

INSURANCE *Insights*

DIVISION OF AGENT AND AGENCY SERVICES

Volume 4, No. 4- April 2015

Holocaust Remembrance Day - Let Us Never Forget

Dear friends,

April 16 marked Holocaust Remembrance Day in Florida and across our nation. While the history of the Holocaust represents a dark time in history, this day, also known as Yom HaShoah, pays tribute to the memory of the victims of the Holocaust and honors survivors. It gives us a chance to rededicate ourselves to the principles of human dignity and individual freedom in a just society to ensure that such atrocities are never repeated.

While the victims' suffering can never be fully repaid, we must do what is possible to assist these individuals. That is why, in 2011, I partnered with 23 financial institutions in Florida to waive the wire transfer fees from reparation payments that victims receive from the German government. Additionally, in 2013, I supported legislation to allow the Department of Financial Services to expand our scope of assistance to include the recovery of financial claims, assets, and property.

I am proud to say that since January 1, 2011, through the [DFS Holocaust Victims Assistance Program](#), we have recovered more than \$5.2 million on behalf of Holocaust survivors for a total of nearly \$21 million provided to survivors since the program started. If you are in need of assistance, I encourage you to [visit our website](#) or call 1-800-388-4069.

This month let us pause for a moment to reflect on the moral responsibilities of individuals, societies and governments in order to remain vigilant against hatred, persecution and tyranny. And most importantly, let us never forget.



Jeff Atwater
Chief Financial Officer
State of Florida

VERIFY
BEFORE ✓
YOU SELL

Agents should routinely verify the licensure of the companies for which they're selling. 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 >>](#)

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News You Can Use

- Updating you on what's going on

Insurance Agent Found Guilty of Racketeering and Money Laundering

Florida Chief Financial Officer Jeff Atwater announced that a jury of his peers has found Cantonment insurance agent Randall Petersen guilty of racketeering and money laundering. An investigation by the Department of Financial Services' Division of Insurance Fraud revealed that Petersen conspired with others during 2010 and 2011 using the business name College Consultants of the Gulf Coast to defraud insurance companies out of more than \$891,000. Sentencing is scheduled for May 22nd.

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

Pompano Beach Insurance Agent Arrested for Selling Fraudulent Policies to Elderly Military Families

Florida Chief Financial Officer Jeff Atwater announced the arrest of Patrice Sands of Pompano Beach for selling fraudulent insurance policies to elderly military veterans and their families at Make-A-Wish Veterans, Inc., a Miami-based company that provides assistance to veterans. An agency investigation discovered that Sands collected premiums from her victims and deposited the funds into bank accounts tied to her business, Universal Research Group Insurance Agency, but failed to secure policies through a company licensed to transact insurance in the state of Florida.

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

Jacksonville Resident Arrested for Insurance Fraud

The Florida Department of Financial Services' Division of Insurance Fraud announced the arrest of Lavanda Hatcher of Jacksonville for receiving nearly \$42,000 in fraudulent medical insurance benefits. An investigation revealed that Hatcher filed 14 separate claims alleging that she and five members of her family sustained fractures or similar injuries. The treatment she claimed to have received, however, never took place.

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

Vero Beach Insurance Agent Arrested for Filing False Claims

The Florida Department of Financial Services' Division of Insurance Fraud announced the arrest of Jessica Gianna for filing nine fraudulent health insurance claims between May 2012 and January 2014. Gianna filed the fraudulent claims on behalf of herself and a family member while employed at a Vero Beach insurance company.

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

7 Tampa Residents Arrested Following Two-Year PIP Fraud Investigation

The Florida Department of Financial Services' Division of Insurance Fraud announced the arrests of seven Tampa residents following a two-year PIP fraud (Personal Injury Protection) investigation involving Integrated Healing Clinic in Tampa. The Division's investigation discovered that clinic staff had filed several patient claims with multiple insurance carriers for prices that far exceeded actual treatment costs and, in some cases, for treatments that never took place.

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

Former Ocala Area Man Arrested for Investment Fraud

The Florida Office of Financial Regulation (OFR) announced the March 9 arrest of James Allen Hall in Kansas by the Crawford County Sheriff's Office. Hall has been charged with grand theft, and he is currently awaiting extradition to Florida. The case is being prosecuted by the Office of Statewide Prosecution in Orlando. The OFR initiated the investigation into Hall as a result of a tip from the Financial Industry Regulatory Authority (FINRA).

Hall acted as a Third Party Administrator of 401(k) plans for several Florida and out-of-state companies. Hall is alleged to have changed plan participants' email and residential addresses to his own without the participants' knowledge or consent. Further, he allegedly generated fraudulent expenses under the guise of administrative, miscellaneous, annual and participant fees for his own personal gain. Hall purportedly placed sell orders on mutual fund holdings to fund his falsified expenses. It is believed that Hall received more than \$800,000 in illegal gains as a result of this scheme.

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

Make Sure You Don't Miss Important Information From Us

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

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In The Know

- Keeping you informed is what it's all about

Department Access to Licensee Records

Part of the Division's statutory obligation is to conduct audits, examinations and investigations of licensee insurance records. Licensees are required by law to make those records freely available to Department investigators. Any individual who willfully obstructs Department personnel from conducting these activities can be charged with a misdemeanor crime under section [624.15](#), F.S. in addition to administrative penalties.

Updating Agency Name and Owner or Officer Information

The Florida Statutes require that any changes to the name of an agency or firm must be reported to the Department within 30 days of the change. The addition or deletion of agency owners and officers must also be reported to the Department under section [626.541](#), F.S. The changes can be reported through MyProfile. If the Department requires additional information or documentation, you will receive an email.

Five Attempt Limit on License Exams

As of October 1, 2012, section [626.281\(2\)](#), F.S. changed to create a limit on the number of licensing exam attempts an individual is allowed during a given period of time. The law established a limit of five exam attempts for the same exam type during a twelve month period. The effect of this law is the creation of a rolling time window looking back from the current date for exactly one year. All exams for a particular license attempted during that window count towards the five exam limit. Individuals who have reached the five exam limit are not permitted to sit for their next exam attempt until the one year time window only contains four exams.

Individuals in this situation should count back their five most recent exam attempts to determine the oldest of the five. Taking the date of the oldest of the five and adding one year to that date will determine the next date the individual will again be eligible to sit for the exam.

A specific example of the application of this law would be an individual taking a general lines (2-20) exam for the very first time on June 1, 2015, and failing the exam. After this first attempt, the individual sat for the exam four more times between June 2, 2015 and December 30, 2015. This individual will not be eligible to sit for the exam again until June 1, 2016.

The Department cannot waive the five exam limit for those who were unaware of the law change and unsuccessfully sat for the same exam several times.

Note: After three unsuccessful attempts, Bail Bond (limited surety) license exam candidates must repeat a 120-hour pre-licensing course and obtain a grade of 80 percent or higher before being eligible to attempt the exam again.

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Education Central

- Things to know about your continuing education

Are You Compliant with Your CE or Not?

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

- CE requirements change. You should regularly review your CE status through your [MyProfile](#) account. Your total hours have specific allocation requirements that must be met. Be sure to take all the right categories of CE courses.
- Check for late hours. Hours taken after your due date will still post on your compliance evaluation screen, but they will be noted as "Late". Though your hours requirement may have been met, late completion of your continuing education requirement will result in penalties. The statutory penalty for failure to complete CE is the cancellation of all your appointments, however you may be given the option of paying a \$250 fine instead. Regardless of the penalty assessed, you are still required to complete past due CE requirements.
- Check 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 and are not necessarily the exact text of the [Florida Statutes](#) or [Florida Administrative Code](#). The legal cites have been provided for your further reference.

Unaffiliated Agents

Licensees that don't want or need to maintain an active appointment but want to keep their license active so they can legally provide insurance consultation should they wish to do so, can appoint themselves as an unaffiliated agent under section [626.015\(18\)](#), F.S. The eligible resident and non-resident license types are life, health, variable contracts, general lines and personal lines. Unaffiliated licensees cannot be designated as agent in charge of an agency.

An unaffiliated insurance agent may not be affiliated with an insurer, insurer-appointed insurance agent, or insurance agency contracted with or employing insurer-appointed insurance agents. An agent cannot hold an unaffiliated license of one type and be appointed by an insurer for a different license type.

Eligible licensees can self-appoint at [MyProfile](#).

Temporary Bail Bond Agent Employment Verification Reports - Temporary and Supervising Bail Bond Agents' Responsibility

The reports must be filed on [DFS-H2-1543](#) and are the responsibility of the Temporary Bail Bond Agent, and as such, they are responsible for mailing the completed form to the Department on a monthly basis, as time is accrued. Mailing them in late or all at once is not acceptable. Temporary bail bond agents should keep a copy for their records. The Bureau of Licensing is not responsible for totaling the hours submitted to provide updates. If the temporary bail bond agent loses their records, they should be able to retrieve their monthly hours based upon their employer's records, e.g., time sheets, pay stubs, etc.

The supervising bail bond agent shall certify monthly to the Department under oath, on a form prescribed by the Department, the names and hours worked each week for all temporary bail bond agents. Filing a false certification is grounds for the immediate suspension of the license and imposition of a \$5,000 administrative fine. The Department may adopt rules that establish standards for the employment requirements. See section [648.355\(1\)\(e\)](#), F.S.

New Agency Location Certificates

If your agency has added additional locations with the Department under an agency license, those locations are required to display a new certificate. This is required even if the "location" was previously licensed as a branch under the same licensed agency. New certificates can be printed through the agency's [MyProfile](#) account.

Title Administrative Surcharge - 2015 results

The 2015 Title Administrative Surcharge payment period has come and gone. As required by Florida Statutes, in January of each year all title insurance agencies licensed to do business in Florida must pay a \$200 administrative surcharge. Failure to pay the surcharge on time results in a late fee that is a minimum of \$500 and may lead to revocation of the agency's license.

In an effort to help our licensees avoid this late fee, the team went above and beyond to make contact with each and every one of the 1,947 title insurance agencies licensed by the Department. At times, this required exhaustive searches in order to find correct contact information for the agency.

This year our team, comprised of staff in the Tallahassee and Pensacola offices, set a new record for the number of title agencies brought into compliance during the payment period. More than 1,800 title agencies paid the surcharge on time. We also accepted the surrender of an additional 131 licenses from agencies that ceased doing business during 2014. Only three agencies failed to pay the surcharge. Those investigations are currently in our legal Department pending final administrative action.

The investigators would like to thank all of the title agencies for signing in to their agency's MyProfile account and paying the surcharge. As a reminder please mark your calendar - the title administrative surcharge is due by January 30th every year. All title insurance agencies are notified by email that the invoice is in their MyProfile account. In order to ensure you receive this notification, be sure your agency's email address is always kept up to date.

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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: Despite being ordered by the Department to pay an administrative penalty of \$20,000 and comply with a three-month suspension for misrepresentation, a life and health agent remained undeterred. In fact, it was business as usual until the Department conducted a follow-up inspection of his agency. It was then that the Department learned he was still soliciting insurance business and discussing coverage with clients and underwriters. Those were just a few of the many activities the agent continued to participate in and all required an active license.

Disposition: License was suspended an additional three months.

Case: During an investigation into possible unlicensed activity by an agency owner who applied for an agency license after the original license expired, investigators discovered the designated agent in charge (AIC) had never worked at the agency. The designated AIC was not aware that her name was listed as the AIC of the agency, and confirmed that she had not given authorization to anyone to use her name for that purpose or to transact insurance business. Several consumers confirmed that the person they purchased insurance from at the agency was, in fact, the unlicensed agency owner.

Disposition: License of the agency was revoked. The agency owner has been charged with organized Fraud, Grand theft, acting as an Insurance agent without a license, fraudulently using personal identification and insurance claims fraud, all felonies.

Case: A Customer Representative (CR) misappropriated policyholder premiums and embezzled funds from her employer totaling more than \$15,000. The CR was entrusted with making the agency's bank deposits for a number of years and had possession of three signed blank agency checks to be used for emergencies. The CR became involved in a romance scam with a person from another country and bought him an iPhone and other items. When he needed money for a "short time" the CR used the agency's petty cash funds, misappropriated customer cash payments, and used the three "emergency" checks to embezzle funds from her employer.

Disposition: License revoked and ordered to pay \$16,296 in restitution. She was also arrested by the Division of Insurance Fraud and charged with Grand Theft.



Case: In the course of investigating a complaint against a non-resident life, health and variable annuity agent, investigators discovered the agent had failed to report a prior administrative action taken against him.

Disposition: Fined \$3,000 and placed on probation for one year.

Case: A general lines agent operated a nonadmitted surety company, an unlicensed entity. The Florida Insurance Code prohibits the operation of unauthorized entities. The Department found the agent demonstrated a lack of knowledge and technical competence to engage in the insurance business.

Disposition: License revoked.

Case: A general lines agent, who was also an owner and agent in charge of the agency, submitted a homeowners application without the knowledge, consent, or true signatures of the named insureds. The consumer contacted the agency twice to discuss replacement coverage for their non-renewing homeowners policy but never received a satisfactory response so they decided to obtain coverage elsewhere. The consumer's escrow account was debited twice to pay for the policy they purchased and the one the general lines agent procured without their knowledge.

Disposition: Fined \$5,000 and placed on probation for one year.

Case: The department became aware that a life, health and variable annuity agent had been barred by the Financial Industry Regulatory Authority (FINRA) for impersonating a customer to obtain access to the customer's account and making a false statement to his firm to further the impersonation scheme. The customer's account balance fell from \$3 million to \$629,000. The agent failed to notify the department of this action being taken against him.

Disposition: License revoked.

Case: A judgment was issued against a bail bond agent after he executed a bond and the defendant failed to appear in court. The bail bond agent failed to pay the judgment when due and continued to execute bail bonds for several weeks before paying the judgment violating Florida Statutes by executing bonds with an unpaid judgement.

Case: A consumer entered into a contract with a public adjuster and her adjusting firm to handle a homeowners insurance claim. When the insurance company issued the settlement check, it was payable to multiple parties, including the adjusting firm. The consumer gave the check to the public adjuster to obtain the required endorsements to allow the consumer to negotiate the check. The public adjuster never returned the check to the consumer. After several fruitless attempts to get the check returned, the consumer contacted the insurance company and was told that the check was cashed. The consumer immediately contacted the public adjusting firm demanding payment and was told the firm had no money to pay her. After the firm learned that the consumer filed a complaint with the Department, the firm paid the settlement.

Disposition: Suspended for three months. The formerly licensed public adjuster can apply for reinstatement following the suspension but is required to retake and pass the public adjuster exam first.

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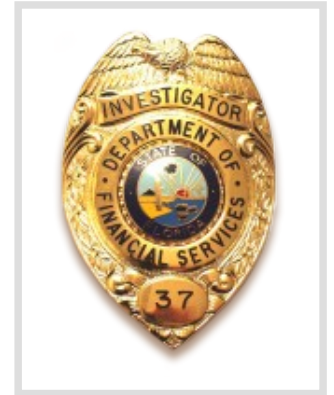
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Enforcement Actions

- March 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 so is in violation of Section 626.9541(1)(c), Florida Statutes.

LAST/BUSINESS NAME	FIRST NAME	LICENSE#	LICENSE TYPE	DISPOSITION	FINE/COST	RESTITUTION	CITY, STATE	DOCUMENT
Abrahams	Zenova	W153530	Life, Health, Variable Annuity	License Suspended			Naples, FL	Search
Albertson	Paula	A002871	Life, Health, Variable Annuity	License Revoked and Permanently Barred			Plant City, FL	Consent Order
All Risk Insurance Group, Inc.		L002794	Insurance Agency	Fined	\$6,000		Boca Raton, FL	Search
Avella	Marie	D005016	All Lines Adjuster	Fined	\$1,000		Chicago, IL	Search
Babb	Donald	E051651	Life, Health, Variable Annuity	License Revoked			Merritt Island, FL	Search
Barnhill	Rebecca		No license	Cease & Desist			Gainesville, FL	Cease and Desist Order
Beattie	Stephanie	P234447	All Lines Adjuster	License Revoked			Olathe, KS	Notice of Revocation

Bedgood	Kevin	A017594	Life, Variable Annuity, General Lines	Probation and Fined	\$3,000		Jacksonville, FL	Search
Blatt	Peter	E001195	Life, Variable Annuity	License Suspended 3 Months			Palm Beach Gardens, FL	Consent Order
Coburn	Angeline	W120442	Customer Representative	License Revoked			Naples, FL	Search
Coffee	Benny	A050105	Bail Bond	License Suspended 18 Months, Restitution Ordered		\$41,982.24	Plant City, FL	Search
Dale	Shataz	P155067	Bail Bond	Fined	\$500		Lauderdale Lakes, FL	Search
Darnell	Gregory	E074062	Life, Health, Variable Annuity, Legal Expense, Public Adjuster	License Suspended 3 Months			Melbourne, FL	Order of Suspension
Diloreto	Ross	P005992	General Lines	License Revoked			Fleming Island, FL	Order of Revocation
DuBrule	John	A072573	Life, Variable Annuity	License Revoked			Orlando, FL	Consent Order
Dunford	Micah	E143536	Life, Health, Variable Annuity, General Lines	License Revoked			Bradenton, FL	Search
Evans	Tanya	W154890	Personal Lines	License Suspended			Norfolk, VA	Notice of Temporary Suspension
Gabo	Ernst	A091642	Life, Health, General Lines, Public Adjuster	License Suspended 3 Months			Miami, FL	Order of Suspension
Gattos	Bryant	P135393	Life, Health, Variable Annuity	License Suspended			Land O' Lakes, FL	Search
Giovannetti	Dante	W199690	Life, Health, Variable Annuity	License Suspended			Orlando, FL	Search
Gonzalez	Johanna	E189410	General Lines, All Lines Adjuster	License Revoked			Miami, FL	Consent Order
Gonzalez-Roel	Lucia	W041838	Life, Health, Variable Annuity	License Revoked and Permanently Barred			Tampa, FL	Consent Order
Grundy	Virginia	A105864	Bail Bond	Fined	\$500		Deerfield Beach, FL	Search

Paramount Partners Insurance Services LLC		L007276	Insurance Agency	License Revoked			Tampa, FL	Order of Revocation
Pena	Welby	E128810	General Lines	License Revoked			West Palm Beach, FL	Search
Roth	Allan	A226776	Life, Health, Variable Annuity	License Suspended			Oldsmar, FL	Search
Salameh	George	A230001	Life, Health, Variable Annuity, General Lines	License Revoked			Jacksonville, FL	Notice of Revocation
Sanderford	Aubrey	W134540	Life, Health, Variable Annuity	License Revoked			Alva, FL	Search
Shechtman	Michael	A240220	Life, Health, Variable Annuity, Personal Lines	License Revoked and Permanently Barred			Boynton Beach, FL	Consent Order
Southern Communications Services, Inc. d/b/a Southerlinc Wireless		P089971	Portable Electronics	Fined	\$3,500		Atlanta, GA	Search
Stanley	Kristine	W050476	Life, Health, Variable Annuity	License Revoked			Fort Walton Beach, FL	Consent Order
Taubman	Andrew	D076982	Life, Health, Variable Annuity	License Surrendered			Ft Lauderdale, FL	Consent Order
Taylor	Tousant	A261910	Life, Health, Variable Annuity	License Revoked and Permanently Barred			Cutler Bay, FL	Consent Order
Valdes	Oscar	E034575	Public Adjuster	License Suspended 2 Months			Miami, FL	Order of Suspension
Vanguard Title LLC		E127989	Title Agency	Fined	\$500		Maitland, FL	Search
Vicanza Insurance		L066779	Insurance Agency	License Revoked			Homestead, FL	Consent Order
Webb	David	A279485	Life, Health, Variable Annuity	License Revoked			North Palm Beach, FL	Final Order

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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

Title@MyFloridaCFO.com - For title insurance matters

BailBond@MyFloridaCFO.com - For bail bond matters

askDFS@MyFloridaCFO.com - For all other matters not related to licensing or education

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