC employees to seek treatment for fake injuries following each accident. John Fraga, a licensed massage therapist at GDPC, authorized 127 documents that were used to bill multiple insurance companies for PIP insurance payouts totaling more than \$40,000. The forms signed were for services that never occurred as treatment for injuries that failed to exist.

During the course of this ongoing investigation, several other arrests tied to this operation have been made, including: Sandy Morales, the owner of GDPC, and the four individuals who were occupying the vehicles involved in these staged accidents; Michael Huerta, Olegario Hernandez Perez, Danay Torres-Gomez, and Salvador Torres.

John Fraga was arrested and booked into the Miami-Dade County Jail. He faces five felony charges, and if convicted, he faces up to 35 years in prison. This case will be prosecuted by ASA Joe Licandro in the Office of State Attorney Angela B. Corey.

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

Office Approves Removal of Up to 142,500 Policies from Citizens

The Florida Office of Insurance Regulation (Office) has approved the removal of up to 140,000 personal residential policies and 2,500 commercial residential policies from Citizens Property Insurance Corporation (Citizens) by the following four companies:

- Anchor Property & Casualty Insurance Company – approved to remove up to 20,000 personal residential policies (15,951 Personal Lines Account and 4,049 Coastal Account)
- Heritage Property & Casualty Insurance Company – approved to remove up to 55,000 personal residential policies (39,800 Personal Lines Account and 15,200 Coastal Account) and up to 1,500 commercial residential policies (1,300 Commercial Lines Account and 200 Coastal Account)
- Olympus Insurance Company – approved to remove up to 10,000 personal residential policies (7,917 Personal Lines Account and 2,083 Coastal Account)
- United Property & Casualty Insurance Company – approved to remove up to 55,000 personal residential policies (19,800 Personal Lines Account and 35,200 Coastal Account) and up to 1,000 commercial residential policies (940 Commercial Lines Account and 60 Coastal Account)

Citizen’s Personal Lines and Commercial Lines Accounts are mostly non-coastal properties and the Coastal Account is coastal properties. The take-out periods are December 22, 2015 for personal residential impacting both the Personal Lines/Coastal Account policies and December 15, 2015 for commercial residential impacting both the Commercial Lines/Coastal Account policies. This is part of the state’s ongoing depopulation effort to reduce the number of policies in the state-created Citizens and transfer them to the private insurance market.

This announcement brings the total number of policies approved for take-outs in 2015 to 1,321,193. By statute, policyholders may choose to remain covered by Citizens during take-out offers. To date, 141,647 policies have been removed from Citizens this year.

For more information, visit the Office’s “Take-Out Companies” [webpage at: http://www.flor.com/Sections/PandC/TakeoutCompanies.aspx](http://www.flor.com/Sections/PandC/TakeoutCompanies.aspx).

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

Insurance Commissioner Requests Rate Information from the National Flood Insurance Program

Florida Insurance Commissioner, Kevin M. McCarty, asked Craig Fugate, Administrator of the Federal Emergency Management Agency (FEMA), to work collaboratively with the Florida Office of Insurance Regulation (Office) by providing specific information related to the National Flood Insurance Program’s (NFIP) rates. The letter to FEMA includes a supplemental document entitled the “NFIP Rate Support Data Request”, which outlines the basic rate-making data the Office is requesting by December 15, 2015.

The information requested will also enable the Office to address the concerns raised by Senator Brandes in the letter sent to the Commissioner on August 12, 2015.

For more information, see below:

[Letter](#) from the Office to FEMA – October 2, 2015

[Letter](#) from Senator Brandes to the Office – August 12, 2015

[Response letter](#) from the Office to Senator Brandes – August 14, 2015

[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 domains dfs.state.fl.us and 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.

In The Know

- Keeping you informed is what it's all about

How to Locate an Enforcement Action

Each month the Division publishes a list of enforcement actions from the previous month on our Enforcement Actions [web page](#). You can access the listing within Insurance Insights from the link on the left side of any page in the newsletter. Many of the actions include a link to the actual Department Order or other legal document.

If you are looking for an action taken before July 1, 2015 you can search at [FLDFS Final Orders](#). Actions taken after July 1, 2015, can be searched for at the Florida Division of Administrative Hearings' (DOAH) [website](#). The DOAH link is also accessible through the [FLDFS Final Order](#) search page.

Confidentiality of Investigative Records

Department investigative records are considered privileged and confidential and are exempt from Florida's Public Records Law unless the Department or Office files a formal administrative complaint, emergency order, or consent order against the individual or entity. [[s.626.601\(6\)](#), F.S.]

Title Agencies Targets of Email Scam

We'd like to remind everyone of the existing business email compromise (BEC) scam that targets anyone expecting payment as part of a real estate transaction, which includes title agencies.

The scammer obtains a copy of an email from one of the parties in a real estate transaction. This could be the title agent, title agency, real estate agent or broker, lender, attorney, appraiser, surveyor, buyer or seller. The email identifies some or all of the parties to the transaction, which the scammer uses to locate additional emails that disclose the funds involved. The scammer then creates a fake email to send to one of the parties.

Here are a few variations of the scam we've seen:

- An email is sent to the buyer advising him/her to wire the deposit to the title agency using the wire instructions in the email.
- An email is sent to the buyer advising the funds needed to close will need to be wired to the settlement agent/escrow agent/title agency using the wire instructions in that email.

- An email is sent to the buyer or the seller, advising a property appraisal is required, but it must be paid for in advance using the instructions in the email. This one is not as prevalent as the others and it can include instructions to obtain a prepaid card, such as Green Dot, to make the payment.

The wire instructions direct the money to the account of the scammer and not the escrow account of the title agency. The person sending the money believes they have made the proper payment to the proper party, acting in good faith to fulfill their obligations under the sales agreement. This creates a major road block to the sale of the property. In many cases, the sale cannot be completed and at least one consumer has fallen victim to the scam.

This scam fails when the parties to the transaction have been forewarned of the existence of the scam. When the parties know to contact the title agency directly about any changes in the funding directions, then the agency can provide the correct instructions to the consumer. The funds will then be received and recorded as required for the transaction to continue as planned.

Should you be contacted by one of the parties to a transaction you are processing about receiving an email like this, please contact your local law enforcement agency immediately. The quicker they are able to learn of the attempt to divert the escrow funds, the better the chances of catching the perpetrator.

Self-Appointments and Non-insurer Appointments

The following of license types may be "self-appointed" or be appointed by another licensee, including:

Customer Representatives • Self-Appointing Surplus Lines Agent • Unaffiliated Insurance Agent

Viatical Settlement Broker • Public or All-Lines Adjuster • Bail Bond Agent • Professional Bail Bond Agent

Appointments must be completed online for most license types, however, bail bond agents are appointed on form [DFS-H2-1554](#). Depending on the type of license and appointment, the steps to complete the appointment may be different. Please view the appropriate category for instructions:

o Customer Representative: Customer representatives (4-40) must be appointed through the MyProfile account of the supervising general lines agent (2-20) OR the licensed/registered insurance agency where the customer representative works. To do this:

- Go to MyProfile and log in to the supervising general lines agent's or the agency's account.
- Select the "Access eAppoint" link under "Apply". If you have never used eAppoint, you must first register and will need to select "Register to become an appointing entity".
- Once in the eAppoint Workbench, select the required tab (New Appointment, Renew Appointment, or Terminate Appointment) and follow the instructions on the page. You will need to remit the appropriate appointment fee(s). Appointments must be renewed every 24 months during the birth month for the appointee.

o Self-Appointing Surplus Lines Agent, Unaffiliated Insurance Agent, Viatical Settlement Broker, Public or All-Lines Adjuster: Self-appointing surplus lines agents, viatical settlement brokers, public or all-lines adjusters must log in to their own MyProfile account and complete an appointment. To do this:

- Go to MyProfile and log in to your account.
- Select the "Access eAppoint" button under "Apply". If you have never used eAppoint, you must first register and will need to select "Register to become an appointing entity".
- Once in the eAppoint Workbench, select the required tab (New Appointment, Renew Appointment, or Terminate Appointment) and follow the instructions on the page. You will need to remit the appropriate appointment fee(s). Appointments must be renewed every 24 months during the birth month for the appointee.

o Adjusting Firm Appointing a Public or All-Lines Adjuster: Adjusting firms that are attempting to appoint a public or all-lines adjuster will use eAppoint by logging in with an email address and password. To do this:

- Go to eAppoint at <https://iportal.fldfs.com/eAppoint>. If you are having a problem logging in, try clicking the "Retrieve lost password" link on the left side of the screen. If this does not resolve the issue, please contact our Licensing Help Line at (850) 413-3137.
- Once in the eAppoint Workbench, select the required tab (New Appointment, Renew Appointment, or Terminate Appointment) and follow the instructions on the page. You will need to remit the appropriate appointment fee(s). Appointments must be renewed every 24 months during the birth month for the appointee.

o All Other Entities: All other entities will use eAppoint and will log in using an e-mail address and password. To do this:

- Go to eAppoint at <https://iportal.fldfs.com/eAppoint>. If you are having a problem logging in, try clicking the "Retrieve lost password" link on the left side of the screen. If this does not resolve the issue, please contact our Licensing Help Line at (850) 413-3137.
- Once in the eAppoint Workbench, select the required tab (New Appointment, Renew Appointment, or Terminate Appointment) and follow the instructions on the page. You will need to remit the appropriate appointment fee(s). Appointments must be renewed every 24 months during the birth month of the appointee.

o Bail Bond Agent: Appointing agency must complete and submit form [DFS-H2-1554](#).

If you have questions or need assistance with the eAppoint process, please contact Agent Licensing at 1-877-693-5236 or AgentLicensing@MyFloridaCFO.com.

Agency Security ~ Preparedness Against Cyber Attacks and Data Breaches

Cyber attacks and data breaches of government agencies and large companies are frequently in the news. However, ALL businesses are vulnerable to this type of attack to their information systems. There are a few steps your agency can take to reduce its vulnerability:

- Install and routinely update anti-virus/anti-malware protection suites
- Use a firewall provided by the operating system or other software
- Register your software for automatic updates, or manually update it routinely
- Run any downloads or program installations through antivirus/anti malware programs before taking the action

- Know how to recognize and avoid phishing scams
- Do not open unrecognized emails
- Develop strong passwords

While not all attacks and breaches can be prevented, taking these step can reduce your agency's chances of becoming a victim of cyber-crime.

The Florida Statutes Are Available Online

The Florida Statutes can be viewed at [Online Sunshine - Title XXXVII Insurance](#).

This section has been created to assist you in keeping your insurance business in compliance. The items are intended as reminders only. Note: Division publications may include references to the [Florida Statutes](#) and/or the [Florida Administrative Code](#). The laws noted in our publications are/were in effect at the time of publication but may have been repealed, amended or replaced and new laws may have been enacted subsequently.

Education Central

- Things to know about your continuing education

How to Satisfy the Five-Hour Law & Ethics Continuing Education Requirement

As a licensed Florida insurance professional you MUST take a five-hour Law & Ethics course specifically approved for one of the active licenses you hold to satisfy your five-hour CE requirement. The content of each five-hour course is tailored specifically to each license type. The chart provided here and on the Education [webpage](#) shows you the appropriate course authority for each license type.

Once you know the appropriate authority, you can search the [Education Database](#) for approved courses.

Education Database search tips

The following tips will help you locate the appropriate courses within the Education Database:

- Select the appropriate radio button for either CE or Prelicensing.
- Select the appropriate course authority for the type of course you need. If you are searching for a five-hour course, make sure you select the appropriate five-hour course authority (ex: a 2-20 licensee should select the 5-220 course authority).
- To refine your search select the study method that you prefer under "Matching" (ex: if you are looking for only online courses, select the "Self-Study Online" option).
- The search results will display course authorities other than the one that you specifically selected. To find only the courses approved for the specific authority you are looking for use the Find command by pressing "Ctrl" and "F" keys simultaneously. You will see a "Find" field appear at the top of your screen. Enter the course authority in the Find field and hit "Enter". This will highlight ONLY the specific text that you entered in the "Find" field. Click "Next" until you find the right course for you.

License Type	5 Hour Course Authorities
2-15	5-215
2-18	
2-14	5-214
2-16	
2-40	5-240
4-40	5-220
2-20	
20-44	
2-33	
2-34	5-237
2-37	
6-20	5-620
5-20	
3-20	5-320

Take a few extra minutes to research the courses that you are taking and make sure they will satisfy ALL of your requirements. Don't place the fate of your career in the hands of someone else. Take it upon yourself to protect your livelihood.

Web page link: <http://www.myfloridacfo.com/Division/Agents/Licensure/Education/CEReq.htm>

Education Database link: https://dice.fldfs.com/public/pb_srch_adv.asp

Are You Compliant with Your CE or Not?

To be CE compliant requires more than just taking CE courses. Below are a few 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.
- Check prior 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.
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.

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Compliance Corner

This section has been created to assist you in keeping your insurance business in compliance. The items are intended as reminders only. Note: Division publications may include references to the [Florida Statutes](#) and/or the [Florida Administrative Code](#). The laws noted in our publications are/were in effect at the time of publication but may have been repealed, amended or replaced and new laws may have been enacted subsequently.



Compliance Topic of the Month:

Surplus Lines ~ Exporting Coverage

Surplus Lines - Placing Coverage Properly versus Improperly

One of the Florida Legislature's stated [purposes](#) of the Surplus Lines Law is to protect authorized insurers from unwarranted competition by unauthorized insurers who are not subject to the same requirements. Additionally, there is no guaranty fund for unauthorized insurers if one should become insolvent, thus offering no consumer protection. It's for this reason Florida law states that a surplus lines agent cannot export insurance coverage for a risk when the risk is already covered by, or can be covered by, an admitted/authorized insurer. The Department issued a [bulletin](#) in 1997 to further remind the industry that doing so is a violation of the Florida Insurance Code, if the policy is procurable from an authorized insurer. General lines agents are reminded that if they are unable to place a risk with an admitted carrier (either a company with whom they are appointed or through another agent appointed by an admitted company), they must utilize a Florida licensed and appointed surplus lines agent if they export the risk to an eligible surplus lines insurer. For example, if an admitted/authorized insurer were willing to issue a condominium's insurance policy excluding wind coverage, then provided all the requirements of [s.626.916](#), F.S. have been fulfilled, the surplus lines agent would be permitted to export the wind coverage, and only the wind coverage. [See sections [626.914](#) and [626.916](#), F.S.]

[Click here to read the 97-007 bulletin >>](#)

Surplus Lines - Diligent Effort Requirement

Prior to exporting a risk to the surplus lines market, a legitimate diligent effort is required to be conducted by the producing agent of insurers authorized to transact and actually write that kind and

class of insurance in Florida. Surplus lines agents must verify that the diligent effort has been made by requiring a properly documented statement of diligent effort from the retail or producing agent. However, to be in compliance with the diligent effort requirement, the surplus lines agent's reliance must be reasonable under the particular circumstances surrounding the export of that particular risk. Reasonableness shall be assessed by taking into account factors which include, but are not limited to, a regularly conducted program of verification of the information provided by the retail or producing agent. Only searching insurers that an agent knows will not place coverage for the risk is a violation of Florida law. Fraudulently completing a diligent effort form (e.g. fake contact names, dates, signatures) is a serious violation and will be prosecuted by the Department.
[See [s.626.916](#), F.S.]

[Diligent Effort Form](#)

Lawful Fees and Reimbursements - MGA, General Lines and Surplus Lines Agents

One of the most frequently asked questions by licensees is whether they can charge fees in addition to the premium established by insurer filings through the Florida Office of Insurance Regulation. Following are the only lawful fees a licensee can charge under the Florida Insurance Code:

A general lines agent may:

- charge a per-policy fee not to exceed \$10 to cover the administrative cost associated with selling motor vehicle insurance if the policy coverage is limited to Personal Injury Protection (PIP) and Property Damage (PD) under [s.627.7295\(5\)\(a\)](#), F.S.
- seek reimbursement from a consumer for the exact amount charged to the agent or agency for a motor vehicle report (MVR) required to underwrite a motor vehicle policy under [s.627.7295\(5\)\(b\)](#), F.S.

A Managing General Agent (MGA) may charge:

- up to a per-policy fee not to exceed \$25 in the aggregate, .i.e., if the consumer purchases more than one policy, only one policy fee may be charged under [s.626.7451\(11\)](#), F.S.

A Surplus Lines Agent may charge:

- up to a \$35 policy fee (taxable as premium) per policy under [s.626.916\(4\)](#), F.S.

Any agent or agency accepting premium payments by credit card may seek reimbursement up to the exact amount charged for premium payments made by credit card transaction under [s.626.9541\(1\)\(o\)2.](#), F.S.

Requirement to Provide Unlimited Access to Records by the Department

In [last month's issue](#), we discussed the Department's right to conduct investigations and attain access to licensee records. We'd like to clarify the Department's authority and our guidelines when Department

personnel are seeking access to records in the agency or office setting.

Section [626.748](#), F.S. requires licensees to maintain records in a "readily accessible" manner, and similarly, [s.624.318](#), F.S., require that insurance records be made readily available to the Department. The statute do not provide licensees with the ability to limit access to records or establish the conditions under which the records will be accessed by Department investigators. The Department is not required to set an appointment to view records, or provide a list of records they wish to review, though they may do so in some circumstances.

In short, Department investigators or other staff are to be provided with free, unfettered access to licensee insurance records. Failure to provide reasonable access is a violation of [s.624.15](#), F.S., a misdemeanor.

Escrow Disbursements - Chapter 69B-186.008, F.A.C. - Adoption of Rule

The new rule in the Florida Administrative Code, [69B-186.008](#), has been adopted and was effective October 28, 2015. The settlement agent must certify the forms of the transaction have been reviewed and provide the following certification on every title insurance closing conducted in Florida:

"I have reviewed the Closing Disclosure, the settlement statement, the lender's closing instructions and any and all other forms concerned with the funds held in escrow, including any disclosure of the Florida title insurance premiums being paid, and I agree to disburse the escrow funds in accordance with the terms of this transaction and Florida law."

The title agency must provide the parties to the transaction with the following information:

- Identity of the settlement agent
- Name and license number of each title agency involved in the transaction
- A written cost comparison of the title insurance costs shown on the Closing Disclosure form and the promulgated premiums being charged, if the amounts differ. The comparison is not needed when the costs listed on the closing Disclosure form are the same as the promulgated premium being charged for each title insurance policy.

The title insurance agency must obtain the authorization of the buyer/borrower and the seller to hold and disburse the escrow funds. The parties must also acknowledge the title agency will disburse the escrow funds to pay the title insurance premiums as required by the Florida Insurance Code, which may be different than the amounts shown on the Closing Disclosure form.

The DFS form adopted under the rule, [Form DFS-H1-2146](#), "Florida Insurance Premium "Disclosure & Settlement Agent Certification" may be used to comply with the requirements of the rule.

Assumed or Fictitious (D/B/A) Names Must be Reported to Us

An assumed or fictitious, "doing business as" business name, is not a separate legal entity and is not required to hold a separate agency or firm license. However, the Department must be informed of the intent to use an alternate name, whether when first applying for an agency license or after a license has been issued.

After an agency license is effective, an agency using a fictitious name must report the name in writing to the Bureau of Licensing and provide evidence that the name has been established by the state agency responsible for maintaining those records - in Florida, fictitious names are filed with the Florida Department of State, Division of Corporations. Include a copy of the fictitious name filing when notifying the Department of the intent to change the agency's business name to include the fictitious or "D/B/A" name. An agency cannot register more than one fictitious name. Request for name changes should be sent to AgentLicensing@MyFloridaCFO.com.

Title Agencies: Update Your Info for the 2016 Administrative Surcharge

Subsection [624.501\(27\)\(e\)2](#), F.S., requires any title insurance agency licensed in Florida on January 1 of each year to remit an administrative surcharge of \$200 to the Florida Department of Financial Services. Therefore, we are [reminding](#) all title agencies that the 2016 administrative surcharge due date will soon be approaching.

NOTE: This surcharge is not related to the one imposed on each new policy written due to the receiverships of National Title Insurance Company and K.E.L. Title Insurance Group, Inc.

Any title insurance agency licensed in Florida on January 1, 2016, will be emailed a reminder a few days afterward to the agency's [email address](#) on file with the Department. To ensure you receive the invoice and avoid failing to pay by the January 30 due date, please log in to the [MyProfile](#) account for your title agency and make sure the correct email address is on file. While doing so, we also recommend you do the same for your individual [MyProfile](#) account.

Occasionally we discover agencies that were not aware of the reminder because of the retirement or termination of the employee assigned to monitor the email address provided to the Department. Failure to open the email sent by the Department containing the administrative surcharge reminder does not release an agency from the January 30 deadline. Please verify your information soon so this does not happen to you. If you need our assistance, you may contact us at Title@MyFloridaCFO.com to assist you through the steps to update your information. Be proactive; not reactive.

Failure to pay the surcharge on or before January 30, 2016 will result in administrative action which could include a fine, in addition to the original surcharge. Payment must be made securely online via the title agency's [MyProfile account](#). Paper checks are not accepted.

Compliance Information

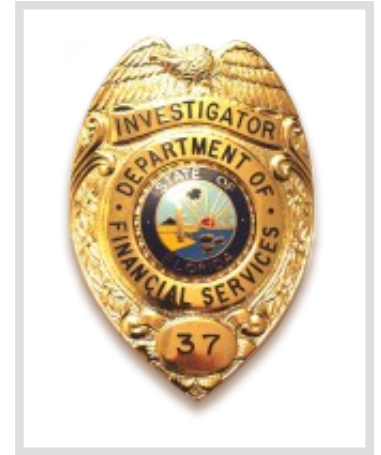
Department licensees and consumers can access compliance information at the Division's web page [Compliance Information](#). Additional information is available by type of license at our [Frequently Asked Questions](#) web page.

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: The investigation was initiated after a Department licensee reported that an agency's agent in charge (AIC) allowed a surplus lines agent to export insurance coverage for risks that were procurable from authorized insurers. The surplus lines agent also failed to provide proof that a diligent effort was made prior to procuring the surplus lines coverage.

Disposition: Agency fined \$45,000.



Case: Investigators looked into the actions of a general lines agent who was the source of a complaint regarding alleged misappropriation by a Customer Representative (CR) she was responsible for as the agent in charge of the agency. As a result of the original investigation, the CR was arrested by the Division of Insurance Fraud for misappropriation of funds and transacting insurance without a license. While investigating the CR, investigators determined that during the time of the misappropriation, the agent in charge failed to properly supervise the Customer Representative by failing to properly appoint the CR to her agency, which resulted in the CR's license being cancelled.

Disposition: Fined \$5,000 and six months probation.

Case: The Florida Office of Financial Regulation (OFR) issued a Final Order against a life, health and variable annuity agent for allegedly engaging in fraudulent transactions and creating falsified documents relating to no less than 15 client securities accounts. OFR ordered the agent to Cease and Desist from violations of Chapter 517 of the Florida Statutes, and any rule or order promulgated by OFR. Additionally, the agent was ordered to pay OFR an administrative fine in the amount of \$110,000. The agent failed to report this action to the Department within 30 days as required by the Florida Statutes.

Disposition: Licenses revoked.

Case: An investigation into the business activities of a life, health and variable annuity agent who is also a licensed dentist was conducted after a tip was received through the Department's Division of Insurance Fraud. The investigation determined the agent made material misrepresentations on Department license applications to obtain agency licenses for three call centers, and by doing so, aided and abetted the transaction of insurance by an unlicensed person. Investigators established that the agent was employed full time as a practicing dentist, not as an insurance agent, and had set up the agencies to allow his father, a convicted felon, to unlawfully operate the agencies and place business

under his license and appointments. The father served a sentence in federal prison for wire and securities fraud, and was working with a partner who was barred by FINRA. Both men's backgrounds would have made them ineligible for any type of licensure with the Department.

Disposition: License revoked.

Case: An investigation was initiated against a general lines agent after receiving a complaint from the owner and agent in charge (AIC) of the insurance agency where the agent worked. Investigators determined the agent was accepting cash premium payments from an agency customer and depositing the cash into her personal checking account rather than forwarding the premium to the insurance company. To cover up the misappropriation, the agent created false Certificates of Insurance for the general liability and building coverage for the customer's business. The agent knew there was no coverage in force to protect the business from liability or for any type of property damage. The investigation also revealed the subject was depositing commission checks payable to the agency into her personal bank account. At its conclusion, the investigative case was referred to the Division of Insurance Fraud and the agent was arrested. The agent pled guilty to one count of Grand Theft and five counts of Uttering and was sentenced to 18 months probation and ordered to pay restitution.

Disposition: Permanently barred.

Case: An investigation was conducted after a consumer complained that an agent falsified information about mobile homes she owned which resulted in the termination of her policies by the insurance company. Further review of applications taken by the same agent found the agent had misrepresented information about risks on several dozen additional applications. Strikingly, investigators found the applications were not signed by the "agent" the consumers did business with, but with a rubber stamp bearing the name of another licensed agent, the spouse of the agent in charge. Investigators determined only the AIC's spouse had the necessary appointments to write the mobile home insurance business and the signature stamp was used without the supervision or oversight of the AIC. The agency was also charged with failing to supervise an agent in its employ.

Disposition: The agent and agency were fined \$2,500 each, and the agent was placed on probation for one year.

Case: Investigators became aware of numerous felony charges pending against a life, health and variable annuity agent including Conspiracy to Commit Health Care Fraud and Wire Fraud, Health Care Fraud, and Conspiracy to Defraud the United States. The agent was ultimately adjudicated guilty of one count of Conspiracy to Commit Health Care Fraud and Wire Fraud.

Disposition: License revoked.

Case: For nearly a year, a bail bond agent defiantly refused to return \$3,000 in premium for a bail bond that was posted on behalf of a defendant by reasoning that the premium refund was not owed since she had "done the work" - collected the premium and completed the paperwork; however, the defendant was never released from custody and the bail bond agent was required by law to return the premium to the indemnitor. During an agency inspection conducted during the course of the investigation, the agent was found to have continued to transact bail bond business after losing her appointment due to Continuing Education non-compliance and failed to properly maintain the agency's records.

Disposition: Fined \$2,500, placed on probation for one year.

Case: Investigators were advised by a surety company that a bail bond agent had failed to remit premiums for executed bail bonds. An audit by investigators determined the premiums were due and unpaid by the bail bond agent.

Disposition: Fined \$2,500 and placed on probation for one year. As the result of the Department's Bureau of Investigation's efforts, restitution of \$10,516 was paid to the surety company by the agent.

estitution to multiple defendants charged for the monitoring, and to attend a five-hour Bail Bond Law and Ethics course.

INSURANCE *Insights*

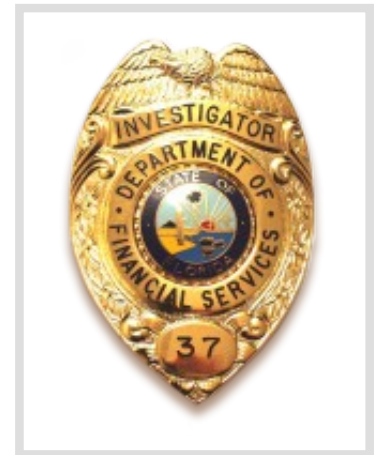
DIVISION OF AGENT AND AGENCY SERVICES

Volume 4, No. 10 - October 2015

Enforcement Actions

- September 2015

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. The license or registration status may have changed since the filing of these orders. We suggest that you search the [Licensee Search](#) or make a [public records request](#) to verify the current status of any license or registration.



IMPORTANT NOTE: Copies of previous and current enforcement action documents, which include the allegations, can be located by searching the [Division of Administrative Hearings'](#) database. For further information, you may make a public records request via [email](#) or contact the [Public Records Unit](#).

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.

LAST/BUSINESS NAME	FIRST NAME	LICENSE#	LICENSE TYPE	DISPOSITION	FINE / COST	RESTITUTION	DOCUMENT
Advantage Title Partners LLC		P149164	Title Agency	License Surrendered			Consent Order
American Automotive Servc Solutions Inc		P165489	Automobile Warranty	Fined	\$4,000		Consent Order
Bay City Title Partners LLC		W123441	Title Agency	Fined	\$3,500		Search
Brown	Lowell	P091926	Public Adjuster	License Suspended 6 Months			Order of Suspension
Buck	Lori	D038886	Life, Health, Variable Annuity,	Licenses Revoked			Search

			Personal Lines				
Calonge Jr	Roger	W177745	Life, Health, Variable Annuity, Personal Lines	Licenses Revoked			Consent Order
Cephas Jr	Clarence	E030989	Bail Bond	Fined	\$1,250		Search
Collins	Marlon	D060992	Bail Bond	Fined and Restitution	\$3,500	\$10,072	Search
Diamond	Enel	E150406	Life, Health, Variable Annuity	License Revoked			Order of Revocation
Express Insurance of Lakeland Inc dba		L087527	Agency	License Revoked			Consent Order
Fallis	Toby	W150281	Life, Variable Annuity	License Revoked			Search
Gervet	Angelica	E115388	Public Adjuster	License Suspended 3 Months			Order of Suspension
Kenvin	Mitchell	E125232	Life, Health & Variable Annuity	License Surrendered			Consent Order
Lapergola	Robert	A149634	Life, Variable Annuity	License Suspended 3 Months			Consent Order
Leo	Patrick	A153372	General Lines, Surplus Lines	Probation and Costs	\$5,000		Search
Leo Risk Services, Inc.		L002555	Agency	Probation and Costs	\$10,000		Search
Llama	Marlene	D066376	General Lines, Suspended	Permanently Barred			Consent Order
Lopez	Jennifer	P163816	Life, Health, Variable Annuity, Customer Representative	Licenses Revoked			Order of Revocation
Lora Jr	Raul	P045871	Public Adjuster	License Suspended 3 Months			Order of Suspension
Mack Mack and Waltz Insurance Group Inc		L000370	Agency	Fined	\$45,000		Consent Order
Neff (McVeigh)	Kimberly	P140113	General Lines	License			Consent

				Revoked			Order
Pilkington	Timothy	W190452	Life, Health, Variable Annuity	License Suspended 2 Months			Order of Suspension
Plate	Ane	D045043	Life, Health, Variable Annuity	License Revoked			Order of Revocation
Rodriguez	Abram	P141686	Health	License Revoked			Search
Rodriguez	Mandy	D019885	General Lines	License Suspended			Search
Rodriguez	Daniel	A223695	Life, Health, General Lines	Probation and Fine	\$3,000		Search
Sevilla	Michelle	P156328	Bail Bond	Probation and Fine	\$2,000		Search
Stephens	Charles	A253728	All Lines Adjuster	Probation and Fine	\$1,000		Search
Stewart	Richard	W082622	Service Warranty	License Revoked			Order of Revocation
Vazquez	Joshua	E123940	Bail Bond	License Revoked			Order of Revocation
Vindell	Edwin	P060497	Life, Health, Variable Annuity, Public Adjuster	Licenses Suspended 3 Months			Order of Suspension

Contact Us

- We're always here for you

Bureau of Licensing

AgentLicensing@MyFloridaCFO.com - For general inquiries about licensing.

Education@MyFloridaCFO.com - For education-related questions (prelicensing, continuing education, providers, etc.)

[MyProfile](#) - Check your up-to-the-minute application status, education information, and more.

Licensees are reminded to update any change in their name, addresses (including email) or phone numbers by logging in to their [MyProfile](#) account. If you also have an agency license, don't forget to log in to your agency's MyProfile account and update it as well.

200 East Gaines Street
Larson Building, Room 419
Tallahassee, FL 32399-0319

Bureau of Investigation

Compliance issues, licensees and insurers only:

Title@MyFloridaCFO.com - For title insurance matters

BailBond@MyFloridaCFO.com - For bail bond matters

Adjusters@MyFloridaCFO.com - For adjuster matters

For all other matters not related to licensing or education:

askDFS@MyFloridaCFO.com -

200 East Gaines Street
Larson Building, Room 412
Tallahassee, FL 32399-0320

Title Insurance Data Call

TitleAgencyReporting@flor.com - For questions about the filing process

TitleDataCall@flor.com - For all other questions about the data call

Insurance Insights Editor/Publisher

[Susan Jordan](#)

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