

## Boosting Fire Safety Conversations on Campus

Dear friends,

As parents, it's our responsibility to teach our children the skills they need to become successful adults. From cooking and cleaning to managing finances and the basics of car maintenance, there's a lot to cover before they set off for the real world or head to college.

As Florida's Chief Financial Officer, it's my goal to provide resources and information to help inform some of these conversations along the way. We provide tools on a variety of topics, including credit and debt, saving and spending, and how to make a financial plan for important life events.

My role as CFO also affords me the distinct honor of serving as Florida's State Fire Marshal. In this capacity, I hope to reduce the rate of arson-related crimes in our state and to better educate Floridians on how to prevent accidental but destructive fires.



Throughout the state, we've heard from college students and fire professionals about a need for increased education among the Greek life communities on college campuses. We heard their concerns, and just this week we piloted a brand-new program with the Phi Gamma Delta fraternity at Florida State University. We talked with members about the importance of having working smoke detectors in their homes, about the need for not only having fire extinguishers but knowing where they are and how to use them, and about the startling reality that a fire can ravage a home in just minutes.

There's a reason we began this project with Phi Gamma Delta, and it stems from a story many of you may not know. On the night before graduation in 1996, the University of North Carolina at Chapel Hill Phi Gamma Delta chapter hosted a graduation party. Hours after the party ended and everyone had gone to sleep, a cigar that had been dropped into a garbage bin caught fire and quickly engulfed the house in flames. Five lost their lives that night and another three were injured. It was a night no parent or member would ever forget.

Unfortunately, the tragedy that occurred at this chapter house is a story far more common than any parent would like to believe. Since 2000, 89 fatal fires have broken out on a college campus, in Greek housing or in off-campus housing within three miles of campus and have claimed 126 lives. The numbers tell a troubling story: more than 90 percent of campus fire fatalities occur in off-campus housing—housing that is not subject to fire safety inspections by campus personnel. The vast majority

**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 >>](#)

of these fires are caused by cooking accidents, and nearly 15 percent of these fire deaths can be attributed to alcohol impairment.

That's why we have partnered with the Tallahassee Fire Department in hopes of bringing our program to each and every fraternity and sorority at Florida State University. We've also started reaching out to local fire departments and Greek life communities at other college campuses across Florida.

As our program continues to grow, we hope to bring the life-saving message that seconds save lives to all college students in Florida. As a parent, I plan to bring this message to my four kids. I hope you will choose to engage in fire safety conversations with your children of all ages.

Sincerely,



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



## News You Can Use

- Updating you on what's going on

### **Miami Woman Facing Over 300 Felony Charges Stole Identities with Co-Conspirator to Conduct \$200,000 in Illegal Insurance Transactions**

The Florida Department of Financial Services' Division of Insurance Fraud (DIF) announced the arrests of Miami residents Alina Del Prado, 60, and Karla Patricia Figueroa, 40, for deceptively using unsuspecting licensed insurance representatives' licenses to defraud Florida consumers and illegally conducting more than \$200,000 in insurance transactions while operating Quality Insurance Agency (Quality) in Hialeah, FL.

Beginning in January 2014, an investigation conducted by DIF, in conjunction with the Department's Division of Insurance Agent and Agency Services' Bureau of Investigation, alleged that Alina Del Prado submitted an insurance agency license application for Quality using a licensed agent's name and license number unbeknownst to the agent. The Division's Bureau of Investigation conducted an inspection of the agency, which discovered that Del Prado, unlicensed at the time, was using the agent's name and license number to fraudulently transact insurance business in numerous instances.

The investigation also showed that Del Prado had hired Karla Figueroa and that Figueroa had illegally sold automobile insurance policies as an unlicensed customer representative. Figueroa, continuing the fraudulent pattern, also utilized an unsuspecting representative's name and license number to illegally obtain automobile insurance policies.

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

### **Former Broward County Insurance Agent Arrested for Stealing More Than \$20,000 in Client Insurance Premiums**

The Florida Department of Financial Services' Division of Insurance Fraud (DIF) announced the arrest of Lisa Dwyer, 49, a formerly licensed insurance agent employed by Southeast Insurance Agency in Davie, after she allegedly stole more than \$20,000 in premium funds from her clients.

During an eight month window of time, the owner of Southeast Insurance Agency discovered that one of his agents, Lisa Dwyer, had misappropriated, or stolen, insurance premium payments from his company's customers. The owner fired Dwyer and reported her actions to the Division of Insurance Fraud.

An investigation led by DIF in concert with the Department's Division Agent and Agency Services' Bureau of Investigation revealed that more than 50 customers had some, if not all, of their premium checks stolen by Dwyer, for a grand total of just under \$22,000 in insurance premium funds. According to Dwyer, much of the stolen funds were kept for her own personal use, but she claims to also have used some of the premiums to make payments on a few of the insurance policies. The Division of Agent and Agency Services revoked the agent's license in February, 2015.

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

## **CFO Jeff Atwater's Office to Host Operation SAFE Workshops ~ Operation SAFE Workshops Educate Seniors about Financial Fraud**

Chief Financial Officer Jeff Atwater announced that the Department of Financial Services will host a free financial safety workshops next month in Fort Pierce and St. Augustine. Operation S.A.F.E. or Stop Adult Financial Exploitation workshops teach seniors, their families and caregivers how to spot a scam, how scams work and the steps they can take to protect themselves.

Wednesday, October 7th - Fort Pierce  
10:00 a.m. - 11:30 a.m.  
Havert L. Fenn Center  
2000 Virginia Avenue, Fort Pierce, Florida 34982

Thursday, October 8th - St. Augustine  
10:00 a.m. - 11:00 a.m.  
River House  
179 Marine Street, St. Augustine, Florida 32084



These workshops are hosted as part of CFO Atwater's 'On Guard for Seniors' initiative, launched in 2012 to educate seniors about financial topics such as annuities, identity theft, reverse mortgages and long-term care insurance. The workshop will focus on frauds and scams, such as fake lotteries and repair scams, and how these scams work on the psyche to convince seniors to take a chance on something that is too good to be true.

[Click here to read more at the Operation Safe web page>>](#)

## **Two Ybor City Men Indicted in \$5.3 Million Investment Fraud**

The Florida Office of Financial Regulation (OFR) announced the unsealing of a federal grand jury indictment against Timothy M. Roberts and Terrance F. Taylor. The indictment charges each man with one count of conspiracy to commit wire fraud and five counts of wire fraud, stemming from their role in an alleged investment fraud scheme.

“Fighting financial fraud is one of the Florida Office of Financial Regulation’s highest priorities,” said OFR Commissioner Drew J. Breakspear. “The OFR will continue to collaborate with our partners to protect Floridians from financial fraud.”

“Thank you to our partners in the Federal Bureau of Investigation, the U.S. Securities and Exchange Commission in Miami and the U.S. Attorney’s Office in Tampa for their hard work in this case,” said OFR Deputy Chief of Financial Investigations Alex Toledo.

Roberts and Taylor operated Ybor City-based Savtira Corporation, Inc., a supposed internet technology company that purportedly offered centralized, cloud-based shopping cart platforms for retailers to sell goods. Both men are alleged to have sold stock in Savtira, raising approximately \$5.3 million from investors. The joint investigation by the OFR and the Federal Bureau of Investigation (FBI) revealed that the stock certificates sold to investors were essentially worthless and that the money was used by both men for personal expenses. Roberts and Taylor are also alleged to have generated fake invoices and receivables, to make it appear as if Savtira had millions in revenue.

If you are a victim of financial fraud or to report suspicious activity, file a complaint online at [www.flofr.com](http://www.flofr.com) or call (850) 487-9687.

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

## **Northwest Florida Homeowner Arrested for Arson after State Fire Marshal Accelerant Detection K-9 “Bailey” Successfully Tracks Accelerants**

The Florida Division of State Fire Marshal (SFM), which operates under the direction of Chief Financial Officer Jeff Atwater and the Department of Financial Services, announced the arrest of Delmar Dice, 50, for allegedly attempting to burn down his own home and causing nearly \$200,000 in damage.

On September 4th, the Skyline Fire Department and the Santa Rosa County Sheriff’s Office requested the assistance of the SFM at a fire that occurred on Happy Hollow Drive in Milton, Florida. Upon arrival, the home was entirely engulfed in flames while the owner, Delmar Dice, was on scene and looked upon his scorched home in despair.

After the flames subsided, the SFM’s local accelerant detection K-9 Bailey went to work by attempting to identify and locate any accelerants that may have been used in the fire. During her analysis of the scorched structure, Bailey was able to pin point the use of accelerants in the garage of the home. Detectives were then able to verify that the fire had initially started in the garage and that some type of accelerant had been used.

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

## **Office Approves Removal of Up to 184,500 Policies from Citizens**

The Florida Office of Insurance Regulation (Office) has approved the removal of up to 181,909 personal

residential policies and 2,591 commercial residential/non-residential policies from Citizens Property Insurance Corporation (Citizens) by the following six companies:

- Anchor Property & Casualty Insurance Company – approved to remove up to 20,000 personal residential policies (15,951 Personal Lines Accounts and 4,049 Coastal Accounts)
- Heritage Property & Casualty Insurance Company – approved to remove up to 50,000 personal residential policies (35,000 Personal Lines Accounts and 15,000 Coastal Accounts) and up to 500 commercial residential policies (400 Commercial Lines Accounts and 100 Coastal Accounts)
- Safepoint Insurance Company – approved to remove up to 20,000 personal residential policies (12,000 Personal Lines Accounts and 8,000 Coastal Accounts)
- Southern Oak Insurance Company - remove up to 15,000 personal residential policies (10,000 Personal Lines Accounts and 5,000 Coastal Accounts)
- United Property & Casualty Insurance Company – approved to remove up to 50,500 personal residential policies (20,200 Personal Lines Accounts and 30,300 Coastal Accounts) and up to 1,000 commercial residential policies (940 Commercial Lines Accounts and 60 Coastal Accounts)
- Weston Insurance Company - approved to remove up to 26,409 personal residential policies (Coastal Accounts), up to 1,064 commercial non-residential policies (Commercial Lines Accounts), and up to 27 commercial residential policies (Commercial Lines Accounts)

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

## Office Issues Order Establishing Citizens Commercial Lines Rates

The Florida Office of Insurance Regulation (Office) has issued an Order establishing the 2016 commercial lines rates for Citizens Property Insurance Corporation (Citizens). The effective date for both new and renewal rates within the Commercial Lines and Coastal Accounts is February 1, 2016.

[Click here to read more and view the estimated rate change chart>>](#)

[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](mailto:dfs.state.fl.us) and [MyFloridaCFO.com](http://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

### Can I Cancel My Appointment with an Insurer?

We are frequently asked by licensees whether they can cancel their appointments on file with the Department with an insurer. This has been an area of understandable confusion as only insurers and certain approved appointing entities can appoint individual licensees. Licensees **can** cancel any or all of their appointments with insurers through their [MyProfile](#) account or by contacting the Division's Bureau of Licensing at [AgentLicensing@MyFloridaCFO.com](mailto:AgentLicensing@MyFloridaCFO.com).

### 2016 Federally-Facilitated Marketplace (FFM) Registration and Training

The Centers for Medicare and Medicaid Services (CMS) has announced that training for the 2016 plan year is now available. For more information please visit the [Agents and Brokers Resources web page](#) at the [www.CMS.gov](http://www.CMS.gov) website. The Department does not sponsor registration or training and all inquiries should be directed to CMS.

Agents and brokers will access both the MLMS and CMS-approved vendor training via the [CMS Enterprise Portal](#). Agents will need to input their National Producer Number (NPN) in order to complete the training curriculum. Agents who enter the wrong NPN may have to re-complete the curriculum, so it is very important the correct NPN is entered. Agent NPNs can be found at <https://npr.com>.

Completion of a training curriculum, including the associated exams, through one of the above CMS-approved vendors will fulfill the FFM training requirement for agents and brokers registering to participate in the Individual and/or Small Business Health Options Program Marketplaces for plan year 2016. Vendors may also charge a fee for taking their training.

### Health Agent Role in the Federally-Facilitated Marketplace

Agents can assist individuals and small groups with completing the eligibility applications, comparing and selecting qualified health plans (QHPs), and enrolling through the Federally-facilitated Marketplace (FFM) and small group marketplace (FF-SHOP).

Agents can assist consumers in two ways: 1) Use the insurer's website to assist the consumer; or 2) Use



the Marketplace website. All agents must register with CMS in order to assist qualified individuals and small groups with coverage through the Marketplace.

## Reenrollment

There are two types of reenrollment: active and passive. An active reenrollment is a reenrollment that is initiated by an enrollee who returns to the Federally-Facilitated Marketplace (FFM), such as Florida's, during the Marketplace Annual Open Enrollment Period (November 1, 2015 through January 31, 2016) and updates their application and selects a plan for the next plan year. A passive reenrollment, also called an "auto-reenrollment" is a reenrollment initiated by the FFM to continue coverage through the FFM for current enrollees who do not return to the FFM to update their application and select a plan by December 15, 2015.

## Direct Enrollment (by consumers) and Agents/Brokers

FFM enrollees enrolled through Direct Enrollment (DE) in 2015 and who still have coverage as of October 15, 2015, will be passively reenrolled just as other enrollees, with FFMs sending passive reenrollments to insurance carriers (issuers) using the 2016 plan indicated by the issuer. These passive reenrollments will follow the same rules for passive reenrollments described in Sections III and IV of the bulletin linked below.

If the 2015 enrollment had a National Producer Number (NPN – this like a national license# issued by a national database for agents/brokers) associated with it, the 2016 enrollment will include the NPN. If an enrollee wants to end their association with the agent/broker, he or she must actively enroll by completing a 2016 application, removing the NPN, and making a plan selection.

If enrollees enrolled through DE or a web-broker have updated eligibility information to report (such as a change in job status, etc.), they may start at their DE issuer and be redirected to their FFM to update their 2016 application and complete plan selection on the DE issuer or web-broker's site. DE also accommodates enrollees who came directly to the FFM in 2015 and want to enroll through DE for 2016. Similarly, the enrollee could come to his or her FFM directly to complete a 2016 application and plan selection. Both of the latter scenarios would be considered active reenrollment. Please note, unlike 2015's Annual Open Enrollment Period, during which an enrollee needed to create a new application, for 2016, a 2016 application will be generated for the enrollee through passive reenrollment, and the enrollee should work off of that pre-populated application when returning to his or her FFM to actively enroll in 2016 coverage.

Agents/Brokers who are assisting an applicant with the completion of an application will have the option to search for a consumer's 2016 application and edit the pre-populated 2016 application. Agents/Brokers who are completing an application on behalf of an applicant will also have the ability to search for existing applications (multiple plan years) and view the consumers' "My Account" pages. For **existing** enrollees, Agents/Brokers should **not** start a new 2016 application without searching to see if an enrollee has a 2016 pre-populated application created by passive reenrollment. As with last year, when a new transaction is sent via DE, the associated NPN is sent as part of that transaction; the NPN is not manually entered.

More information can be found at <https://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/2016AutoReenrollmentBulletin16.pdf>.

Agents wanting additional information should refer to the HHS/Center for Consumer Information and Insurance Oversight (CCIIO) website at <http://www.cms.gov/CCIIO/Programs-and-Initiatives/Health-Insurance-Marketplaces/a-b-resources.html>.

In order to participate in either or both Marketplaces, agents must be licensed and appointed. Agents must continue to comply with all state laws and the Florida Department of Financial Services will continue to be the primary regulatory authority overseeing agents.

## **Closing a Bail Bond Agency**

There are moments that arise, such as retirement or a new business pursuit, that could cause a bail bond agent to close their bail bond agency. This article provides general guidelines to bail bond agents who are closing a bail bond agency location.

### **Contact the surety companies**

Notify each surety company that you represent of your intention to close the bail bond agency. Be sure to obtain formal guidance on the proper handling of your agency's records, including unused powers and the collateral in your possession for the bail bonds issued for their company.

### **Notify the Department**

Send a letter to us advising the date your bail bond agency will close, the location of your agency's files, the location of the collateral being held on the bonds written and an explanation of how consumers will receive the return of their collateral at the conclusion of their cases. This should be done within 10 days of the closing. The letter may be mailed with the primary bail bond agent designation form [DFS-H2-1541](#) as you will need to delete the designated primary bail bond agent for the agency as well. [\[s.648.387, F.S.\]](#)

On a related matter, a bail bond agent must notify us within 10 working days if you change your name, residence address, principal business street address or mailing address, e-mail address, or contact telephone numbers. This is quickly and easily done by logging in to your [MyProfile](#) account. Alternatively, this is done with form [DFS-H2-1564](#). [\[s.648.421, F.S.\]](#)

### **Obtaining forms**

You can download forms from our web site, [www.MyFloridaCFO.com/Division/Agents/Licensure/Forms](http://www.MyFloridaCFO.com/Division/Agents/Licensure/Forms). Any completed form should be submitted to the address or fax number listed on the form.

### **Contact your customers**

Mail a notice to each customer (defendants and indemnitors), advising them of the closing of the agency and whom they can contact regarding their bonds. If the managing general agent (MGA) or surety company has not yet approved a new servicing agent, then the notice should direct your customers to contact the MGA or surety company. The notice should include an office telephone number for the servicing agent or surety company.

Notify the Department's Division of Consumer Services of your agency's closing in the event your customers contact them. You can do this by going to [AskFLDFS](#) and selecting "Consumer Services" as the recipient.

### **Bank accounts**

It is important to keep all bank accounts active until all outstanding checks have cleared. Checks returned due to insufficient funds will likely trigger a formal investigation by the Florida Department of Financial Services concerning the proper accounting and remittance of fiduciary funds. Reminder: [s.648.295](#), F.S., prohibits withholding moneys belonging to others in the conduct of business under a bail bond license issued by the Department.

### **Agency files and records**

Florida law requires every licensee to preserve books, accounts and records pertaining to a premium payment for at least three years after after the liability of the surety has been terminated. Any agent closing a bail bond agency must make provisions for the records to be available for inspection in accordance with law. You can comply with the law by transferring the files to a new servicing agent or returning the files to the appropriate surety company. Keep detailed records of any files you have transferred. Do not throw documents containing confidential or personal information into the garbage without following the appropriate destruction methods. [[s.648.36](#), F.S.]

## **The 2015 Florida Statutes Now Available Online**

The most current Florida Statutes can now 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 Keep CE non-compliance from Costing You Your Job

Now that you have worked so hard to get your license the last thing you want to do is lose it. One of the most important things to remember is the completion date of your continuing education (CE) requirements. You have two years to complete each CE requirement cycle, but don't make the mistake of procrastinating until the last minute, then blame the dog for eating your homework when you fail to comply. It is important to know your due date but not completing any CE until the last minute could create unintended consequences to your license standing. A good rule of thumb is to complete your CE requirements as early as possible so if you run into any issues, you won't be scrambling at the last minute to get them resolved.

If you wait too long and fail to comply with CE requirements, several negative actions may occur: you may be charged a \$250 fine, or face termination of your appointments. Either could create a burden on you and your employer. The Florida Insurance Code requires that a licensee maintain at least one appointment order to lawfully conduct insurance business. Lack of an appointment clearly places you and your employer in an undesirable position. If you lose your appointment(s) and eventually complete your CE requirements your employer will be required to reappoint you be charged a \$60 fee per appointment. Appointments are made at the discretion of your employer and it may choose not to reappoint you. Finally, after you have not held an appointment for 48 consecutive months your license will automatically expire and you will need to reapply for a license as a first time applicant. Don't find yourself playing the lead role in this scenario.

The responsibility to maintain your license requirements falls on your shoulders. An important resource the Department offers to keep you updated is your [MyProfile](#) account. Make it a habit to log-in regularly to review what is there. [MyProfile](#) is the main portal the Department uses to communicate with you about your license and review your CE requirements. You can check your CE status by clicking on the blue button labeled 'Click to check CE Status' - you will find your due date, your individual requirements and any completed course credits that have been applied to your transcript.

We understand that you may forget to check your [MyProfile](#) account and or read Department emails. The Department sends correspondence to you that is important for you to read. If you receive a Department message via email or in your [MyProfile](#) account, take the time to read it. If you don't understand what you are reading or how it may affect your license, call our Helpline at 1-877-693-5236 for assistance. Monitoring your CE status could mean the difference between earning a paycheck or not.

# 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](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.

## 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:

#### Department Access to Licensee Records

The Department's right to conduct investigations and attain access to the accounts, records, documents, and transactions pertaining to or affecting the insurance affairs of any licensee is addressed in [s.624.317](#), F.S.

Every person being investigated, and its officers, attorneys, employees, agents, and representatives, shall make freely available to the Department or Office or its examiners or investigators the accounts, records, documents, files, information, assets, and matters in their possession or control. If records relating to the insurance transactions are maintained by an agent on premises owned or operated by a third party, the agent and the third party must provide the Department with access to the records. [[s.624.318](#), F.S.]

**Any individual who willfully obstructs or denies the the Department or investigator access to business records is guilty of a misdemeanor, and upon conviction shall be punished as provided in [s.624.15](#), F.S.**

The Department and its investigators make every attempt to secure access to licensee business records in an amicable manner, however, should a licensee refuse to provide access, the Department will obtain a subpoena which is enforceable in circuit court. Refusing to honor a court order can result in contempt of court and other charges being filed against the licensee.

#### All Bail Bond Agents Employed within an Agency must have the Same Appointments

Pursuant to [s.648.55](#), F.S., all bail bond agents who are members of the same agency, are to be appointed to represent the same companies. If any member of such agency, is licensed and appointed as a professional bail bond agent, then all members of that agency must be licensed and appointed as a professional bail bond agent.

It is the responsibility of the primary bail bond agent designated for the agency to notify the surety companies of the bail bond agents in the agency, so the company can make the proper appointments.

If an appointment is no longer needed, then the primary bail bond agent should verify that it has been cancelled. This is done either through the surety company, or by the bail bond agent who holds the appointment.

Failure of the primary bail bond agent to do so could result in the primary bail bond agent being suspended from the bail bond business until all the agents in the agency are properly appointed. [See Rule [69B-241.100\(41\)](#), F.A.C.]

It is important to understand that cancellation of an appointment to represent a surety company does not remove the liability of that bail bond agent to that surety company for business written prior to the appointment being cancelled. A bail bond agent is responsible for the liability on a bail bond he/she executed until that bail bond has been formally discharged by the court, or until the bond expires, whichever occurs first.

## Title Insurance Agency Surety Bonds

A title insurance agency must have obtained a surety bond in an amount not less than \$35,000 made payable to the title insurer or title insurers appointing the agency. The surety bond must be for the benefit of any appointing title insurer. If the surety bond is payable to multiple title insurers, the surety bond must provide that each title insurer is to be notified in the event a claim is made upon the surety bond or the bond is terminated.

The surety bond must remain in effect and unimpaired as long as the agency is appointed by a title insurer. The agency must provide written proof to the appointing title insurer or insurers on an annual basis evidencing that the surety bond is still in effect and unimpaired. [[s.626.8419\(1\)\(c\)](#), F.S.] Please **do not** send your bond to the Department.

A title insurer may **not** provide the surety bond for the title agency.

## 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](mailto: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.

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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.

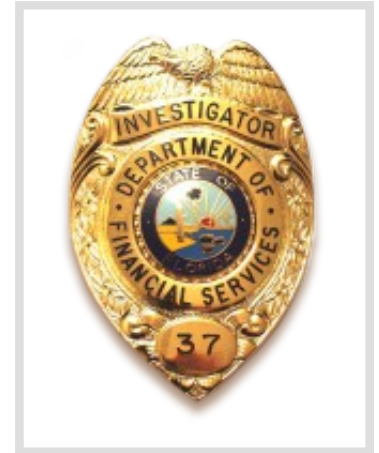
**Case:** A general lines agent allowed a customer representative (CR) to defraud an insurance company. The CR submitted an auto insurance application for relatives misrepresenting that the vehicles were for private use only, but they were actually being used for commercial purposes. The plan began to unravel when a claim was submitted and an adjuster observed that the trucks bore business insignia, and were in fact, commercial vehicles.

**Disposition:** The CR's license was suspended for six months. The general lines agent was ordered to pay a \$2,500 penalty and was placed on probation for one year.

**Case:** Investigators initiated an investigation against a general lines agent after receiving a termination for cause from an appointing entity. The property and casualty insurer conducted an audit that revealed a pattern of premium mishandling, submission of altered or falsified records, failure to provide payment records, failure to maintain adequate procedures to safeguard insurer data and the personal financial information of applicants and policyholders. When the insurer asked for proof of payment, the agency provided altered copies of checks and bank statements and falsified receipts for five of the policies. Documentation from the consumers, closing agents and mortgage companies confirmed the fabrications. The agent also allowed the deposit of six premium checks to be negotiated through an agency bank account that was not approved by the insurer. The Bureau of Investigation conducted an agency inspection and the seven transactions were reviewed. Investigators found all payment information had been purged from the files.

**Disposition:** Suspended for 18 months. The agent will be placed on probation for one year if his application for reinstatement is granted. Subsequent to the agent's suspension, the Division of Insurance Fraud arrested and charged the agent with two counts each of Claims-False or Fraudulent and Diversion of Insurance funds, both third-degree felonies. Due to the criminal charges, the agent's license has been suspended indefinitely pending the disposition of the charges.

**Case:** Consumers notified the Department that their mortgage lender paid their general lines agent more than \$5,000 for homeowners' insurance. The consumers filed a claim for \$20,000 in damages from a broken pipe and learned no policy was in force. The consumers contacted a public adjuster to assist them with the water damage claim and provided a copy of the evidence of insurance they obtained from the mortgage lender. The agent never provided the insureds evidence of an in-force



policy. Investigators obtained a copy of the mortgage lender's check for the insurance premium paid to and negotiated by the agency. Additional documentation was obtained from another insurer detailing its termination of the agent's appointment after discovering she had mishandled/misappropriated premium received from five additional insureds.

**Disposition:** Permanently removed and barred from the insurance industry.

**Case:** Investigators learned that a Customer Representative was arrested on federal felony charges of Racketeering/Conspiring, and Organized Fraud/Scheme to Defraud, \$50,000 or more; Arson First Degree; Arson Second Degree; Insurance Claims/False/Fraudulent \$100,000 or more; False and Fraudulent Insurance Claims; Grand Theft First Degree; Grand Theft Second Degree, three counts; Grand Theft Third Degree, two counts.

**Disposition:** Suspended indefinitely pending disposition of criminal charges.

**Case:** While conducting a routine follow-up, investigators found a suspended agent working at an agency in violation of a Department order. Investigators determined she was transacting general lines insurance by signing certificates of insurance and submitting applications. The agent had been suspended by the Department for misappropriation/diversion of premium funds.

**Disposition:** Both the agent and agency licenses were revoked. As a result of the investigation, the former agent was arrested by the Division of Insurance Fraud and charged with multiple felonies - Organized Scheme to Defraud, Forgery, Acting as an Insurer and Transacting Insurance without a License.

**Case:** A Consumer contacted a public adjuster seeking help with his homeowners' claim. The public adjuster was also a licensed contractor and instead of working with the consumer as a public adjuster steered the consumer to his construction company for the repairs. In lieu of contracting with the consumer as a public adjuster and charging the typical fee, the public adjuster had the consumer sign a contract charging nothing for the public adjusting services and a second contract with the public adjuster's construction company to do the repairs. The arrangement created a conflict of interest, a violation of public adjuster laws. The public adjuster filed a property damage claim, and later tried to avoid the appearance of a conflict of interest by having another public adjuster contract with the consumer, again charging the consumer no fee for adjusting services.

**Disposition:** Fined \$5,000, and placed on probation for nine months.

**Case:** The investigation was initiated after a title insurer notified the Department it terminated a title agent and her agency due to shortages in several escrow accounts. Investigators determined the title agent had failed to pay off existing mortgages and property liens, and disbursed funds to the agency for recording fees but failed to record the documents. In addition, the title agent issued checks to people unrelated to any closing transaction, and also used the misappropriated funds to pay the office rent and her personal property taxes.

**Disposition:** License revoked.

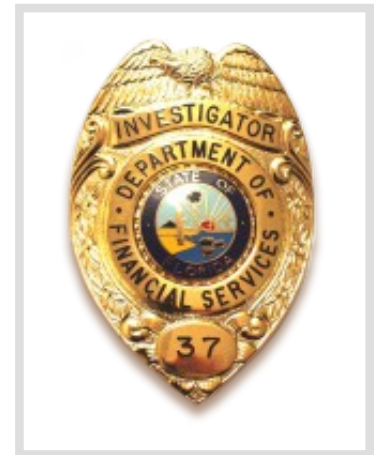
**Case:** Investigators looking into a complaint determined that as a stipulation for issuing a bail bond, a bail bond agent required defendants to wear ankle monitors that were not court ordered, and billed and monitored the defendants through a company he owned. Requiring a defendant to wear an ankle monitor is not a violation, however, charging for the ankle monitoring, unless court ordered, is a violation of Florida Statutes. An agency inspection was conducted and in addition to the fees being charged for the ankle monitors, multiple records violations were found by investigators.

**Disposition:** Required to pay \$2,000 in Department costs, \$2,906 in restitution to multiple defendants charged for the monitoring, and to attend a five-hour Bail Bond Law and Ethics course.

## Enforcement Actions

- August 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 Legal Services' 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	DOCUMENT
Antley	Sheila	W028827	Bail Bond	License Suspended		
Avila	Giselle	W115152	General Lines	License Suspended		
Bates	Jessie	W178012	Customer Representative	License Revoked		
Berg	Mitchell	W141891	Public Adjuster	Fined	\$500	
Bigelow	Nicole	D019240	Life and Health	License Revoked		<a href="#">Order of Revocation</a>
Bryant	Andrae	P186031	Bail Bond	License Suspended 6 Months		<a href="#">Consent Order</a>

Calonge	Heidi	D044896	Life, Variable Annuity, Health, General Lines	Permanently Barred		<a href="#">Consent Order</a>
Chalas	Victor	P035767	Life, Variable Annuity, Health	License Suspended 1 Year		<a href="#">Order of Suspension</a>
Chesnut	Jacey	W176496	Personal Lines	License Suspended		
Cole	Curtis	E107317	Personal Lines	License Suspended 1 Year		<a href="#">Consent Order</a>
Cook	Edricka	P162664	Customer Representative	License Revoked		
Dappah	Frank	W016524	Health	License Revoked		
Ervin	James	E002852	Bail Bond	Probation and Fine	\$2,500	
Express Financial Group of Florida Inc		L089819	Agency	License Revoked		<a href="#">Consent Order</a>
Florida Trust Title Services Inc		D043305	Title Agency	License Suspended 1 Year		<a href="#">Order of Suspension</a>
Garcia	Cesar	P061969	Public Adjuster	License Suspended 3 Months		<a href="#">Order of Suspension</a>
Giovannetti	Dante	W199690	Life, Variable Annuity, Health	License Revoked		
Guerrero	Jesus	P052027	Public Adjuster	Fined	\$5,000	
Guinn	Arhonda	E038927	Life, Variable Annuity, Health	License Revoked		<a href="#">Order of Revocation</a>
Hernandez	Janny	W059995	Bail Bond	License Suspended 2 Months		<a href="#">Order of Suspension</a>
Hernandez	Luis	D032746	General Lines	License Suspended		
Johnson	Sylvester	P175930	Public Adjuster	Fined	500	<a href="#">Consent Order</a>
Lazzara	Linda	A151414	Bail Bond	License Revoked		<a href="#">Order of Revocation</a>
LeBrun	Ulricka	P014937	General Lines	Permanently Barred		<a href="#">Consent Order</a>
Lynn	Marc	A160912	General Lines	License Suspended 1 Year		<a href="#">Consent Order</a>

Merille (Cuadot)	Lizett	A058849	General Lines	Probation and Fine	\$5,000	<a href="#">Consent Order</a>
Montes	Jahaida	P094977	Credit	License Revoked		
Oelbermann	Ralph	A195067	Life, Variable Annuity, Health	License Revoked		<a href="#">Order of Revocation</a>
Prospect Insurance Agency Inc		L043308	Agency	License Surrendered		<a href="#">Consent Order</a>
Sampson	John-Paul	W128414	Bail Bond	License Suspended 18 Months		<a href="#">Consent Order</a>
Shurdom	Julia	A242119	Life, Health, General Lines	License Revoked		<a href="#">Consent Order</a>
Shurdom Agency dba Absolute Insurance		L048321	Agency	License Revoked		<a href="#">Consent Order</a>
Smith Jr	Raymond	W162077	Bail Bond	License Suspended		
Smith Sr	Harold	P069667	Bail Bond	Fined	750	<a href="#">Consent Order</a>
Snell-Riley	Jacquinta	E105194	Bail Bond	License Revoked		<a href="#">Consent Order</a>
Sosso	Mark	W128255	Travel	License Suspended		<a href="#">Order of Suspension</a>
Thomas	Marcus	P219741	Bail Bond	License Revoked		
Torok	Laszlo	W056911	Public Adjuster	License Suspended 3 Months		
US 1 Insurance Inc		R002902	Agency	Registration Surrendered		<a href="#">Consent Order</a>
US 1 Insurance Inc		R002898	Agency	Registration Surrendered		<a href="#">Consent Order</a>
US 1 Insurance Inc		R002904	Agency	Registration Surrendered		<a href="#">Consent Order</a>
Vaught	Ronald	D070406	Life, Variable Annuity, Health	License Revoked		<a href="#">Order of Revocation</a>
Vazquez Jr	Santos	W040799	Bail Bond	License Revoked		<a href="#">Consent Order</a>

# INSURANCE *Insights*

DIVISION OF AGENT AND AGENCY SERVICES

## Contact Us

- We're always here for you

### Bureau of Licensing

[AgentLicensing@MyFloridaCFO.com](mailto:AgentLicensing@MyFloridaCFO.com) - For general inquiries about licensing.

[Education@MyFloridaCFO.com](mailto: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](mailto:Title@MyFloridaCFO.com) - For title insurance matters

[BailBond@MyFloridaCFO.com](mailto:BailBond@MyFloridaCFO.com) - For bail bond matters

[Adjusters@MyFloridaCFO.com](mailto:Adjusters@MyFloridaCFO.com) - For adjuster matters

For all other matters not related to licensing or education:

[askDFS@MyFloridaCFO.com](mailto:askDFS@MyFloridaCFO.com) -

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

### Title Insurance Data Call

[TitleAgencyReporting@flor.com](mailto:TitleAgencyReporting@flor.com) - For questions about the filing process

[TitleDataCall@flor.com](mailto:TitleDataCall@flor.com) - For all other questions about the data call

## ***Insurance Insights* Editor/Publisher**

[Susan Jordan](#)

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