

FILED

SEP 12 2014

Docketed by AM



CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

IN THE MATTER OF:

CASE NO.: 156994-14-AG

NOELLE MARIE MENA

---

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 September 2, 2014, 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 Noelle Marie Mena (the "Respondent"), License #P011473, shall conclude the administrative proceeding of Case No. 156994-14-AG before the Department.

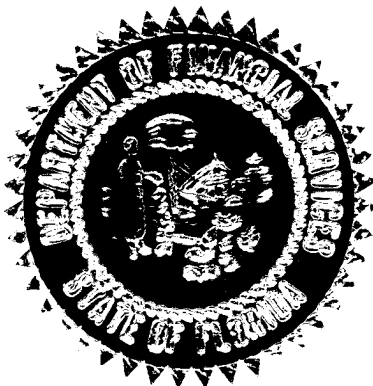
IT IS THEREFORE ORDERED:


(a) The Settlement Stipulation for Consent Order dated September 2, 2014, and attached hereto as "Exhibit A," is hereby approved and fully incorporated herein by reference.

(b) The Respondent 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 this Consent Order. Failure of the Respondent to pay the administrative fine within the specified time limit shall result in the immediate suspension of the Respondent's licenses and eligibility for licensure in the state without further proceedings for a period of sixty (60) days. Thereafter, the Respondent shall be entitled to file an application for reinstatement of licensure. Reinstatement shall be conditioned upon the Respondent's compliance with all terms of this Settlement Stipulation for Consent Order and this Consent Order, including payment of the administrative fine, and upon compliance with the terms of suspension.

(c) 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 in and for Leon County, Tallahassee, Florida. If such an enforcement order is granted in the Circuit Court, 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 in the Circuit Court, then the Respondent shall be subject to contempt sanctions for violating any enforcement order.

DONE and ORDERED this 12<sup>th</sup> day of September, 2014.



  
Gregory Thomas  
Director, Agent & Agency Services

Copies Furnished To:

Noelle Marie Mena  
8360 West Flagler Street  
Suite 204  
Miami, FL 33144

Noelle Marie Mena  
1258 Southwest 125 Court  
Miami, FL 33144

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

RECEIVED  
DEPT OF FINANCIAL SERVICES  
DIVISION OF LEGAL SERVICES

OCT 10 2014

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 9100  
Tallahassee, FL 32399-6100

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

REFERENCE

NAME: Noelle Marie Mena  
ADDRESS: 8360 West Flagler Street, Suite 204  
CITY, STATE, ZIP: Miami, FL 33144  
SS# or AGENT#: P011473  
Case #: 156994-14-AG  
Attorney: Complaint & Settlement  
Source: Agent & Agency Investigations

Fine Due	\$	500.00
Cost Due	\$	
Total Amount Due	\$	500.00
Amount received	\$	

PLEASE, DO NOT MARK BELOW THIS LINE

AMT (inserted by operator)

CASHIER'S OFFICE

14 OCT -9 AM 9:37

RECEIVED  
DEPT OF FINANCIAL SERVICES  
STATE OF FLORIDA

6100J VAL 19273139 2014-10-09  
450776 3500.00 PID 1122205



CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

IN THE MATTER OF:

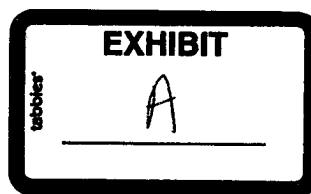
CASE NO.: 156994-14-AG

NOELLE MARIE MENA  
\_\_\_\_\_ /

SETTLEMENT STIPULATION FOR CONSENT ORDER

IT IS HEREBY AGREED and STIPULATED by and between Noelle Marie Mena (the "Respondent") and the State of Florida, Department of Financial Services (the "Department") that:

1. The Respondent is currently licensed as a public adjuster. At all times relevant to the dates and occurrences referred to herein, the Respondent was licensed in this state as a public adjuster.
2. Pursuant to chapter 626, Florida Statutes, the Department has jurisdiction over the Respondent and the subject matter in this case.
3. On August 8, 2014, the Department filed an Administrative Complaint against the Respondent alleging that she failed to maintain a surety bond. In order to avoid formal litigation of this matter, the Respondent has determined that it is in her best interests to enter into this Settlement Stipulation for Consent Order.
4. The Respondent has obtained a replacement surety bond and has provided the original bond to the Department with a copy to the Division of Legal Services.



5. The Respondent voluntarily waives the right to a hearing in this matter and voluntarily enters into 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 penalties to be imposed against the Respondent based on the allegations in paragraph three 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 attorney's fees.

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) The Respondent 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 the Respondent to pay the administrative fine within the specified time limit shall result in the immediate suspension of the Respondent's licenses and eligibility for licensure in the state without further proceedings for a period of sixty (60) days. Thereafter, the Respondent shall be entitled to file an application for

reinstatement of licensure. Reinstatement shall be conditioned upon the Respondent's compliance with all terms of this Settlement Stipulation for Consent Order and the Consent Order to be entered in this cause, including payment of the administrative fine, and upon compliance with the terms of suspension.


(c) If the Department has good cause to believe that the Respondent has violated any condition of the Consent Order, then the Respondent 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, 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 in the Circuit Court, then the Respondent shall be subject to contempt sanctions for violating any enforcement order.

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

12. The Respondent agrees that the Consent Order may be sent to the Respondent via e-mail address below the Respondent's signature and that the Respondent 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 2 day of September, 2014

  
\_\_\_\_\_  
Noelle Marie Mena  
253 NE 2 Street, Apt. 3304  
Miami, Florida 33133

noelle@florida-pa.com

Respondent



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

STATE OF FLORIDA  
DEPARTMENT OF FINANCIAL SERVICES  
DIVISION OF LEGAL SERVICES

IN THE MATTER OF:

CASE NO.: 156994-14-AG

NOELLE MARIE MENA

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 32399-0333.

Signature Print Name

Date: 8/13/14

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

Address: 253 NE 2nd Miami, FL

33133 APT 1204

Phone No.: 305 210 5520

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

E-mail: Noelle@Florida-Ps.com

8/22/14

FILED

AUG - 8 2014



CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

Docketed by AM

IN THE MATTER OF:

CASE NO.: 156994-14-AG

NOELLE MARIE MENA  
\_\_\_\_\_ /

ADMINISTRATIVE COMPLAINT

NOELLE MARIE MENA  
8360 W. Flagler St.  
STE 204  
Miami, FL 33144

NOELLE MARIE MENA  
1258 SW 125 Ct.  
Miami, FL 33144

You, NOELLE MARIE MENA, license I.D. # P011473, 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 public adjuster in this state, as a result of which it is alleged:

GENERAL ALLEGATIONS

1. Pursuant to chapter 626, Florida Statutes, you, NOELLE MARIE MENA, are currently licensed in this state as a public adjuster.
2. At all times pertinent to the dates and occurrences referred to herein, you, NOELLE MARIE MENA, were licensed in this state as a public adjuster.

3. Pursuant to chapter 626, Florida Statutes, the Florida Department of Financial Services (the “Department”) has jurisdiction over your public adjuster license and appointment(s).

#### COUNT I

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

5. Section 626.865(2), Florida Statutes, provides, in part, that at the time of application for licensure as a public adjuster, the applicant shall file with the Department a bond executed and issued by a surety insurer authorized to transact such business in this state, in the amount of \$50,000, conditioned for the faithful performance of his or her duties as a public adjuster under the license, and thereafter maintain the bond unimpaired through the existence of the license and for at least one (1) year after termination of the license.

6. In connection with your application for licensure as a public adjuster, on October 5, 2005, you, NOELLE MARIE MENA, filed the required bond with the Department. The bond was issued by International Fidelity Insurance Company, bond number 929380071. That bond was subsequently cancelled on November 29, 2006.

7. On January 8, 2007, you, NOELLE MARIE MENA, filed a replacement bond with the Department. That bond was issued by International Fidelity Insurance Company, bond number 929415797. That bond was subsequently cancelled on February 18, 2010.

8. On December 7, 2009, you, NOELLE MARIE MENA, filed a replacement bond with the Department. That bond was issued by International Fidelity Insurance Company, bond number 0514391.

9. On May 2, 2014, International Fidelity Insurance Company issued a written notice to you, NOELLE MARIE MENA, stating that it would cancel your bond effective June 16, 2014.

10. On May 15, 2014, the Department received notice from International Fidelity Insurance Company that it would cancel your surety bond effective June 16, 2014.

11. On May 20, 2014, the Department issued a written notice to you, NOELLE MARIE MENA, requesting that you provide an original replacement bond.

12. You, NOELLE MARIE MENA, failed to respond to the Department's notice.

13. On June 16, 2014, International Fidelity Insurance Company cancelled your bond.

14. As of the date of the filing of this Administrative Complaint, you, NOELLE MARIE MENA, have failed to provide the Department with proof that you have secured a replacement bond.

IT IS THEREFORE CHARGED that you, NOELLE MARIE MENA, 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 public adjuster in this state:

(a) Section 626.865(2), Florida Statutes, which provides that a public adjuster shall maintain an unimpaired surety bond at all times licensed in the amount of \$50,000.

(b) Section 626.611(1), Florida Statutes, which provides that the Department shall deny, suspend, revoke, or refuse to renew or continue the license or appointment of any public adjuster if it finds that the applicant, licensee, or any principal thereof lacks one or more of the qualifications for the license or appointment as specified.

(c) Section 626.611(13), Florida Statutes, which provides that it is a violation for any applicant, agent, title agency, adjuster, customer representative, service representative, or managing general agent to willfully fail to comply with, or willfully violate, any proper order or rule of the department or any provision of this code.

WHEREFORE, you, NOELLE MARIE MENA, are hereby notified that the Chief Financial Officer, through his designee, intends to enter an order suspending or revoking any license(s) and appointment(s) issued to you pursuant to the Florida Insurance Code or to impose such penalties as may be provided under the provisions of sections 626.611, 626.621, 626.681, 626.691, and 626.8698, Florida Statutes, and under the other referenced sections of the Florida Statutes as set out in this Administrative Complaint.

DATED and SIGNED this 8<sup>th</sup> day of August, 2014.



A solid black rectangular box used to redact the signature of Gregory Thomas.

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 an 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. 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 that a true and correct copy of the foregoing ADMINISTRATIVE COMPLAINT and ELECTION OF PROCEEDING has been furnished to: NOELLE MARIE MENA, 8360 W. Flagler St., STE 204, Miami, FL 33144, NOELLE MARIE MENA, 1258 SW 125 Ct., Miami, FL 33144, by Certified Mail this 8<sup>th</sup> day of August, 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.: 156994-14-AG

NOELLE MARIE MENA

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ELECTION OF PROCEEDING

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

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

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

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**

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

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

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

\_\_\_\_\_  
E-mail: \_\_\_\_\_