

Docketed by PM



IN THE MATTER OF:		
	Case No.: 145833-13-A	١G
JUSTIN NUNEZ	/	

# ORDER OF REVOCATION

THIS PROCEEDING CAME on for final agency action and the Chief Financial Officer, having considered the record, including the Administrative Complaint filed on October 1, 2014, and being fully advised in the premises, finds that:

- 1. Justin Nunez is currently licensed by the Department of Financial Services (the "Department"), pursuant to the Florida Insurance Code, as a limited surety (bail bond) agent.
- 2. On October 1, 2014, the Department issued an Administrative Complaint, attached hereto as "Exhibit A," against Justin Nunez, alleging that on July 30, 2014, in the Circuit Court in and for Orange County, Florida, Case No. 2013-CF-008726-A-O, he pled nolo contendere to one count of Burglary of Conveyance and one count of Criminal Mischief, both felonies. Adjudication of guilt was withheld.
- 3. The Department notified Justin Nunez in the Administrative Complaint of the right to request a proceeding in accordance with sections 120.569 and 120.57, Florida Statutes, and that failure to answer the Administrative Complaint or request a proceeding within twenty-one (21) days would result in the imposition of a penalty.

- 4. In accordance with section 624.310(6), Florida Statutes, the Administrative Complaint was served upon Justin Nunez by personal service on November 20, 2014, in Orange County, Florida, by the Department's investigator Virginia Wright.
- 5. Justin Nunez failed to answer the Administrative Complaint or request a proceeding in accordance with sections 120.569 and 120.57, Florida Statutes.

# FINDINGS OF FACT

6. The factual allegations contained in the Administrative Complaint dated October 1, 2014, which is attached hereto as Exhibit A, and fully incorporated herein by reference, are hereby adopted as the Department's Findings of Fact in this case.

### CONCLUSIONS OF LAW

7. Based upon the Findings of Fact adopted herein, the Department concludes that Justin Nunez violated the specific statutes and rules charged in each count of the Administrative Complaint, attached hereto as Exhibit A, and hereby adopts the violations charged in each count of the Administrative Complaint as the Conclusions of Law in this case.

#### PENALTY IMPOSED

8. The failure of Justin Nunez to answer the Administrative Complaint or request a proceeding, taken together with the Findings of Fact and Conclusions of Law adopted herein, constitute grounds for the Chief Financial Officer to revoke the license of Justin Nunez.

#### IT IS THEREFORE ORDERED that:

- (a) All licenses, appointments and eligibility for licensure heretofore issued to Justin Nunez, within the purview of the Department, are hereby revoked.
- (b) Pursuant to section 648.49(2), Florida Statutes, Justin Nunez does not have the right to apply for another license or appointment under chapter 648, Florida Statutes.

- (c) During the period of suspension or revocation of the license and until the license is reinstated or a new license is issued, the former licensee may not engage in or attempt to profess to engage in any transaction or business for which a license or appointment is required under chapter 648, Florida Statutes.
- (d) Within ten (10) calendar days of the issuance of this Order of Revocation, Justin Nunez shall return all licenses issued to Justin Nunez pursuant to the Florida Insurance Code to the Department of Financial Services, Bureau of Licensing, 200 East Gaines Street, Tallahassee, Florida 32399-0319.
- (e) Any person who knowingly transacts insurance or otherwise engages in insurance activities in this state without a license, or while the license is suspended or revoked, commits a felony of the third degree.

DONE and ORDERED this 24th day of December

Gregory Thomas

Director, Agent & Agency Services

2014.

#### NOTICE OF RIGHTS

Any party to these proceedings adversely affected by this Order is entitled to seek review within thirty (30) days of the rendition of this Order, pursuant to section 120.68, Florida Statutes, and Rule 9.190, *Florida Rules of Appellate Procedure*. Review proceedings must be instituted by filing a petition or notice of appeal with Julie Jones, the DFS Agency Clerk. Filing with the Agency Clerk may be accomplished via U.S. Mail, express overnight delivery, hand delivery, facsimile transmission, or electronic mail. The address for overnight delivery or hand delivery is Julie Jones, DFS Agency Clerk, Department of Financial Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida, 32399-0390. The fax number is (850) 488-0697. The email address is Julie Jones@myfloridacfo.com.

A copy of the petition or notice of appeal must also be filed with the appropriate district court of appeal within thirty (30) days of the rendition of this Order.

# Copies Furnished To:

fathousepro@yahoo.com

Justin Nunez 12967 Islamorada Orlando, Florida 32837

Justin Nunez 2200 East Irlo Bronson Highway, Suite 103 Kissimmee, Florida 34744

Greg Thomas, Director Division of Agent & Agency Services 200 East Gaines Street Tallahassee, Florida 32399

Complaint & Settlement Division of Legal Services 200 East Gaines Street Tallahassee, Florida 32399-0333



JEFF ATWATER STATE OF FLORIDA



Docketed by AM

IN THE MATTER OF:		
W.C. D. V. D. V. D.		CASE NO.: 145833-13-AG
JUSTIN NUNEZ	/	

# **ADMINISTRATIVE COMPLAINT**

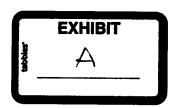
Justin Nunez 2200 East Irlo Bronson Highway, Suite 103 Kissimmee, Florida 34744

Justin Nunez 12967 Islamorada Drive Orlando, Florida 32837

Justin Nunez, license I.D.# W003012, is hereby notified that the Chief Financial Officer of the State of Florida has caused to be made an investigation of his activities while licensed as a limited surety (bail bond) agent in this state, as a result of which it is alleged:

#### **GENERAL ALLEGATIONS**

- 1. Pursuant to chapter 648, Florida Statutes, Justin Nunez is licensed in this state as a limited surety (bail bond) agent. Justin Nunez's license is currently suspended.
- 2. On December 12, 2013, a Notice of Temporary Suspension was filed against Justin Nunez, suspending his license as a limited surety (bail bond) agent. On or aout June 29, 2013, Justin Nunez was charged in the Circuit Court of the Ninth Judicial Circuit in and for



Orange County, Florida, with Burglary of a Conveyance with a Battery and Criminal Mischief with Damages of \$1,000 or more, both felonies.

3. Pursuant to chapter 648, Florida Statutes, the Florida Department of Financial Services (the "Department") has jurisdiction over Justin Nunez's license and eligibility for licensure as a limited surety (bail bond) agent.

#### COUNT I

- 4. The above general allegations are hereby realleged and fully incorporated herein by reference.
- 5. On July 30, 2014, in the Circuit Court in and for Orange County, Florida, Case No. 2013-CF-008726-A-O, Justin Nunez pled nolo contendere to one count of Burglary of Conveyance and one count of Criminal Mischief, both third degree felonies. Adjudication of guilt was withheld.

IT IS THEREFORE CHARGED that Justin Nunez has violated one or more of the following provisions of the Florida Statutes and/or the *Florida Administrative Code*, which constitutes sufficient grounds for the suspension or revocation of your license or appointment as a limited surety (bail bond) agent in this state:

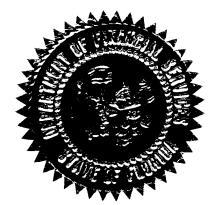
- (a) Section 648.45(2)(a), Florida Statutes, which provides that the Department shall deny, suspend, revoke, or refuse to renew any license issued under chapter 648, Florida Statutes, or the Insurance Code, if it finds that the licensee lacks one or more of the qualifications for the license or appointment as specified in chapter 648, Florida Statutes.
- (b) Section 648.45(2)(e), Florida Statutes, which provides that the Department shall deny, suspend, revoke, or refuse to renew any license issued under chapter 648, Florida Statutes,

or the Insurance Code if the licensee had exhibited a demonstrable lack of fitness or trustworthiness to engage in the limited surety (bail bond) agent business.

(c) Section 648.45(2)(k), Florida Statutes, which provides that the Department shall deny, suspend, revoke, or refuse to renew any license issued under chapter 648, Florida Statutes, or the Insurance Code if the licensee has been found guilty of, or has plead guilty or no contest to a felony, a crime involving moral turpitude, or a crime punishable by imprisonment of one (1) year or more under the law of any state, territory, or country, whether or not a judgment or conviction has been entered.

WHEREFORE, Justin Nunez is hereby notified that the Chief Financial Officer, through his designee, intends to enter an Order suspending or revoking his license and appointments or to impose such penalties as may be provided under the provisions of sections 648.45, 648.46, 648.51, 648.52, 648.525, and 648.53, Florida Statutes, and under the other referenced sections of the Florida Statutes as set out in this Administrative Complaint.

DATED and SIGNED this day of October , 2014.





Gregory Thomas
Director, Agent & Agency Services

#### NOTICE OF RIGHTS

Justin Nunez has the right to request a proceeding to contest this action by the Department pursuant to sections 120.569 and 120.57, Florida Statutes, and Rule 28-106, *Florida Administrative Code*. The proceeding request must be in writing, signed by Justin Nunez, and must be filed with the Department within twenty-one (21) days of his receipt of this notice. Completion of the attached Election of Proceeding form and/or a petition for administrative hearing will suffice as a written request. The request must be filed with Julie Jones, DFS Agency Clerk, at the Florida Department of Financial Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0390. Justin Nunez's written response must be received by the Department no later than 5:00 p.m. on the twenty-first day after his receipt of this notice. Mailing the response on the twenty-first day will not preserve his right to a hearing.

**FAILURE** TO **ENSURE THAT JUSTIN NUNEZ'S** RESPONSE WRITTEN IS RECEIVED  $\mathbf{BY}$ THE DEPARTMENT WITHIN TWENTY-ONE (21) DAYS OF HIS RECEIPT OF THIS NOTICE WILL CONSTITUTE A WAIVER OF HIS RIGHT TO REQUEST A PROCEEDING ON THE MATTERS ALLEGED HEREIN AND A FINAL ORDER OF SUSPENSION OR REVOCATION WILL BE ENTERED AGAINST JUSTIN NUNEZ.

If Justin Nunez requests a proceeding, Justin Nunez must provide information that complies with the requirements of Rule 28-106.2015, *Florida Administrative Code*. As noted above, completion of the attached Election of Proceeding form conforms to these requirements. Specifically, Justin Nunez's response must contain:

- (a) The name, address, and telephone number, and facsimile number (if any) of the respondent (for the purpose of requesting a hearing in this matter, Justin Nunez is the "respondent").
- (b) The name, address, telephone number, facsimile number of the attorney or qualified representative of the respondent (if any) upon whom service of pleadings and other papers shall be made.
- (c) A statement requesting an administrative hearing identifying those material facts that are in dispute. If there are none, the petition must so indicate.
- (d) A statement of when the respondent received notice of the administrative complaint.
  - (e) A statement including the file number of the administrative complaint.

If a hearing of any type is requested, Justin Nunez has the right to be represented by counsel or other qualified representative at his expense, to present evidence and argument, to call and cross-examine witnesses, and to compel the attendance of witnesses and the production of documents by subpoena.

If a proceeding is requested and there is no dispute of material fact, the provisions of section 120.57(2), Florida Statutes, apply. In this regard, Justin Nunez may submit oral or written evidence in opposition to the action taken by the Department or a written statement challenging the grounds upon which the Department has relied. While a hearing is normally not required in the absence of a dispute of fact, if Justin Nunez feels that a hearing is necessary, one will be conducted in Tallahassee, Florida, or by telephonic conference call upon his request.

However, if Justin Nunez disputes material facts which are the basis for the Department's action, you must request an adversarial proceeding pursuant to sections 120.569 and 120.57(1),

Florida Statutes. These proceedings are held before a State Administrative Law Judge of the Division of Administrative Hearings. Unless the majority of witnesses are located elsewhere, the Department will request that the hearing be conducted in Tallahassee, Florida.

Failure to follow the procedure outlined with regard to Justin Nunez's response to this notice may result in the request being denied. All prior oral communication or correspondence in this matter shall be considered free form agency action, and no such oral communication or correspondence shall operate as a valid request for an administrative proceeding. Any request for an administrative proceeding received prior to the date of this notice shall be deemed abandoned unless timely renewed in compliance with the guidelines as set out above.

Mediation of this matter pursuant to section 120.573, Florida Statutes, is not available. No Department attorney will discuss this matter with you until the response has been received by the Department.

# STATE OF FLORIDA DEPARTMENT OF FINANCIAL SERVICES DIVISION OF LEGAL SERVICES

THE MAT	TTER OF:			
JSTIN NUN	NEZ	CASE NO.: 145833-13-AG		
	ELECTI	ON OF PROCEEDING		
("Departme		ative Complaint filed by the Florida Department of Financial Services (hts contained therein, and I understand my options. I am requesting SE ONE)		
1. [ ]	I do not dispute any of the Department's factual allegations and I do not desire a hearing. I understand that by waiving my right to a hearing, the Department may enter a final order that adopts the Administrative Complaint and imposes the sanctions sought, including suspending or revoking my licenses and appointments as may be appropriate.			
2.	I <u>do not</u> dispute any of the Department's factual allegations and I hereby elect a proceeding to be conducted in accordance with section 120.57(2), Florida Statutes. In this regard, I desire to ( <b>CHOOSE ONE</b> ):			
	[ ] Submit a written statemen	nt and documentary evidence in lieu of a hearing; or		
	[ ] Personally attend a hearing	ng conducted by a department hearing officer in Tallahassee; or		
	[ ] Attend that same hearing	by way of a telephone conference call.		
3. []	I do dispute one or more of the Department's factual allegations. I hereby request a hearing pursuant to section 120.57(1), Florida Statutes, to be held before the Division of Administrative Hearings. I have attached to this election form the information required by Rule 28-106.2015, Florida Administrative Code, as specified in subparagraph (c) of the Notice of Rights. Specifically, I have identified the disputed issues of material fact.			
FINANCIA COMPLAIN	L SERVICES WITHIN TWENTY-ONE	OU MUST FILE YOUR RESPONSE WITH THE DEPARTMENT OF (21) DAYS OF YOUR RECEIPT OF THE ADMINISTRATIVE OF BY THE DEPARTMENT NO LATER THAN 5:00 P.M. ON THE THE ADMINISTRATIVE COMPLAINT.		
	for filing is Julie Jones, DFS Agency Clerk Street, Tallahassee, Florida 32399-0390.	s, Florida Department of Financial Services, 612 Larson Building, 200		
Signature		Print Name		
Date:		Address:		
Date Adminis Complaint Re	strative secived:			
If you are represented by an attorney or qualified representative, please attach to this election form his		Phone No.:		
or ner name,	address, telephone and fax numbers	Fax No.:		

E-mail\_\_\_

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Administrative Complaint and Election of Proceeding has been furnished to: Justin Nunez, 2200 East Irlo Bronson Highway, Suite 103, Kissimmee, Florida 34744; Justin Nunez, 12967 Islamorada Drive, Orlando, Florida 32837; by Certified Mail this 1st day of October , 2014.

91 7108 2133 3935 3870 9655

91 7108 2133 3935 3870 9648

Laura Anstead
Managing Attorney
Department of Financial Services
Division of Legal Services
612 Larson Building
200 East Gaines Street
Tallahassee, Florida 32399-0333
(850) 413-4227





Docketed by PM

IN THE MATTER OF:

Case No: 145833-13-AG

JUSTIN NUNEZ/

# NOTICE OF TEMPORARY SUSPENSION

COMES NOW the Chief Financial Officer, by and through his named designee, pursuant to Section 648.45(1), Florida Statutes, and issues this Order temporarily suspending all licenses and appointments heretofore issued to JUSTIN NUNEZ, under Chapter 648, Florida Statutes, and as grounds therefore finds:

- JUSTIN NUNEZ is currently licensed in this state as a Limited Surety (Bail Bond)
   Agent pursuant to Chapter 648, Florida Statutes.
- 2. At all times relevant to the dates and occurrences set forth herein, JUSTIN NUNEZ, License I.D. # W003012, was licensed in this state as a Limited Surety (Bail Bond) Agent.
- 3. On or about June 29, 2013, JUSTIN NUNEZ was charged in the Circuit Court of the Ninth Judicial Circuit in and for Orange County, Florida, with Burglary of a Conveyance with a Battery and Criminal Mischief with Damage of \$1,000 or More.
- 4. Pursuant to Section 648.45(1), Florida Statutes, the Department shall, upon receipt of an information or indictment, immediately temporarily suspend any license or appointment issued under Chapter 648, Florida Statutes, when the licensee has been charged with a felony or a crime involving moral turpitude or a crime punishable by imprisonment of one (1) year or more under the law of any state, territory, or country. Such suspension shall continue if the licensee has been found guilty of, or has pleaded guilty or no contest to, the crime, whether or

not a judgment or conviction has been entered, during a pending appeal. A person may not effect any additional bail bonds after suspension of his license or appointment, however licensee may discharge any liability on bonds effected prior to suspension.

Notice is hereby given that the Department shall take prompt action to revoke the license of JUSTIN NUNEZ in the event licensee pleads guilty, nolo contendere or is found guilty of this felony or any other lesser offense which is a felony, a crime involving moral turpitude or a crime punishable by imprisonment of one year or more under the law of any state, territory or country whether or not a judgment or conviction has been entered.

#### WHEREFORE, IT IS HEREBY ORDERED:

- (a) That the Limited Surety (Bail Bond) Agent license held by JUSTIN NUNEZ is hereby SUSPENDED. During the period of suspension JUSTIN NUNEZ may not engage in any transaction or business for which a license or appointment is required by Chapter 648, Florida Statutes.
- (b) That JUSTIN NUNEZ shall immediately cease and desist from writing, issuing, or soliciting any bail bonds in the State of Florida and he shall not effect any additional bail bonds. However, pursuant to Section 648.45(1), Florida Statutes, JUSTIN NUNEZ may discharge any liability on bonds effected prior to this suspension.

# NOTICE OF RIGHTS

You have the right to request a proceeding to contest this action by the Department of Financial Services ("Department") pursuant to Sections 120.569 and 120.57, Florida Statutes, and Rule 28-106, Florida Administrative Code. The proceeding request must be in writing, signed by you, and must be filed with the Department within twenty-one (21) days of your receipt of this notice. Completion of the attached Election of Proceeding form and/or petition for administrative hearing will suffice as a written request. The request must be filed with Julie Jones, DFS Agency Clerk, at the Florida Department of Financial Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0390. Your written response must be received by the Department no later than 5:00 p.m. on the twenty-first day after your receipt of this notice. Mailing the response on the twenty-first day will not preserve your right to a hearing.

FAILURE TO ENSURE THAT YOUR WRITTEN RESPONSE IS RECEIVED BY THE DEPARTMENT **OF** TWENTY-ONE (21) DAYS RECEIPT OF THIS NOTICE WILL CONSTITUTE A YOUR RIGHT TO REQUEST A WAIVER OF **MATTERS ALLEGED** THE **PROCEEDING** ON HEREIN AND A FINAL ORDER OF SUSPENSION OR REVOCATION WILL BE ENTERED AGAINST YOU.

If you request a proceeding, you must provide information that complies with the requirements of Rule 28-106.2015, Florida Administrative Code. As noted above, completion of the attached Election of Proceeding form conforms to these requirements. Specifically, your response must contain:

(a) The name, address, and telephone number, and facsimile number (if any) of the Respondent (for the purpose of requesting a hearing in this matter, you are the "Respondent").

- (b) The name, address, and telephone number, and facsimile number of the attorney or qualified representative of the Respondent (if any) upon whom service of pleadings and other papers shall be made.
- (c) A statement requesting an administrative hearing identifying those material facts that are in dispute. If there are none, the petition must so indicate.
- (d) A statement of when the Respondent received the notice of temporary suspension.
- (e) A statement including the file number of the notice of temporary suspension.

If a hearing of any type is requested, you have the right to be represented by counsel or other qualified representative at your expense, to present evidence and argument, to call and cross-examine witnesses, and to compel the attendance of witnesses and the production of documents by subpoena.

If a proceeding is requested and there is no dispute of material fact, the provisions of Sections 120.57(2), Florida Statutes apply. In this regard, you may submit oral or written evidence in opposition to the action taken by the Department or a written statement challenging the grounds upon which the Department has relied. While a hearing is normally not required in the absence of a dispute of fact, if you feel that a hearing is necessary, one will be conducted in Tallahassee, Florida, or by telephonic conference call upon your request.

However, if you dispute material facts which are the basis for the Department's action, you must request an adversarial proceeding pursuant to Sections 120.569 and 120.57(1), Florida Statutes. These proceedings are held before a State Administrative Law Judge of the Division of Administrative Hearings. Unless the majority of witnesses are located elsewhere, the Department will request that the hearing be conducted in Tallahassee, Florida.

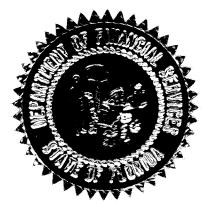
Failure to follow the procedure outlined with regard to your response to this notice may result in the request being denied. All prior oral communication or correspondence in this matter shall be considered freeform agency action, and no such oral communication or correspondence

shall operate as a valid request for an administrative proceeding. Any request for an administrative proceeding received prior to the date of this notice shall be deemed abandoned unless timely renewed in compliance with the guidelines as set out above.

Mediation of this matter pursuant to Section 120.573, Florida Statutes, is not available. No Department attorney will discuss this matter with you until the response has been received by the Department.

Any party adversely affected by this Notice is also entitled to seek review of this Notice pursuant to Section 120.68, Florida Statutes, and Rule 9.110, Florida Rules of Appellate Procedure. Review proceedings must be instituted by filing a petition or notice of appeal with Julie Jones, DFS Agency Clerk, at 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0390, and a copy of same with the appropriate District Court of Appeal within thirty (30) days of rendition of the Order.

DATED and SIGNED this 12th day of December, 2013.



Gregory Thomas
Director, Agent & Agency Services

# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing NOTICE OF TEMPORARY SUSPENSION has been furnished to:JUSTIN NUNEZ, 12967 Islamorada, Orlando, FL 32837-8715, JUSTIN NUNEZ c/o Signature Bail Bonds, 2200 East Irlo Bronson Highway, Suite 103, Kissimmee, FL 34744 by Certified Mail this 13th day of December, 2013.

Laura Anstead
Managing Attorney
Department of Financial Services
Division of Legal Services
612 Larson Building
200 East Gaines Street
Tallahassee, Florida 32399-0333
(850) 413-4227

# STATE OF FLORIDA DEPARTMENT OF FINANCIAL SERVICES DIVISION OF LEGAL SERVICES

IN THE MATTER OF:					
JUSTIN NUNEZ	/	CASE NO.: 145833-13-AG			
	ELECTION	OF PROCEEDING			
I have received and have read the N ("Department") against me, including disposition of this matter as indicated	lotice of Temporary	Suspension filed by the Florida Department of Financial Services thts contained therein, and I understand my options. I am requesting			
I do not dispute any of the Department's factual allegations and I do not desire a hearing. I understand that by waiving my right to a hearing, the Department may enter a final order that adopts the Notice of Temporary Suspension and imposes the sanctions sought, including suspending or revoking my licenses and appointments as may be appropriate.					
I do not dispute any of the accordance with Section 1:	Department's factua 20.57(2), Florida St	al allegations and I hereby elect a proceeding to be conducted in satutes. In this regard, I desire to (CHOOSE ONE):			
[ ] Submit a v	[ ] Submit a written statement and documentary evidence in lieu of a hearing; or				
[ ] Personally	[ ] Personally attend a hearing conducted by a department hearing officer in Tallahassee; or				
[ ] Attend tha	at same hearing by w	vay of a telephone conference call.			
120.57(1), Florida Statutes	s, to be held before to tion required by Rule	factual allegations. I hereby request a hearing pursuant to Section the Division of Administrative Hearings. I have attached to this e 28-106.2015, Florida Administrative Code, as specified in scifically, I have identified the disputed issues of material fact.			
FINANCIAL SERVICES WITHIN TW SUSPENSION THE RESPONSE MU	VENTY-ONE (21) JST BE RECEIVEI	MUST FILE YOUR RESPONSE WITH THE DEPARTMENT OF DAYS OF YOUR RECEIPT OF THE NOTICE OF TEMPORARY D BY THE DEPARTMENT NO LATER THAN 5:00 P.M. ON THE NOTICE OF TEMPORARY SUSPENSION.			
The address for filing is: Julie Jones, D East Gaines Street, Tallahassee, Florida	FS Agency Clerk, F. 32399-0390.	Florida Department of Financial Services, 612 Larson Building, 200			
Signature		Print Name			
Date:	and the second s	Address:			
Date Administrative Complaint Received:					
If you are represented by an attorney or qualified representative, please attach to this election form his or her name, address, telephone and fax numbers		Phone No.:			