

FILED

SEP 23 2014

Docketed by AM



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

IN THE MATTER OF:

CASE NO.: 154231-14-AG

JOHN WILLIAM PRIBIL

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 August 13, 2014, and being fully advised in the premises, finds that:

1. John William Pribil is currently licensed by the Department of Financial Services (the "Department"), pursuant to the Florida Insurance Code, as a resident life including variable annuity and health agent.
2. On August 13, 2014, a three count Administrative Complaint was issued against John William Pribil alleging that he purchased a social security number for four hundred dollars (\$400), used this misappropriated social security number on an appointment application, and submitted it to Golden Rule Insurance Company. John William Pribil also failed to report certain state actions and was disciplined by fourteen states.
3. John William Pribil was notified 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 120.60(5), Florida Statutes, the Administrative Complaint was served upon John William Pribil by USPS certified mail on August 16, 2014.

5. John William Pribil 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 August 13, 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 John William Pribil 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 John William Pribil 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 licenses of John William Pribil.

IT IS THEREFORE ORDERED that:

(a) All licenses, appointments and eligibility for licensure heretofore issued to John William Pribil, within the purview of the Department, are hereby REVOKED.

(b) John William Pribil does not have the right to apply for another license or appointment under the Florida Insurance Code for a period of two (2) years after the effective date of revocation. The Department shall not thereafter grant John William Pribil a new license or appointment or reinstate eligibility to hold such license or appointment if it finds that the circumstance or circumstances for which the license was revoked still exist or are likely to recur.

(c) During the period of revocation, John William Pribil 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 Insurance 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) Within ten (10) calendar days of the issuance of this Order of Revocation, John William Pribil shall return all licenses issued to John William Pribil 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 23rd day of September, 2014.



Gregory Thomas
Director, Agent & Agency Services

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:

jpribil@yahoo.com

John William Pribil
1890 Northeast 211 Terrace
North Miami, Florida 33179-1527

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

Manshi Shah, Assistant General Counsel
Division of Legal Services
200 East Gaines Street
Tallahassee, Florida 32399-0333



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

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AUG 13 2014

Docketed by KM

IN THE MATTER OF:

CASE NO.: 154231-14-AG

JOHN WILLIAM PRIBIL

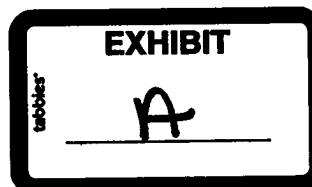
ADMINISTRATIVE COMPLAINT

JOHN WILLIAM PRIBIL
1890 Northeast 211 Terrace
North Miami, FL 33179-1527

You, JOHN WILLIAM PRIBIL, license I.D. # P139920, are hereby notified that the Chief Financial Officer of the State of Florida has caused to be made an investigation of your activities while licensed as an insurance agent in this state, as a result of which it is alleged:

GENERAL ALLEGATIONS

1. Pursuant to chapter 626, Florida Statutes, you, JOHN WILLIAM PRIBIL, are currently licensed in this state as a resident life including variable annuity and health agent.
2. At all times pertinent to the dates and occurrences referred to herein, you, JOHN WILLIAM PRIBIL, were licensed in this state as a resident life including variable annuity and health agent.
3. Pursuant to chapter 626, Florida Statutes, the Florida Department of Financial Services (hereinafter referred to as "Department") has jurisdiction over your insurance license(s) and appointment(s).



COUNT I

4. The above general allegations are hereby realleged and fully incorporated herein by reference.

5. On or about June 1, 2013, you, JOHN WILLIAM PRIBIL, submitted a Prospective Broker application to Golden Rule Insurance Company (hereinafter referred to as "Golden Rule") with a social security number (hereinafter referred to as "SSN") that was not assigned to you.

6. During a conversation with a Golden Rule investigator on June 4, 2013, you, JOHN WILLIAM PRIBIL, admitted to purchasing the SSN for four hundred dollars (\$400.00) and intentionally using the misappropriated SSN on the application.

IT IS THEREFORE CHARGED that you, JOHN WILLIAM PRIBIL, have violated one or more of the following provisions of the Florida Statutes or Florida Administrative Code, which constitute grounds for the suspension or revocation of your license(s) as a resident life including variable annuity and health agent.

(a) Section 626.611(7), Florida Statutes, which provides that it is a violation to demonstrate a lack of fitness or trustworthiness to engage in the business of insurance.

(b) Section 626.611(2), Florida Statutes, which provides that it is a violation for any agent, title agency, adjuster, customer representative, service representative, or managing general agent to make a material misstatement, misrepresentation, or fraud in obtaining the license or appointment or in attempting to obtain the license or appointment.

(c) Section 626.611(9), Florida Statutes, which provides that it is a violation for any agent, title agency, adjuster, customer representative, service representative, or managing general

agent to exhibit fraudulent or dishonest practices in the conduct of business under the license or appointment.

COUNT II

7. The above general allegations are hereby realleged and fully incorporated herein by reference.

8. On or about September 6, 2013, the Kansas Insurance Department revoked your non-resident insurance agent license for using someone else's SSN on an application submitted to Golden Rule.

9. On or about September 20, 2013, the Kentucky Department of Insurance revoked your non-resident agent with health and life lines of authority license for admitting to using a fraudulent SSN on an application for employment with Golden Rule.

10. On or about December 3, 2013, the Arkansas Insurance Department revoked your non-resident producer license for failing to report the Kansas Insurance Department action within thirty (30) days.

11. On or about January 10, 2014, the Maine Department of Professional and Financial Regulation - Bureau of Insurance revoked your non-resident insurance producer license for failing to report to the Maine Superintendent of Insurance your licenses had been revoked by Kansas and Kentucky.

12. On or about November 21, 2013, the Illinois Department of Insurance revoked your producer license for knowingly providing a fraudulent SSN to Golden Rule while attempting to gain employment, and for demonstrating incompetence, untrustworthiness, and financial irresponsibility.

13. On or about February 27, 2014, the California Department of Insurance revoked your accident and health and life only broker-agent license for failing to report to the California Department of Insurance the disciplinary action taken against you in Kansas, Kentucky, and Illinois.

14. On or about May 28, 2014, the Indiana Department of Insurance suspended your non-resident producer license.

15. On or about February 14, 2014, the Louisiana Department of Insurance revoked your producer license for failing to report the disciplinary action taken against you by Kentucky and Kansas.

16. On or about May 29, 2014, the Michigan Department of Insurance and Financial Services accepted the surrender of your non-resident insurance producer license.

17. On or about May 16, 2014, the Nebraska Department of Insurance revoked your non-resident insurance producer license for failing to report within thirty (30) days the disciplinary action taken against you by Kansas, Kentucky, Illinois, Arkansas, Maine, West Virginia, and Louisiana.

18. On or about March 25, 2014, the South Dakota Department of Labor and Regulation – Division of Insurance - revoked your non-resident insurance producer license for admitting to purchasing a SSN from a third party.

19. On or about January 22, 2014, the Texas Department of Insurance revoked your general lines life, accident, and health license for, among other things, intentionally using an unissued or misappropriated SSN on an appointment application submitted to Golden Rule.

20. On or about March 14, 2014, the Vermont Department of Financial Regulation revoked your non-resident producer license for failing to report within thirty (30) days

administrative actions taken against you, JOHN WILLIAM PRIBIL, by Kansas, Kentucky, Arkansas, and Maine.

21. On or about January 27, 2014, the West Virginia Offices of the Insurance Commissioner revoked your non-resident producer license for submitting a prospective broker application to Golden Rule with a false and fraudulent SSN and failing to report disciplinary action taken by Kansas.

IT IS THEREFORE CHARGED that you, JOHN WILLIAM PRIBIL, have violated one or more of the following provisions of the Florida Statutes or Florida Administrative Code, which constitute grounds for the suspension or revocation of your license(s) as a resident life including variable annuity and health agent:

(a) Section 626.621(13), Florida Statutes, which provides that it is a violation to have been the subject of or has had a license, permit, appointment, registration, or other authority to conduct business subject to any decision, finding, injunction, suspension, prohibition, revocation, denial, judgment, final agency action, or administrative order by any court of competent jurisdiction, administrative law proceeding, state agency, federal agency, national securities, commodities, or option exchange, or national securities, commodities, or option association involving a violation of any federal or state securities or commodities law or any rule or regulation adopted thereunder, or a violation of any rule or regulation of any national securities, commodities, or options exchange or national securities, commodities, or options association.

COUNT III

22. The above general allegations are hereby realleged and fully incorporated herein by reference.

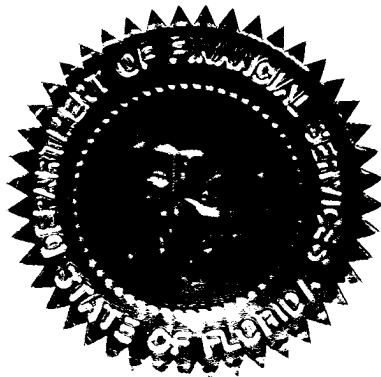
23. As of July 25, 2014, you, JOHN WILLIAM PRIBIL, have failed to report within thirty (30) days administrative actions taken against you by Kansas, Kentucky, Arkansas, Maine, Illinois, California, Indiana, Louisiana, Michigan, Nebraska, South Dakota, Texas, Vermont, and West Virginia.


IT IS THEREFORE CHARGED that you, JOHN WILLIAM PRIBIL, have violated one or more of the following provisions of the Florida Statutes or Florida Administrative Code, which constitute grounds for the suspension or revocation of your license(s) as a resident life including variable annuity and health agent:

(a) Section 626.536, Florida Statutes, which provides within 30 days after the final disposition of an administrative action taken against a licensee or insurance agency by a governmental agency or other regulatory agency in this or any other state or jurisdiction relating to the business of insurance, the sale of securities, or activity involving fraud, dishonesty, trustworthiness, or breach of a fiduciary duty, the licensee or insurance agency must submit a copy of the order, consent to order, or other relevant legal documents to the department.

WHEREFORE, you, JOHN WILLIAM PRIBIL, are hereby notified that the Chief Financial Officer intends to enter an Order suspending or revoking your license(s) and appointment(s) as an insurance agent or to impose such penalties as may be provided under the provisions of Sections 626.611, 626.621, 626.536, 626.641, 626.681, 626.691, and 626.9521, Florida Statutes, and under the other referenced sections of the Florida Statutes as set out in this Administrative Complaint.

DATED and SIGNED this 13th day of August, 2014.




Gregory Thomas
Director, Agent & Agency Services

NOTICE OF RIGHTS

You have 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 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 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. 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 WITHIN TWENTY-ONE (21) DAYS OF YOUR RECEIPT OF THIS NOTICE WILL CONSTITUTE A WAIVER OF YOUR RIGHT TO REQUEST A PROCEEDING ON THE MATTERS ALLEGED 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, 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, 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 section 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 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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing ADMINISTRATIVE COMPLAINT and ELECTION OF PROCEEDING has been furnished to: JOHN WILLIAM PRIBIL at 1890 Northeast 211 Terrace, North Miami, Florida 33179-1527 by USPS certified mail this 13th day of August, 2014.


Manshi Shah
Florida Bar No.: 65520
Assistant General Counsel
Department of Financial Services
Division of Legal Services
200 East Gaines Street
Tallahassee, Florida 32399-0333
Phone Number: (850) 413-4165
Fax Number: (850) 487-4907

STATE OF FLORIDA
DEPARTMENT OF FINANCIAL SERVICES
DIVISION OF LEGAL SERVICES

IN THE MATTER OF:

JOHN WILLIAM PRIBIL

CASE NO.: 154231-14-AG

ELECTION OF PROCEEDING

I have received and have read the Administrative Complaint filed by the Florida Department of Financial Services ("Department") against me, including the Notice of Rights contained therein, and I understand my options. I am requesting disposition of this matter as indicated below. **(CHOOSE 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 do not 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 **(CHOOSE ONE)**:
 - ☐ Submit a written statement and documentary evidence in lieu of a hearing; or
 - ☐ Personally attend a hearing 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.

TO PRESERVE YOUR RIGHT TO A HEARING, YOU MUST FILE YOUR RESPONSE WITH THE DEPARTMENT OF FINANCIAL SERVICES WITHIN TWENTY-ONE (21) DAYS OF YOUR RECEIPT OF THE ADMINISTRATIVE COMPLAINT. THE RESPONSE MUST BE RECEIVED BY THE DEPARTMENT NO LATER THAN 5:00 P.M. ON THE TWENTY-FIRST DAY AFTER YOUR RECEIPT OF THE ADMINISTRATIVE COMPLAINT.

The address for filing is: Julie Jones, DFS Agency Clerk, Florida Department of Financial Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0390.

Signature _____

Print Name _____

Date: _____

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.: _____

Fax No.: _____