

# FILED

SEP 25 2014

Docketed by pm



CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

IN THE MATTER OF:

CASE NO.: 150645-14-AG

MT VERNON TITLE COMPANY

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## ORDER OF SUSPENSION

THIS PROCEEDING CAME on for final agency action and the Chief Financial Officer, having considered the record, including the Administrative Complaint filed on April 24, 2014, and being fully advised in the premises, finds that:

1. Mt Vernon Title Company is currently licensed by the Department of Financial Services (the "Department"), pursuant to the Florida Insurance Code, as a title insurance agency.
2. On April 24, 2014, the Department issued an Administrative Complaint, attached hereto as "Exhibit A," against Mt Vernon Title Company alleging that it failed to remit a two hundred dollar (\$200) administrative surcharge by January 30, 2014, as required by section 624.501(27)(e)2, Florida Statutes.
3. The Department notified Mt Vernon Title Company 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)(a), Florida Statutes, after attempts at service via certified mail were unsuccessful, the Department served the Administrative Complaint upon Mt Vernon Title Company by e-mail at the e-mail address on file with the Department, with the required delivery receipt received on August 11, 2014. The receipt is attached hereto as "Exhibit B."

5. Mt Vernon Title Company 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 filed on April 24, 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.

#### CONCLUSION OF LAW

7. Based upon the Findings of Fact adopted herein, the Department concludes that Mt Vernon Title Company 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 Mt Vernon Title Company 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 suspend the license of Mt Vernon Title Company.

IT IS THEREFORE ORDERED that:

(a) All licenses, appointments and eligibility for licensure heretofore issued to Mt Vernon Title Company, within the purview of the Department, are hereby SUSPENDED for a period of ninety (90) days.

(b) During the period of suspension, Mt Vernon Title Company 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 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.

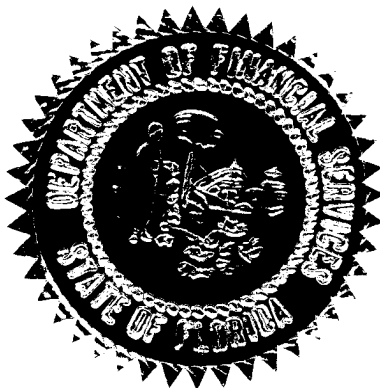
(c) Mt Vernon Title Company shall not have the right to apply for and the Department shall not grant another license or appointment under the Florida Insurance Code for ninety (90) days following the effective date of suspension.

(d) Following the ninety (90) day suspension, Mt Vernon Title Company shall be entitled to file for an application for reinstatement of licensure. However, the license of Mt Vernon Title Company shall not be reinstated if the circumstance or circumstances for which the license was suspended still exist or are likely to recur, or if Mt Vernon Title Company is not otherwise eligible for licensure.

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

(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 25<sup>th</sup> day of September, 2014.



Gregory Thomas  
Director, Agent & Agency Services

### 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](mailto: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:

[juancarlos.zorillo@hklaw.com](mailto:juancarlos.zorillo@hklaw.com)

Mt Vernon Title Company  
C/O Gretchen Edwards  
2600 Douglas Road, PH-10  
Coral Gables, FL 33134

Mt Vernon Title Company  
2655 La June Rd.  
Suite 805-1  
Coral Gables, FL 33146

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

**FILED**

APR 24 2014



CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

Docketed by LM

IN THE MATTER OF:

CASE NO.: 150645-14-AG

MT VERNON TITLE COMPANY  
\_\_\_\_\_ /

ADMINISTRATIVE COMPLAINT

MT VERNON TITLE COMPANY  
c/o Gretchen Edwards  
2600 Douglas Road, PH-10  
Coral Gables, FL 33134

JUAN C. ZORRILLA  
701 Brickell Ave, Ste 3000  
Miami, FL 33131

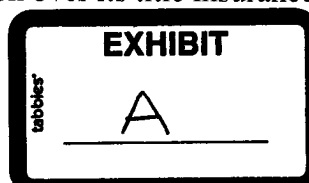
MT VERNON TITLE COMPANY, license I.D. # E088177, is hereby notified that the Chief Financial Officer of the State of Florida has caused to be made an investigation of its activities while licensed as a title insurance agency in this state, as a result of which it is alleged:

GENERAL ALLEGATIONS

1. Pursuant to Chapter 626, Florida Statutes, MT VERNON TITLE COMPANY, is currently licensed in this state as a title insurance agency.

2. At all times pertinent to the dates and occurrences referred to herein, MT VERNON TITLE COMPANY, was licensed in this state as a title insurance agency.

3. Pursuant to Chapter 626, Florida Statutes, the Florida Department of Financial Services ("Department") has jurisdiction over its title insurance agency license.



## COUNT I

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

5. Section 624.501(27)(e)2., Florida Statutes, provides that on or before January 30 of each calendar year, each licensed title insurance agency shall remit to the Department an administrative surcharge of \$200.00.

6. On January 2, 2014, the Department issued a written notice to MT VERNON TITLE COMPANY, requesting payment of the required 2014 administrative surcharge.

7. As of the date of the filing of this Administrative Complaint, MT VERNON TITLE COMPANY, has failed to remit the required administrative surcharge assessed by the Department.

IT IS THEREFORE CHARGED that MT VERNON TITLE COMPANY, 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 its license or appointment as a title insurance agency in this state:

(a) Section 624.501(27)(e)2., Florida Statutes, which provides that each licensed title insurance agency shall remit to the Department an administrative surcharge of \$200.00 on or before January 30 of each calendar year.

(b) Section 626.8437(9), Florida Statutes, which provides that a willful failure to comply with, or willful violation of, any proper order or rule of the Department or willful violation of any provision of this act is, in itself, a violation of law.

WHEREFORE, MT VERNON TITLE COMPANY, is hereby notified that the Chief Financial Officer, through his designee, intends to enter an order suspending or revoking any



license issued to Respondent pursuant to the Florida Insurance Code or to impose such penalties as may be provided under the provisions of Sections 626.8437, 626.844, 626.8443, 626.8457 and 626.846, Florida Statutes, and under the other referenced sections of the Florida Statutes as set out in this Administrative Complaint.

#### NOTICE OF RIGHTS

Respondent 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 Respondent, and must be filed with the Department within twenty-one (21) days of Respondent's 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 32399-0333. Respondent's written response must be received by the Department no later than 5:00 p.m. on the twenty-first day after Respondent's receipt of this notice. Mailing the response on the twenty-first day will not preserve Respondent's right to a hearing.

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

If Respondent requests a proceeding, Respondent 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, Respondent's response must contain:

(a) The name, address, and telephone number, and facsimile number (if any) of 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, Respondent has the right to be represented by counsel or other qualified representative at Respondent's 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.

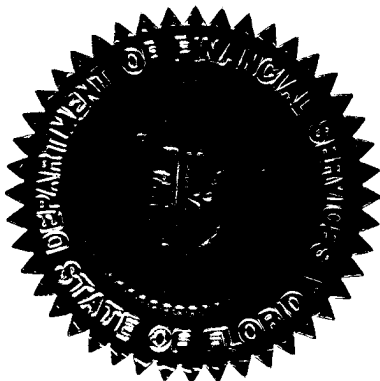
If a proceeding is requested and there is no dispute of material fact, the provisions of Section 120.57(2), Florida Statutes, apply. In this regard, Respondent may submit oral or written evidence in opposition to the action taken by the Department or a written statement challenging the grounds upon which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


However, if Respondent disputes material facts which are the basis for the Department's action, Respondent 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 Respondent'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.

DATED and SIGNED this 24<sup>th</sup> day of April 2014.



  
Gregory Thomas  
Director, Agent & Agency Services

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: MT VERNON TITLE COMPANY, 2600 Douglas Road, PH-10, Coral Gables, FL 33134 and to JUAN C. ZORRILLA, 701 Brickell Ave, Suite 3000, Miami, FL 33131 by Certified Mail this 24<sup>th</sup> day of April, 2014.



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:

CASE NO.: 150645-14-AG

MT VERNON TITLE COMPANY

ELECTION OF PROCEEDING

Respondent has received and have read the Administrative Complaint filed by the Florida Department of Financial Services ("Department") against it, including the Notice of Rights contained therein, and Respondent understands its options. Respondent is requesting disposition of this matter as indicated below. **(CHOOSE ONE)**

1. ☐ Respondent does not dispute any of the Department's factual allegations and does not desire a hearing. Respondent understands that by waiving its 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 m Respondent's licenses and appointments as may be appropriate.
2. Respondent does not dispute any of the Department's factual allegations and hereby elects a proceeding to be conducted in accordance with Section 120.57(2), Florida Statutes. In this regard, Respondent desires 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. ☐ Respondent does dispute one or more of the Department's factual allegations. Respondent hereby requests a hearing pursuant to Section 120.57(1), Florida Statutes, to be held before the Division of Administrative Hearings. Respondent has 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, Respondent has identified the disputed issues of material fact.

TO PRESERVE YOUR RIGHT TO A HEARING, RESPONDESNT MUST FILE ITS RESPONSE WITH THE DEPARTMENT OF FINANCIAL SERVICES WITHIN TWENTY-ONE (21) DAYS OF RESPONDESNT'S 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 RESPONDESNT'S RECEIPT OF THE ADMINISTRATIVE COMPLAINT.

The address for filing is: Julie Jones, DFS Agency Clerk, Department of Financial Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0333.

Signature \_\_\_\_\_

Print Name \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_

Date Administrative  
Complaint Received: \_\_\_\_\_

Phone No.: \_\_\_\_\_

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

Fax No.: \_\_\_\_\_

**Edgil, Kerry**

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**From:** Microsoft Outlook  
**To:** 'JuanCarlos.Zorrilla@hklaw.com'  
**Sent:** Monday, August 11, 2014 3:22 PM  
**Subject:** Relayed: 150645-14-AG MT VERNON TITLE COMPANY:

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

'JuanCarlos.Zorrilla@hklaw.com' ([JuanCarlos.Zorrilla@hklaw.com](mailto:JuanCarlos.Zorrilla@hklaw.com)) <<mailto:JuanCarlos.Zorrilla@hklaw.com>>

Subject: 150645-14-AG MT VERNON TITLE COMPANY:

