

# INSURANCE *Insights*

DIVISION OF AGENT AND AGENCY SERVICES

Volume 4, No. 7 - July 2015

## Florida's International Trade

Dear friends,

An important part of my job as Florida's Chief Financial Officer is to keep my finger on the pulse of our state's economy, but what's even more important is that I keep you apprised about the state of our economic growth and development. One unique way of doing so is through our quarterly economic magazine called [Florida's Bottom Line](#) that focuses on providing the latest news and helpful analysis on Florida financial health. This week, we're releasing the magazine's summer edition, and we're talking about international trade.



**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 >>](#)

International trade is one of the most important elements of our economy as it embodies the global success of business across our state. Successful international trade diversifies and grows our economy, and more than 60,000 Florida businesses have already reached far beyond our shores through innovation and hard work.

The movement of goods and services across a diverse array of global markets is no easy feat. It requires state-of-the-art technologies and logistics infrastructures, and I'm proud to say that Florida has succeeded at putting these complex systems in place. As the ever-innovating world economy continues to expand, Florida must continue to make strategic investments in order to remain a key player in major global trade lanes. Our investments are already at work--deepening our ports to accommodate larger ships and strengthening rail lines to increase the speed at which goods flow through our state.

This edition showcases Florida's growing presence as a hub for international trade, and our readiness to grow alongside global markets. Inside, you will find commentary from international trade experts, an update on the overall health of our economy, and the facts behind why Florida remains one of the most business-friendly states in the nation.

Visit [www.myfloridacfo.com/FloridasBottomLine](http://www.myfloridacfo.com/FloridasBottomLine) to get current and past editions. I hope you will find the information useful and engaging. I invite you all to learn more about this important and emerging piece of our state's economic future. By engaging

Sincerely,



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



© 2015 Florida Department of Financial Services

## News You Can Use

- Updating you on what's going on

### **Central Florida Insurance Agent Arrested for Transacting Fraudulent Policies with a Suspended Insurance License**

The Florida Department of Financial Services' Division of Insurance Fraud (DIF) announced the arrest of insurance agent Julia Shurdom, 67, for transacting insurance related business with a suspended insurance license, scheming to defraud, and uttering a forged document while working for Absolute Insurance Services in Orlando, Florida.

DIF received a complaint in regards to Ms. Shurdom, after a client who purchased homeowners' insurance in 2013 and 2014 discovered that her home had remained uninsured. DIF conducted an investigation surrounding the complaint and found, per her bank records, that Ms. Shurdom had collected two homeowners' insurance premium payments and used the money for personal profit.

During the investigation, DIF conducted a license search for the accused agent and realized that the Department's Division of Agent & Agency Services (A&A) had already begun investigating Ms. Shurdom for a series of unrelated events. A&A's investigation had subsequently resulted in a suspension of Ms. Shurdom's license to conduct insurance related business. A follow up audit by A&A, as well as the ongoing investigation by DIF, revealed that Ms. Shurdom continued to negotiate insurance policies without the proper licensing from the Department of Financial Services, and that the transactions conducted were fraudulent.

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

### **Miami Insurance Agent Arrested for Stealing More Than \$80,000 From Clients**

The Florida Department of Financial Services' Division of Insurance Fraud announced the arrest of Mandy Rodriguez, 35, on felony fraud and grand theft charges after an investigation revealed that Rodriguez, a licensed insurance agent, stole more than \$80,000 in premium funds from four of his clients. In an effort to conceal that he was pocketing the money intended to pay the premiums on policies his clients thought were valid, Rodriguez created fake proof of insurance documents and gave them to his clients.

Rodriguez' clients believed they were paying for legitimate commercial or homeowners' insurance policies from Citizens Property Insurance Company, but Citizens verified that none of the policies ever existed. Rodriguez instructed his clients to write their premium checks to his company, Risk Management Agency Group, rather than to Citizens directly. Bank records show that the victims' checks were deposited into his company's account for personal use.

Detectives obtained a statement from Rodriguez acknowledging the creation of the fraudulent insurance documents as well as the deposit of the insurance premium money into his personal company's bank account. Once able to verify that the consumers had been duped, Citizens and Rodriguez's employer, Bentrust Insurance Group, worked together to secure proper insurance coverage that was paid up-to-date.

Mandy Rodriguez was booked into Turner Guilford Knight Correctional Center and is being charged with 1 count of Unlawfully Diverting Insurance Funds, 1 count of Scheme to Defraud, 5 counts of Insurance Fraud, 29 counts of Grand Theft, 5 counts of Forgery, and 5 counts of Uttering a Forged Instrument. The case is being prosecuted by the office of Miami-Dade County State Attorney Katherine Fernandez Rundle. The Department's Division of Agent and Agency Services, which licenses and investigates insurance agents in Florida, also participated in the investigation and aims to take administrative action against Rodriguez's insurance license.

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

## **Palm Beach County Insurance Agent Arrested for Falsifying \$3 Million Worth of Life Insurance Policies**

The Florida Department of Financial Services' Division of Insurance Fraud announced the arrest of Cledith E. Oakley III, owner of Asset, Insurance & Mortgage Services, Inc. or AIMS in Boynton Beach, on charges of grand theft and insurance fraud after it was discovered that he stole the identity and information of his business partner in an effort to conceal commission profits made from the sale of fraudulent life insurance policies. Oakley utilized his experience in the insurance industry to write fraudulent life insurance policies for himself and his two minor sons, and falsely inflated his income to qualify for high death benefit policies in order to obtain higher commissions.

An investigation conducted in conjunction with the Department's Division of Agent and Agency Services' Bureau of Investigation revealed that Oakley, a licensed insurance agent, executed an elaborate scheme in which he created a shell company, AIMS, and directed an employee to file false applications for life insurance policies in excess of \$3 million. As the head of AIMS, Oakley received monetary commissions from the sale of the policies but purposefully neglected to pay the subsequent premium payments. When confronted by investigators, Oakley admitted to intentionally defrauding insurance companies for the sole purpose of receiving commission payouts.

Oakley's scheme unraveled when the business partner whose identity was stolen became suspicious and contacted the Florida Division of Insurance Fraud. Bank records subpoenaed as part of the investigation proved that Oakley was the sole signer on bank accounts that contained the fraudulently obtained commission payouts. Bank records further proved that Oakley withdrew funds from these accounts for personal use. In total, Oakley acquired nearly \$30,000 in commissions from the sale of five bogus policies that totaled \$3 million in coverage.

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

## **Division of Insurance Fraud Announces the Arrest of Orlando Insurance Agent for Defrauding Insurance Company of More Than \$150,000**

The Florida Department of Financial Services' Division of Insurance Fraud announced the arrest of Orlando insurance agent Joseph Oddo, 46, for defrauding Ameritas Life Insurance Corp. of more than \$150,000 in commission payments he was not entitled to.

The investigation revealed that Oddo fraudulently used his mother's name and insurance license to sell 19 Ameritas Life Corp. insurance policies because he was not appointed to sell for the company. With each policy sale, Oddo collected an advanced commission and represented to his clients that a special program permitted him to provide a 'free' life insurance policy. Bank records and interviews with Joseph Oddo's clients showed that for a short time, Oddo deposited premium funds into his clients' bank accounts - funds that Ameritas would later debit from the account for premium payments.

However, Oddo stopped paying the premiums causing the policies to lapse. By failing to keep the policies current, Oddo had not earned the commission payments that were advanced to him and was stealing from the insurance company.

After learning of a warrant for his arrest, Joseph Oddo turned himself into the Orange County Jail. His bond was set at \$20,000, and he is charged with one count of Scheme to Defraud over \$50,000 and one count of Fraudulent Use of Personal Identification Information. His case will be prosecuted by the office of State Attorney Jeffrey L Ashton, and he faces up to 35 years in prison if convicted. The Department's Division of Agents & Agency Services has suspended his license to transact insurance in Florida.

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

## **Miami Insurance Representatives Arrested for Transacting Business Without a License**

The Florida Department of Financial Services' Division of Insurance Fraud announced the arrests of Luis Alfredo Hernandez, 51, and Etiame Caridad Ramjohn, 35, for transacting insurance without a license. Ramjohn, a convicted felon, and Hernandez were employed with Trinity Insurance Agency in Miami.

Hernandez and Ramjohn were found to have been transacting insurance-related business at Trinity Insurance Agency during a site inspection conducted by the Department's Division of Agent & Agency Services' Bureau of Investigation. The inspection stemmed from Hernandez's application for an insurance agent license that was not completed, which led investigators to believe he was transacting without a license.

Anytime an application for licensure gets denied or closed without approval, the Department of Financial Services' Division of Agent & Agency Services' Bureau of Investigation tracks the applicant's business transactions to make sure they do not attempt to conduct business without the proper licensing.

Investigators not only found Hernandez and Ramjohn to be conducting unlicensed insurance business, but Ramjohn had also previously been denied a customer representative license and was permanently barred from the insurance industry. The investigation revealed that Hernandez and Ramjohn were obtaining insurance policies and signing the name of another agent who was absent during the time of the transactions.

In addition to what was found during the site inspection, Hernandez and Ramjohn were also found to have sold and quoted multiple insurance policies for Trinity Insurance Agency. It was determined that Hernandez was involved in the transaction and sale of at least 155 insurance policies, and Ramjohn was involved in at least 31 policies, submitted to United Automobile Insurance Company. During the investigation, additional customers were located and they identified Hernandez and Ramjohn as the persons that sold them their motor vehicle insurance.

The state of Florida requires that any person performing the duties of an insurance agent or customer representative must hold the proper licenses issued by the Department of Financial Services.

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

## **Three Miami Residents Arrested for PIP Fraud Totaling More Than \$99,000 in Financial Losses**

The Florida Department of Financial Services' Division of Insurance Fraud announced the arrests of Miami residents Mariela Quintana, 46, Noel Vazquez Lazo, 44, and Rodney Fabian, 27, for their involvement in separate fraudulent personal injury protection or PIP insurance schemes. These three individuals are held accountable for nearly \$100,000 in financial losses after their plans to execute multiple PIP schemes were disrupted by a Division of Insurance Fraud investigation.

Mariela Quintana was a licensed massage therapist at D & J Rehabilitation Center in Miami and was charged for fraudulently billing nearly \$10,000 in claims after she allegedly signed off on treatment forms for procedures she never performed. This is the second time in less than six months that she has been arrested for similar activity at the same clinic. This time she's been charged with Insurance Fraud, Grand Theft, and Organized Scheme to Defraud.

Noel Vazquez Lazo directed a staged accident that resulted in fraudulent claims in excess of \$89,000. Lazo paid for the policy of the at-fault vehicle used in the accident and paid the participants in these schemes to seek treatment for fake injuries. As a result of his actions Lazo faces charges which include Organizing a Staged Accident, Insurance Fraud, and Grand Theft.

Rodney Fabian has been charged with Solicitation, Patient Brokering, Insurance Fraud, and Grand Theft for his role in soliciting the victim of a hit and run accident and offering to pay them for visiting a specific clinic for treatment. Fabian paid the victim \$1,000 as part of their agreement, but, because the insurance company suspected fraud, the claims were not processed and Fabian tried to demand the money back.

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

## **Charlotte County Restaurant Fire Uncovers Sale of Fake Insurance**

## Policy

### Leaving Restaurant Owner to Cover \$120,000 in Fire Damages

The Florida Department of Financial Services announced the arrest of Punta Gorda resident William Reese for acting as an unlicensed insurance agent and selling a fake insurance policy to local restaurant owner, Luis Rivera, owner of Two Brothers Home Style Cooking located in Punta Gorda.

Luis Rivera purchased what he believed was a valid insurance policy from William Reese, who claimed to be a licensed agent out of New York. Reese, however, pocketed the money and because he was not licensed to sell insurance, no valid insurance policy was ever secured.

A fire broke out inside the restaurant in April 2015 and assistance from the State Fire Marshal's office, which also operates under the direction of Chief Financial Officer Jeff Atwater, was requested to investigate the cause of the fire.

During the course of that investigation, Luis Rivera provided investigators a copy of his proof of insurance, also known as a certificate of insurance, only to find out that the certificate was bogus. This meant that his business, which suffered \$120,000 in fire damages, was uninsured at the time of the fire.

[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

### Agent and Agency Services' Bureau of Investigation Fiscal Year 2014-2015 Results

The Bureau of Investigation is one of two bureaus within the Division of Agent and Agency Services - the other bureau is the Bureau of Licensing. The Bureau of Investigation is charged with investigating complaints against licensees of the Department, and sometimes unlicensed persons or entities who should be licensed ([sec. 624.317\(1\), F.S.](#)). The bureau is headquartered in Tallahassee and operates from field offices located throughout Florida. The bureau conducts investigations under administrative law and works closely on some cases with the Division of Insurance Fraud, our law enforcement agency. Following are the Bureau of Investigation's fiscal year 2014-2015 investigative results:

- Investigations opened – 3,535
- Investigations closed – 3,520
- Administrative actions taken – 505
- Revocations – 185
- Suspensions – 172
- Surrenders by Consent Order – 24
- Licensees placed on Probation - 61
- Cease & Desist Orders – 23
- Total fines & investigative costs - \$487,900
- Victim Restitution Ordered - \$976,582
- Referrals to the Division of Insurance Fraud – 159

### Bail Bond Agencies - What Unlicensed Personnel Cannot Do

Bail bond agents should familiarize themselves with the laws governing their profession, particularly where it comes to what unlicensed personnel in your bail bond agency are prohibited from doing.

The following can only be done by a **licensed** bail bond agent:

- solicit bail bond business
- negotiate bail bond business



- effectuate bail bond business
- engage in bail bond business
- execute bail bonds
- sign bail bonds
- countersign bail bonds
- pledge United States currency, United States postal money orders, or cashier's checks as security for a bail bond in connection with a judicial proceeding
- handle collateral receipts
- handle or accept collateral
- accept initial premium payment
- deliver bonds to appropriate authorities
- presenting defendants in court
- apprehending, arresting, and surrendering defendants to the proper authorities
- keeping defendants under necessary surveillance
- apprehend, detain, or arrest a principal on a bond
- possess or execute any forms
- possess or execute any powers of attorney
- possess or execute any bond forms
- possess or execute any collateral receipts

[See [Chapter 648](#), Florida Statutes, and [Chapter 69B-221](#), Florida Administrative Code]

## Unlawful or Unauthorized Charging of Fees

The Department has received an increasing number of inquiries from Florida agents and agencies asking if they can charge fees for policies or services, such as issuing certificates of coverage, to obtain additional compensation. Charging fees is unlawful under the Florida Insurance Code. Subsection 626.9541(1)(o), F.S., states that it is unlawful for any licensee to collect any sum connected with the purchase of insurance that is not forwarded to the appropriate insurer, or part of the insurer's rates as filed with the Florida Office of Insurance Regulation, or otherwise designated as lawful within the Florida Insurance Code. This law applies to all licensees, including agencies and surplus lines agents.

The Department will vigorously investigate all allegations of unlawful fees and take the appropriate enforcement action for the overcharging of Florida consumers in insurance transactions.

[See [626.9541\(1\)\(o\)](#), Florida Statutes]

## The 2015 Florida Statutes Now Available Online

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

## Getting Out of the Insurance Business: Surrendering Your License

To voluntarily surrender your license, please log in to your [MyProfile](#) account. You will need to terminate your appointments first then you may surrender your license(s).

Alternatively, you may send a letter to the Bureau of Licensing stating that you wish to surrender your

license. Please include the following:

- Name
- Florida License ID Number
- Mailing address
- Telephone number
- Enclose your Florida insurance license ID or a statement indicating that you do not have the ID
- Signature of the licensee

The letter can be emailed to the Department at:

[AgentLicensing@MyFloridaCFO.com](mailto:AgentLicensing@MyFloridaCFO.com)

or mailed to:

Florida Department of Financial Services  
Division of Agent and Agency Services  
Bureau of Licensing  
200 East Gaines St.  
Tallahassee, FL 32399-0319

As always, you can verify your license and appointment status by logging in to your [MyProfile](#) account or using our [public licensee search](#). Tips on closing an insurance agency can also be found on our website at [www.MyFloridaCFO.com/Division/Agents/Newsletter/Articles/AgencyClosing.htm](http://www.MyFloridaCFO.com/Division/Agents/Newsletter/Articles/AgencyClosing.htm).

## Need Our Help?

### Bureau of Licensing - All Licensing Questions

[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 Only, By Type of License

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*

© 2015 Florida Department of Financial Services

## 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 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.

### Reminder When Selling or Leaving Ownership of an Insurance Agency

If an insurance agency that holds a license is sold, the license should be cancelled by the current owner and the new owner must apply for a new insurance agency license. Additionally, any insurance agency that is licensed under a social security number should request termination of the agency license if the owner of the social security number sells or leaves the insurance agency. The party assuming ownership of the agency should then apply for a new agency license. Cancellation or termination of the agency license can be requested on the [Cancellation Notice for Insurance Agency Licensure \(DFS-H2-1997\)](#) form.

### Adjusting Firms: Designate a Primary Adjuster

The primary adjuster law states that each person operating an adjusting firm and each location of a multiple location adjusting firm must designate a primary adjuster for each such firm or location. The statute also defines a primary adjuster as the licensed adjuster who is responsible for the hiring and supervision of all individuals within an adjusting firm location who deal with the public and who acts in the capacity of a public adjuster as defined in sec. [626.854](#), F.S. or an independent adjuster as defined in sec. [626.855](#), F.S. An adjuster may be designated as a primary adjuster for **only one** adjusting firm location.

Primary adjusters must be designated by submitting a properly completed [form DFS-H2-6364](#) to the Department. There is no cost to designate a primary adjuster but it could cost you disciplinary action including a fine for failing to do so.

[See Section [626.8695](#), Florida Statutes]

### Reporting and Accounting for Funds

All premiums, return premiums, or other funds belonging to insurers or others received by an agent, insurance agency, customer representative, or adjuster in transactions under the license are trust funds

received by the licensee in a fiduciary capacity.

Every licensee shall preserve books, accounts, and records pertaining to a premium payment for at least five (5) years after payment; provided, however, the preservation of records by electronic complies with this requirement. All other records shall be maintained in accordance with sec. [626.748](#), F.S.. The five year requirement shall not apply to insurance binders when no policy is ultimately issued and no premium is collected.

Any agent, insurance agency, customer representative, or adjuster who, not being lawfully entitled thereto, either temporarily or permanently diverts or misappropriates such funds or any portion thereof or deprives the other person of a benefit therefrom commits a criminal offense and may additionally be subject to administrative action. Bail bond agents are required to maintain records for at least three years.

Licensees are required to maintain records, or have records made readily accessible by electronic or photographic means for inspection by the department. Failure to provide access to the department can result in disciplinary action, up to a six month suspension.

[see Sections [626.561](#), [648.295](#), and [648.36](#), Florida Statutes]

## 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.

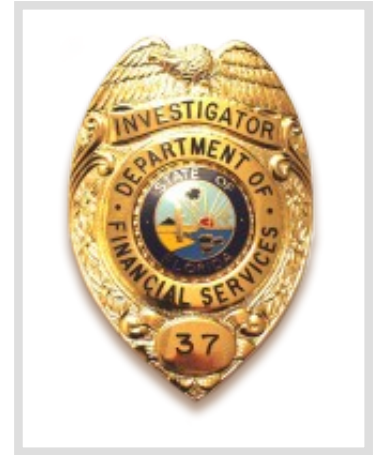
© 2015 Florida Department of Financial Services

## Case Notes

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

**Case:** An investigation found a general lines agent systematically overcharged her clients for homeowners insurance premiums, resulting in numerous unsuspecting clients paying hundreds of dollars in fraudulent charges. To conceal the overcharges, the agent falsified a variety of insurance documents to reflect the fraudulently increased premiums.

**Disposition:** Suspended six months, ordered to pay restitution to the consumers and complete 10 hours of coursework in ethics.



**Case:** During an agency inspection, investigators found 89 entries made in a binder log by an unlicensed agency employee, whose Customer Representative's license had expired eight years earlier. The entries corresponded to multiple consumers, policies, and policy transactions over a period of six months. Documents obtained during the investigation confirmed the employee had requested insurance quotes, uploaded endorsements, and submitted new insurance business to insurance companies while unlicensed to do so. Consumers contacted by investigators confirmed the unlicensed employee had provided quotes, wrote their insurance applications, and explained insurance coverage to them.

**Disposition:** Immediately and permanently removed from the insurance business in the state of Florida. The Division of Insurance Fraud arrested the employee for transacting insurance without a license and appointment, a third-degree felony.

**Case:** An investigation determined a life, health, and variable annuity agent failed to report administrative action taken against him by the Financial Industry Regulatory Authority (FINRA), in which he was barred from associating with any FINRA member in any capacity.

**Disposition:** License surrendered.

**Case:** An investigation into "termination for cause" of an agent by an insurance company determined a life, health and variable annuity agent had unlawfully paid insurance premiums for a client and rebated part of the commission to the client. The agent sold life insurance to a consumer, and after two years, instructed the consumer to name a partnership as the owner and beneficiary of the policy. The agent had previously convinced the client to set up the partnership with him. The agent owned 90% of the partnership and the client, 10%. The agent also facilitated the purchase of an immediate annuity by the partnership to fund the life insurance premium, and unlawfully designated himself as the beneficiary for the life insurance policy.



**Disposition:** License surrendered.

**Case:** An investigation initiated due to consumer complaints determined an agency owner failed to ensure premiums were remitted to insurers on a timely basis resulting in the lapse or non-issue of insurance coverage, failed to return unearned premiums to consumers, and allowed an unlicensed person to transact insurance business. The agency owner also failed to properly designate an agent in charge for all agencies.

**Disposition:** Fined \$7,500, placed on probation for one year.

**Case:** An investigation into a bail bond agent's records revealed he failed to remit \$7,216 in bail bond premiums to a surety company, to provide records to the surety company for audit, and failed to notify the Department he had closed his bail bond agency.

**Disposition:** Suspended for 18 months and ordered to remit the unpaid premiums. The agent must show proof the unpaid premiums were remitted to be eligible to reapply for his license after 18 months.

**Case:** An investigation into the activities of a School Official and course Instructor found he developed and distributed unauthorized course manuals to teach the state required pre-licensing courses for the Life, Health and Variable annuity license.

**Disposition:** Fined \$1,500, required to pay department investigative costs of \$1,000 and \$750 in restitution.

**Case:** An investigation into administrative action taken against a life, health and variable annuity agent by his home state determined the agent failed to report the action within 30 days of the action to the department or the National Insurance Producer Registry (NIPR).

**Disposition:** Fined \$750. The agent failed pay the fine in 30 days as agreed and was automatically suspended for 60 days.

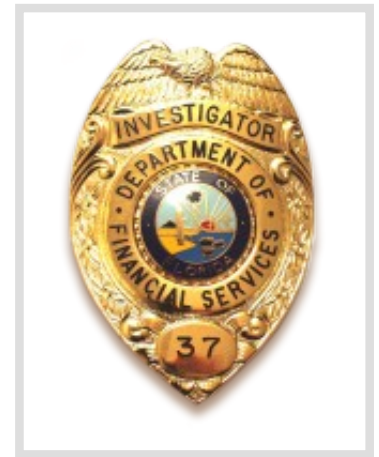
**Case:** An investigation was initiated related to an agency's advertising. Investigators determined the agency had obtained an approved advertisement from an insurer, but made changes to the ad that violated insurance laws. During the course of the investigation, it was determined the agency was not properly licensed.

**Disposition:** Fined \$1,500 each and placed on probation for one year

## Enforcement Actions

- June 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	CITY, STATE	DOCUMENT
Antonelli	Frederick	E008069	Public Adjuster	Cease and Desist		Hollywood, FL	<a href="#">Order to Cease and Desist</a>
Berlin	Paul	P129891	Life, Variable Annuity, Health	License Surrendered		Chicago, IL	<a href="#">Consent Order</a>
Blanco	Mirna	W160802	Life, Variable Annuity, Health	License Revoked		Hialeah, FL	<a href="#">Search</a>
Brown	Devin	W112857	Life, Variable Annuity, Health	License Revoked		Madison, WI	<a href="#">Order of Revocation</a>
Clairvoyant	Luvia	P070843	General Lines	License Suspended 6		West Palm Beach, FL	<a href="#">Order of Suspension</a>

				Month(s)			
Cowperthwaite	Daniel	P000776	Life, Variable Annuity, Health, General Lines	License Suspended 3 Month(s)		Coral Gables, FL	<a href="#">Order of Suspension</a>
Crucet	Azari	P170932	Public Adjuster	Fined	\$2,500	North Miami, FL	<a href="#">Consent Order</a>
Davis	Samuel	P165683	Bail Bond	Cease and Desist		Lehigh Acres, FL	<a href="#">Order to Cease and Desist</a>
Davis Jr	Jimmy	P121551	Bail Bond	License Suspended		St Petersburg, FL	<a href="#">Search</a>
Delpit Jr	Dale	P233925	Life, Variable Annuity, Health	License Surrendered		Fruitland Park, FL	<a href="#">Consent Order</a>
Estrada	Juan	W155852	Customer Representative	License Suspended 6 Month(s)		Weston, FL	<a href="#">Order of Suspension</a>
Evangelista	Michael	E060696	Life, Variable Annuity, Health	License Surrendered		West Chester, PA	<a href="#">Consent Order</a>
Fernandez	Patricia	D064206	General Lines	License Suspended 12 Month(s)		Miami Lakes, FL	<a href="#">Search</a>
Finlay Jr	Francisco	E018980	Public Adjuster	Fined	\$500	Miami, FL	<a href="#">Consent Order</a>
Flynn	Mark	A086650	General Lines	Probation and Fine	\$2,500	Tequesta, FL	<a href="#">Consent Order</a>
Franklin Jr	Roschell	A089041	Bail Bond	Probation and Fine	\$2,500	Fort Lauderdale, FL	<a href="#">Search</a>
Futch	Tracie	E123477	Customer Representative	License Revoked		Indian River, FL	<a href="#">Order of Revocation</a>
Geer	Thomas	W103458	All Lines Adjuster	License Suspended		St Petersburg, FL	<a href="#">Notice of Temporary Suspension</a>
Gulf Breeze Insurance Agency Inc		L052838	Agency	Cease and Desist	\$6,000	West Palm Beach, FL	<a href="#">Search</a>
Hernandez	Janny	W059995	Bail Bond	Fined	\$3,000	Miramar, FL	<a href="#">Search</a>
Hughes	Christopher	A125368	Life, Variable Annuity, Health, General Lines	License Revoked		St Petersburg, FL	<a href="#">Consent Order</a>

Hunter Risk Services LLC		L001917	Agency	Fined	\$2,500	Altamonte Springs, FL	<a href="#">Consent Order</a>
Jackson	Jeffery	A128966	Bail Bond	License Suspended		Avon Park, FL	<a href="#">Search</a>
Jerez	Angel	A131247	Bail Bond	License Revoked		Miami, FL	<a href="#">Search</a>
LaFond	David	A147786	Life & Health	License Revoked		Dunedin, FL	<a href="#">Search</a>
LaSalle St Securities LLC		L021027	Agency	Probation and Fine	\$1,500	Elmhurst, IL	<a href="#">Consent Order</a>
Leonord	Louis	W055392	General Lines	License Suspended 1 Year(s)		Delray Beach, FL	<a href="#">Consent Order</a>
Lezcano Jr	Amado	A155198	Life, Health, General Lines	Probation and Fine	\$7,500	Miami, FL	<a href="#">Consent Order</a>
Magarino	Dorian	D085773	Bail Bond	License Revoked		Miami Springs, FL	<a href="#">Order of Revocation</a>
Marable	Terence	P223978	Life & Variable Annuity	License Surrendered		Orland Park, IL	<a href="#">Consent Order</a>
Marques	Mercy	W154330	Home Warranty, Service Warranty	License Revoked		Miami, FL	<a href="#">Order of Revocation</a>
Meyer	Vanessa	P141977	Public Adjuster	License Revoked		Miami, FL	<a href="#">Consent Order</a>
Michel	Tania	E025012	Customer Representative	License Revoked		Miami, FL	<a href="#">Consent Order</a>
Moraga	Robert	W032060	Life, Variable Annuity, Health	License Suspended		Kissimmee, FL	<a href="#">Search</a>
Oddo	Joseph	A194841	Life, Variable Annuity, Health	License Suspended		Orlando, FL	<a href="#">Search</a>
Pietri	Rafael	E056851	Bail Bond	License Suspended		Kissimmee, FL	<a href="#">Search</a>
Ricciardi	Linda	A219214	Customer Representative	License Suspended 6 Month(s)		Jupiter, FL	<a href="#">Order of Suspension</a>
Rios	Benito	P147906	Public Adjuster	License Suspended 3 Month(s)		Coral Gables, FL	<a href="#">Order of Suspension</a>
Rodriguez	Jose	W121598	Customer Representative	License Revoked		Miami, FL	<a href="#">Order of Revocation</a>
						Ft	<a href="#">Consent</a>

Rosman	Mario	E053919	Public Adjuster	Fined	\$500	Lauderdale, FL	<a href="#">Order</a>
Rowe II	Stephen	P064365	Public Adjuster	License Suspended 3 Month(s)		Hollywood, FL	<a href="#">Order of Suspension</a>
Rubin	Jeffrey	A227722	Life, Variable Annuity	License Revoked		Fort Lauderdale, FL	<a href="#">Order of Revocation</a>
Sanchez	Gabriela	E024443	Unlicensed	Permanently Barred		Homestead, FL	<a href="#">Consent Order</a>
Simon	Hurduise	W167987	All Lines Adjuster	License Suspended		Royal Palm Beach, FL	<a href="#">Search</a>
Siraci	Tuna	A244181	Life, Variable Annuity, Health, Personal Lines	License Suspended 6 Month(s)		Melbourne, FL	<a href="#">Consent Order</a>
Smeriglio III	Michael	W101537	Life, Variable Annuity	License Revoked, Permanently Barred		Greenwich, CT	<a href="#">Order of Revocation and Permanent Bar</a>
Statewide Insurance Consultants Inc		L093923	Agency	License Registration Surrendered		Miami, FL	<a href="#">Consent Order</a>
Stazzone IV	Joseph	P018033	Life, Variable Annuity, Health, General Lines	License Revoked		Satellite Beach, FL	<a href="#">Order of Revocation</a>
Toffoli	Ann	P078376	General Lines	Probation and Fine	\$2,500	Altamonte Springs, FL	<a href="#">Consent Order</a>
Vacas	Javier	W017780	Life, Variable Annuity, Health, General Lines	Probation and Fine	\$2,000	Doral, FL	<a href="#">Consent Order</a>
Viera Insurance Agency Inc		L035447	Agency	Fined	\$5,000	Melbourne, FL	<a href="#">Consent Order</a>
Warman	Allan	P237161	Health	License Suspended		Clermont, FL	<a href="#">Search</a>
Williams	Candia	A285369	Bail Bond	Probation and Fine	\$3,500	Jacksonville, FL	<a href="#">Search</a>
Zippin	Lawrence	P134355	Life, Variable Annuity	License Surrendered		Margate, FL	<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

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

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

[askDFS@MyFloridaCFO.com](mailto:askDFS@MyFloridaCFO.com) - For all other matters not related to licensing or education

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

Reproduction in whole or in part of ***Insurance Insights***, or any publication by this division, without permission is prohibited.