

FILED

SEP - 4 2014



CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

Docketed by AM

IN THE MATTER OF:

CASE NO.: 157784-14-AG

DIANA M. FOLINO  
\_\_\_\_\_ /

CONSENT ORDER

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

1. The Chief Financial Officer, as agency head of the Florida Department of Financial Services (the "Department"), has jurisdiction over the subject matter of this case and the parties.
2. The entry of this Consent Order and compliance herewith by Diana M. Folino (the "Respondent"), License I.D. #P233299, shall conclude the administrative proceeding of Case No. 157784-14-AG before the Department.

IT IS THEREFORE ORDERED:

- (a) The Settlement Stipulation for Consent Order, attached hereto as "Exhibit A," is hereby approved and fully incorporated herein by reference.
- (b) The Respondent's license and eligibility for licensure and appointments are hereby SUSPENDED for a period of eighteen (18) months pursuant to section 626.641(1),

Florida Statutes. Within ten (10) calendar days of the issuance of this Consent Order, 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.

(c) During the period of suspension of the license and appointments, 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 this code or directly or indirectly own, 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.

(d) The Respondent shall, at the end of the applicable period of suspension, be entitled to file an application for reinstatement of licensure. However, the Respondent's license shall not be reinstated if the Department finds that 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) Upon reinstatement of licenses and appointments, the Respondent shall be placed on probation pursuant to section 626.691, Florida Statutes, for a period of one (1) year. As a condition of probation, the Respondent shall strictly adhere to all provisions of the Florida Insurance Code and Rules of the Department. If, during the period of probation, the Department has good cause to believe that the Respondent has violated the terms or conditions of this probation it shall initiate administrative action to suspend or revoke the licenses and appointments of the Respondent.

(f) The Respondent shall cease and desist making material misrepresentations on applications.

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

(h) 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 4<sup>th</sup> day of September, 2014.



Gregory Thomas  
Director, Agent & Agency Services

Copies Furnished To:

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Tallahassee, FL 32399-0333



CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

IN THE MATTER OF:

Case No: 157784-14-46

DIANA M. FOLINO/

SETTLEMENT STIPULATION FOR CONSENT ORDER

IT IS HEREBY AGREED and STIPULATED by and between DIANA M. FOLINO ("Respondent") and the State of Florida, Department of Financial Services ("Department"), that:

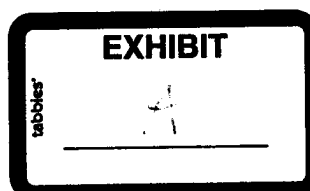
1. Respondent is currently licensed as a Life, Health and Variable Annuity Agent. At all times relevant to the dates and occurrences referred to herein, Respondent was so licensed in this state.

2. Pursuant to Chapter 626, Florida Statutes, the Department has jurisdiction over Respondent's licensure and eligibility for licensure and appointment in this state and the subject matter of this proceeding.

3. The Department conducted an investigation of the Respondent in her capacity as a licensee. As a result thereof, the Department alleges that the Respondent made material misrepresentations on multiple insurance applications and demonstrated a lack of fitness and trustworthiness to engage in the business of insurance. In order to avoid formal litigation of this matter, Respondent has determined that it is in her best interests to enter into this Settlement Stipulation for Consent Order.

4. Respondent voluntarily waives the right to a hearing in this matter and voluntarily enters into this Settlement Stipulation for Consent Order.

5. Respondent voluntarily waives receipt of an administrative complaint pursuant to Section 120.60(5), Florida Statutes, or any notice or charges other than this Settlement Stipulation for Consent Order.



6. By entering into this Settlement Stipulation for Consent Order and by the filing of a Consent Order in this case, the Respondent and the Department intend to and do resolve all issues pertaining to the license disciplinary administrative penalties to be imposed against the Respondent based on the allegations in paragraph 3 above.

7. No party will appeal this Settlement Stipulation for Consent Order or the Consent Order to be issued in this case, and the parties specifically waive notice of the right to appeal as required by Section 120.569(1), Florida Statutes.

8. This document is a public record and contains information which is routinely published by the Department.

9. Each party to this proceeding shall bear its own costs and attorneys fees, unless otherwise provided herein.

10. 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) Respondent's license(s) and eligibility for licensure and appointments shall be SUSPENDED for a period of eighteen (18) months pursuant to Section(s) 626.641(1), Florida Statutes. Respondent shall return to the Department of Financial Services, Bureau of Licensing, 200 East Gaines Street, Tallahassee, Florida 32399-0319, within ten (10) calendar days of the issuance of this Consent Order, all license(s) issued to the Respondent pursuant to the Florida Insurance Code.

(c) During the period of suspension of the license(s) or appointment, 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 this code or directly or indirectly own, 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.

(d) Respondent shall, at the end of the applicable period of suspension, be entitled to file an application for reinstatement of licensure. However, Respondent's license shall not be reinstated if the Department finds that the circumstance or circumstances for which the license was suspended still exist or are likely to recur, or if Respondent is not otherwise eligible for licensure.

(e) Upon reinstatement of license(s) and appointment(s), Respondent shall be placed on probation pursuant to Section 626.691, Florida Statutes, for a period of one (1) year. As a condition of probation, Respondent shall strictly adhere to all provisions of the Florida Insurance Code and Rules of the Department. If, during the period of probation, the Department has good cause to believe that Respondent has violated the terms or conditions of this probation it shall initiate administrative action to suspend or revoke the license(s) and appointments of the Respondent.

(f) Respondent shall cease and desist making material misrepresentations on applications.

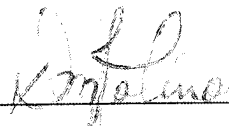
(g) If the Department has good cause to believe that Respondent has violated any condition of the Consent Order, Respondent authorizes the Department to seek the immediate enforcement of the order in the Circuit Court of the Second Judicial Circuit, in and for Leon County, in Tallahassee, Florida. If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

(h) Any person who knowingly transacts insurance or otherwise engages in insurance activities in this state without a license, or while the license(s) is suspended or revoked, commits a felony of the third degree.

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

12. The Respondent agrees that the Consent Order may be sent to the Respondent via the e-mail address below Respondent's signature.

DATED and SIGNED this 16<sup>th</sup> day of July, 20 14.



Diana M. Folino  
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