

FILED

SEP 10 2014

Docketed by AM



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

IN THE MATTER OF:

CASE NO.: 152763-14-AG

CARLOS AURELIO ESPINOSA

ORDER OF SUSPENSION

THIS PROCEEDING CAME on for final agency action and the Chief Financial Officer, having considered the record in this case and the Consent Order and being fully advised in the premises, finds that:

1. Carlos Aurelio Espinosa (the "Respondent") is currently licensed as an all lines adjuster.
2. On July 16, 2014, a Consent Order was issued by the Florida Department of Financial Services (the "Department") in the above-styled case. One condition of the Consent Order, which is attached hereto as "Exhibit AA," and incorporated herein, required the Respondent to pay the Department an administrative penalty of five hundred dollars (\$500) within thirty (30) days of the entry of the Consent Order. The Consent Order also provided that failure to pay the administrative penalty within the specified time limit would constitute a violation of section 626.681,(3), Florida Statutes, and would result in the immediate suspension of the Respondent's license and appointments for a period of sixty (60) days.

FINDINGS OF FACT

3. The Respondent has failed to pay to the Department the administrative penalty within thirty (30) days of the entry of the Consent Order dated July 16, 2014.

CONCLUSIONS OF LAW

4. The Respondent's failure to pay the administrative penalty to the Department is a violation of the Consent Order dated July 16, 2014, and constitutes a violation of section 626.681(3), Florida Statutes.

PENALTY IMPOSED

5. The Respondent's violation of the Consent Order dated July 16, 2014, constitutes grounds for the suspension of the Respondent's license as an all lines adjuster in this state pursuant to section 626.681(3), Florida Statutes.

IT IS THEREFORE ORDERED that:

(a) All licenses, appointments and eligibility for licensure heretofore issued to the Respondent, within the purview of the Department, are hereby SUSPENDED for a period of sixty (60) days.

(b) During the period of suspension, the Respondent shall not engage in or attempt or profess to engage in any transaction or business for which a license or appointment is required under the Florida Insurance Code or directly or indirectly, control, or be employed in any manner by any insurance agent or agency or adjuster or adjusting firm until the license is reinstated or, if revoked, a new license is issued.

(c) The Respondent shall not have the right to apply for and the Department shall not grant another license or appointment under the Florida Insurance Code for the sixty (60) days following the effective day of suspension. The Department shall not grant the Respondent a new license or appointment or reinstate eligibility to hold such license or appointment if it finds

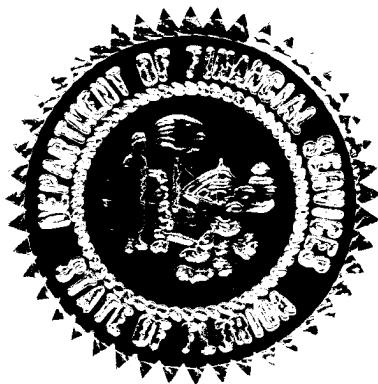
that the administrative penalty has not been paid or Respondent has not complied with all terms and conditions of the Consent Order and the suspension.

(d) Following the sixty (60) day suspension, the Respondent shall be entitled to file an application for reinstatement of licensure. However, the Respondent's license shall not be reinstated if the circumstance or circumstances for which the license was suspended still exist or are likely to recur, or if the Respondent is not otherwise eligible for licensure.

(e) Within ten (10) calendar days of the issuance of this Order of Suspension, all licenses issued to the Respondent pursuant to the Florida Insurance Code shall be returned to the Department of Financial Services, Bureau of Licensing, 200 East Gaines Street, Tallahassee, Florida 32399-0319.

(f) 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 10th day of September, 2014.



Gregory Thomas
Director, Agent & Agency Services

Copies Furnished To:

caespinosa84@gmail.com

Carlos Aurelio Espinosa
5104 SW 137 Court
Miami, FL 33175

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

Complaint & Settlement
Division of Legal Service
200 East Gaines Street
Tallahassee, FL 32399-0333

NOTICE OF RIGHT TO APPEAL

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.



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

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JUL 16 2014

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IN THE MATTER OF:

CASE NO.: 152763-14-AG

CARLOS AURELIO ESPINOSA
_____ /

CONSENT ORDER

THIS CAUSE came on for consideration and final agency action. Upon consideration of the record, including the Settlement Stipulation for Consent Order dated June 12, 2014, and being otherwise fully advised in the premises, the Chief Financial Officer finds:

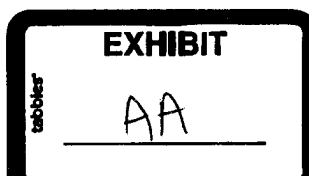
1. The Chief Financial Officer, as head of the Department of Financial Services ("Department"), has jurisdiction over the subject matter of this case and the parties.

2. The entry of this Consent Order and compliance herewith by CARLOS AURELIO ESPINOSA ("Applicant") shall conclude the administrative proceeding of Case No. 152763-14-AG before the Department.

IT IS THEREFORE ORDERED:

(a) The Settlement Stipulation for Consent Order dated June 12, 2014, and attached hereto as "Exhibit A," is hereby approved and fully incorporated herein by reference.

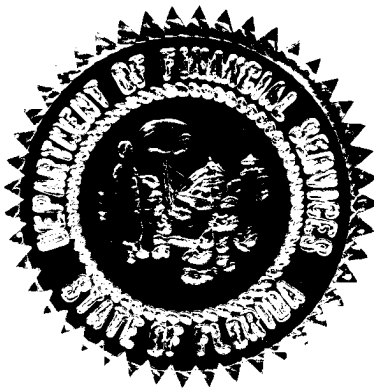
(b) The application for licensure is approved and, provided Applicant is otherwise fully qualified for licensure and complies with the terms of this Consent Order, the Department shall authorize the issuance of the Applicant's license as an all lines adjuster.




(c) Applicant shall pay an administrative penalty in the amount of FIVE HUNDRED DOLLARS (\$500) as authorized by section 626.681(1), Florida Statutes, within thirty (30) days of entry of this Consent Order. Failure of Applicant to pay the administrative fine within the specified time limit shall result in the immediate suspension of Applicant's licenses and eligibility for licensure in the state without further proceedings for a period of sixty (60) days. Thereafter, Applicant shall be entitled to file an application for reinstatement of licensure. Reinstatement shall be conditioned upon Applicant's compliance with all terms of the Settlement Stipulation for Consent Order and this Consent Order, including payment of the administrative fine, and upon compliance with the terms of the suspension.

(d) If the Department has good cause to believe that Applicant has violated any condition of this Consent Order, Applicant authorizes the Department to seek the immediate enforcement of the order in The Circuit Court in and for Leon County, Tallahassee, Florida. If such an enforcement order is granted in the Circuit Court, Applicant agrees that he shall be liable to the Department for all reasonable costs and attorneys fees expended in the enforcement action. Further, if this order is enforced in the Circuit Court, Applicant shall be subject to contempt sanctions for violating any enforcement order.

DONE and ORDERED this 16th day of July, 2014.




Gregory Thomas
Director, Agent & Agency Services

Copies Furnished To:

caespinosa84@gmail.com

CARLOS AURELIO ESPINOSA
5104 SW 137 Court
Miami, FL 33175

GREG THOMAS, DIRECTOR
Division of Agent & Agency Services
200 East Gaines Street
Tallahassee, FL 32399-0320

COMPLAINT & SETTLEMENT
Division of Legal Services
200 East Gaines Street
Tallahassee, FL 32399-0333



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

IN THE MATTER OF:

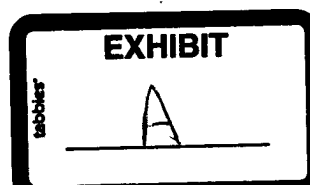
CASE NO.: 152763-14-AG

CARLOS AURELIO ESPINOSA
_____ /

SETTLEMENT STIPULATION FOR CONSENT ORDER

IT IS AGREED and STIPULATED by and between CARLOS AURELIO ESPINOSA ("Applicant") and the State of Florida, Department of Financial Services ("Department"), that:

1. The Department has jurisdiction over insurance licenses, and eligibility for licensure pursuant to Chapter 626, Florida Statutes.
2. Pursuant to Chapter 626, Florida Statutes, the Department is authorized to deny or disapprove an application for licensure if it deems the applicant to be lacking in any one or more of the required qualifications for the license applied for based on the completed application and such further inquiry or investigation the Department deems necessary or advisable.
3. On March 26, 2014, the Bureau of Licensing received an application for licensure as an all lines adjuster from Applicant.
4. The Bureau of Licensing determined that grounds existed to deny the application. The denial would be based upon Applicant's prior administrative action. In order to avoid formal litigation of this matter, Applicant has determined that it is in his best interests to enter into this Settlement Stipulation for Consent Order.



5. On June 21, 2011, the Florida Department of Financial Services filed an Administrative Complaint (Case No. 117640-11-AG) against Applicant for failure to maintain a surety bond. On July 11, 2012, the Department issued an Order of Suspension, suspending Applicant's license for ninety days based on his failure to respond to the Department's Administrative Complaint.

6. On September 19, 2013, the Department denied Applicant's application for licensure based on his failure to disclose the above-mentioned suspension on his application.

7. On March 26, 2014, Applicant disclosed the prior suspension and denial on his application for licensure.

8. By execution of this Settlement Stipulation for Consent Order and by the entry of the subsequent Consent Order, the Department and Applicant intend to and do resolve all issues pertaining to the matters referred to above.

9. Applicant voluntarily and knowingly enters into this Settlement Agreement.

10. Applicant waives receipt of a notice of denial pursuant to Section 120.60(5), Florida Statutes, or any notice or charges other than this Settlement Stipulation for Consent Order, waives the right to a hearing in this matter, and waives the right to appeal this Settlement Stipulation for Consent Order or the Consent Order issued in this case pursuant to Chapter 120, Florida Statutes.

11. Each party to this proceeding shall bear its own costs and attorney's fees.

12. This Settlement Stipulation for Consent Order is subject to the approval of the Chief Financial Officer, or his designee. Upon his approval, and without further notice, the Chief Financial Officer, or his designee, may issue a Consent Order providing for the following:

a) Incorporation by reference of all the terms and conditions of this Settlement Stipulation for Consent Order.

b) The application for licensure is approved and, provided Applicant is otherwise fully qualified for licensure and complies with the terms of the Consent Order in this case, the Department shall authorize the issuance of Applicant's license as an all lines adjuster.

c) Applicant shall pay an administrative penalty in the amount of FIVE HUNDRED DOLLARS (\$500) as authorized by Section 626.681(1) Florida Statutes, within thirty (30) days of the entry of the Consent Order to be issued in this case. Failure of Applicant to pay the administrative fine within the specified time limit shall result in the immediate suspension of Applicant's licenses and eligibility for licensure in the state without further proceedings for a period of sixty (60) days. Thereafter, Applicant shall be entitled to file an application for reinstatement of licensure. Reinstatement shall be conditioned upon Applicant's compliance with all terms of this Settlement Stipulation for Consent Order and the Consent Order to be entered in this case, including payment of the administrative fine, and upon compliance with the terms of suspension.

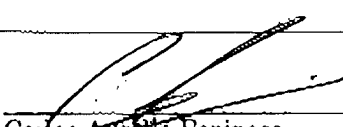
d) If the Department has good cause to believe that Applicant has violated any condition of the Consent Order, Applicant authorizes the Department to seek the immediate enforcement of the order in The Circuit Court in and for Leon County, Florida (Tallahassee). If such an enforcement order is granted in the Circuit Court, Applicant agrees that he shall be liable to the Department for all reasonable costs and attorneys fees expended in the enforcement action. Further, if this order is enforced in the Circuit Court, Applicant shall be subject to contempt sanctions for violating any enforcement order.

13. Applicant certifies that the address and e-mail address below Applicant's signature are valid addresses.

14. Applicant agrees that the Consent Order may be sent to Applicant via the e-mail address below Applicant's signature and that Applicant will not receive a hard copy in the mail.


WHEREFORE, the undersigned parties hereby acknowledge and agree to the terms and conditions of the foregoing Settlement Stipulation for Consent Order, subject to final approval by the Chief Financial Officer, or his designee, by written consent on the last date executed below.

Dated and Signed this 12 day of June, 2014.


Carlos Aurelio Espinosa
5104 SW 137 Court
Miami, FL 33175

caespinosa84@gmail.com

Applicant


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

Attorney for the Department

INVOICE

ADMINISTRATIVE PENALTY IMPOSED BY CONSENT ORDER

In order to ensure that your payment is received and properly credited, please **return this invoice with your check** payable to:

Department of Financial Services
Division of Legal Services
Revenue Processing Section
Post Office Box 6100
Tallahassee, FL 32399-6100

PAYMENT MUST BE RECEIVED WITHIN 30 DAYS OF ISSUANCE OF CONSENT ORDER

REFERENCE

NAME CARLOS AURELIO ESPINOSA
ADDRESS: 5104 SW 137 Court
CITY, STATE, ZIP: Miami, FL 33175
SS# or AGENT#: E169416
Case #: 152763-14-AG
Attorney: Complaint & Settlement
Source: Agent & Agency Licensing

Fine Due:	\$	<u>500.00</u>
Cost Due:	\$	<u> </u>
Total Amount Due:	\$	<u>500.00</u>
Amount remitted:	\$	<u> </u>

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