

# FILED

OCT 20 2014

Docketed by Am



CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

IN THE MATTER OF:

CASE NO.: 125116-12-AG

CARLOS EUGENE DUBOSE

---

## 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 May 29, 2014, and being fully advised in the premises, finds that:

1. Carlos Eugene DuBose 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 April 21, 2014, an Administrative Complaint was issued against Carlos Eugene DuBose, alleging that on March 28, 2012, in the Circuit Court of the Ninth Judicial Circuit, in and for Osceola County, Florida, Case No. 12-CF-1239A, Carlos Eugene DuBose pled guilty to one count of Solicitation to Possess or Make a Destructive Devise, and one count of Trafficking in 4 Grams or More of Oxycodone, both felonies, and was adjudicated guilty.
3. Carlos Eugene DuBose 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 624.310(6), Florida Statutes, the Administrative Complaint was served upon Carlos Eugene DuBose by e-mail, with the required delivery receipt received on July 21, 2014.

5. Carlos Eugene DuBose 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 May 29, 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 Carlos Eugene DuBose violated the specific statutes and rules charged in each count of the Administrative Complaint, 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 Carlos Eugene DuBose 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 Carlos Eugene DuBose.

IT IS THEREFORE ORDERED that:

(a) All licenses, appointments and eligibility for licensure heretofore issued to Carlos Eugene DuBose, within the purview of the Department, are hereby REVOKED.

(b) Pursuant to section 648.49(2), Florida Statutes, Carlos Eugene DuBose does not have the right to apply for another license or appointment under chapter 648, Florida Statutes.

(c) Carlos Eugene DuBose 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) Carlos Eugene DuBose shall return all licenses issued to him pursuant to the Florida Insurance Code 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 Order.

(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 20<sup>th</sup> day of October, 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:

snooptbd@hotmail.com

Carlos Eugene DuBose  
3349 Henry J Avenue  
St. Cloud, Florida 34772

Carlos Eugene DuBose  
Thumper Bail Bonds  
915 W Main Street  
Tavares, Florida 32778

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



CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

**FILED**

MAY 29 2014

Docketed by BM

IN THE MATTER OF:

CASE NO.: 125116-12-AG

CARLOS EUGENE DUBOSE  
\_\_\_\_\_ /

ADMINISTRATIVE COMPLAINT

CARLOS EUGENE DUBOSE  
Thumper Bail Bonds  
915 W Main St  
Tavares, FL 32778

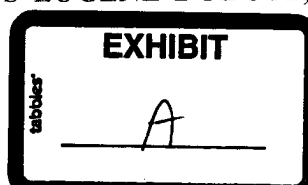
CARLOS EUGENE DUBOSE  
3349 Henry J Ave  
St Cloud, FL 34772

You, CARLOS EUGENE DUBOSE, license I.D. # A072540, 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 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, you, CARLOS EUGENE DUBOSE, are licensed in this state as a limited surety (bail bond) agent. Your license is currently suspended.

2. On March 28, 2012, in the Circuit Court of the Osceola County, Florida, Case Number 12-CF-1239A, you, CARLOS EUGENE DUBOSE, were charged with one count of



threatening to throw, project, place, or discharge a destructive device and one count of trafficking in twenty-eight (28) grams or more of Oxycodone.

3. On May 23, 2012, a Notice of Temporary Suspension was filed against you, CARLOS EUGENE DUBOSE, suspending your license as a limited surety (bail bond) agent.

4. Pursuant to Chapter 648, Florida Statutes, the Florida Department of Financial Services (“Department”) has jurisdiction over your license and your eligibility for licensure as a limited surety (bail bond) agent.

#### COUNT I

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

6. On April 21, 2014, in the Circuit Court of the Ninth Judicial Circuit in and for Osceola County, Florida, Case Number 12-CF-1239A, you, CARLOS EUGENE DUBOSE, pled guilty to and were adjudicated guilty of one count solicitation to possess or make a destructive device and one count trafficking in 4 grams or more of oxycodone, both felonies.

IT IS THEREFORE CHARGED that you, CARLOS EUGENE DUBOSE, have 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 pleaded 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, you, CARLOS EUGENE DUBOSE, are hereby notified that the Chief Financial Officer, through his designee, intends to enter an Order suspending or revoking your license(s) and appointment(s) 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.

#### 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.

DATED and SIGNED this 29<sup>th</sup> day of May, 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: CARLOS EUGENE DUBOSE, Thumper Bail Bonds 915 W Main St, Tavares, FL 32778; CARLOS EUGENE DUBOSE, 3349 Henry J Ave, St Cloud, FL 34772; by Certified Mail this 29<sup>th</sup> day of May, 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.: 125116-12-AG

CARLOS EUGENE DUBOSE

---

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.: \_\_\_\_\_