

FILED

OCT - 9 2014



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

Docketed by AM

IN THE MATTER OF:

CASE NO.: 137388-13-AG

VINCENT JOSEPH RODAS
_____ /

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 29, 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 Vincent Joseph Rodas (the "Respondent"), License I.D. A223353, shall conclude the administrative proceeding of Case No. 137388-13-AG before the Department.

IT IS THEREFORE ORDERED:

(a) The Settlement Stipulation for Consent Order dated September 29, 2014, and attached hereto as "Exhibit A," is hereby approved and fully incorporated herein by reference.

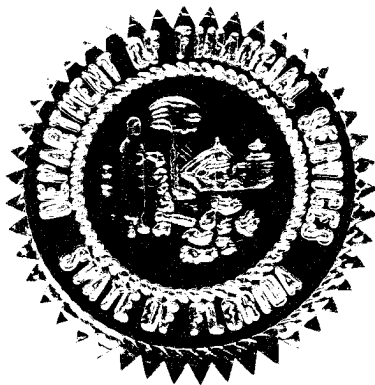
(b) The Department shall place the Respondent's license on probation for a period of one (1) year.


(c) The Respondent shall not report to work, as an employee of the Broward County Sheriff's Department ("BSO"), to any BSO location in which inmates and/or persons under BSO's supervision are housed and/or confined

(d) If the Department has good cause to believe that the Respondent has violated any condition of the Consent Order to be issued in this cause, the Respondent authorizes the Department to seek the immediate enforcement of the order in the Circuit Court in and for Leon County, Tallahassee, Florida.

(e) If such an enforcement order is granted in the Circuit Court, then the Respondent agrees that he shall be liable to the Department for all reasonable costs and attorneys fees expended in the enforcement action. Further, if the Consent Order to be issued in this cause is enforced in the Circuit Court, then the Respondent shall be subject to contempt sanctions for violating any enforcement order.

DONE and ORDERED this 9th day of October, 2014.




Gregory Thomas
Director, Agent & Agency Services

Copies Furnished To:

Vincent Joseph Rodas
1101 South Andrews Street
Fort Lauderdale, Florida 33316-1039

Vincent Joseph Rodas
7870 Northwest 5th Place
Plantation, Florida 33324-1401

Greg Thomas, Director
Division of Agent & Agency Services
200 East Gaines Street
Tallahassee, Florida 32399-0320

Complaint & Settlement
Division of Legal Services
200 East Gaines Street
Tallahassee, Florida 32399-0333



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

IN THE MATTER OF:

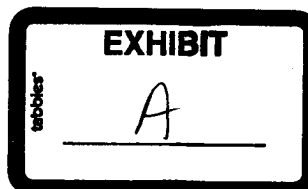
VINCENT JOSEPH RODAS

CASE NO.: 137388-13-AG

SETTLEMENT STIPULATION FOR CONSENT ORDER

IT IS HEREBY AGREED and STIPULATED by and between Vincent Joseph Rodas (the "Respondent") and the State of Florida, Department of Financial Services (the "Department") that:

1. The Respondent is currently licensed as a limited surety agent in this state and was so licensed at all times relevant to the dates and occurrences referred to herein.
2. Pursuant to chapter 648, Florida Statutes, the Department has jurisdiction over the Respondent and the subject matter in this case.
3. Following an investigation of the Respondent, the Department filed a one-count administrative complaint against him in which the Department alleged that the Respondent solicited and executed bonds while he was employed by a sheriff's department.
4. The Respondent filed an election of proceeding form and a response to the administrative complaint in which he requested a formal administrative hearing pursuant to sections 120.569 and 120.57(1), Florida Statutes. In order to avoid formal litigation of this matter, the Respondent has determined that it is in his best interests to enter into this Settlement Stipulation for Consent Order.



5. By execution of this Settlement Stipulation for Consent Order and by the subsequent filing of the Consent Order in this cause, the Department and the Respondent intend to and do resolve all current issues pertaining to the matters set forth above in paragraphs three and four.

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

7. No party will appeal this Settlement Stipulation for Consent Order or the Consent Order to be issued in this cause 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 Department shall place the Respondent's license on probation for a period of one (1) year.

(c) The Respondent shall not report to work, as an employee of the Broward County Sheriff's Department ("BSO"), to any BSO location in which inmates and/or persons under BSO's supervision are housed and/or confined.

(d) If the Department has good cause to believe that the Respondent has violated any condition of the Consent Order to be issued in this cause, the Respondent authorizes the Department to seek the immediate enforcement of the order in the Circuit Court in and for Leon County, Tallahassee, Florida.

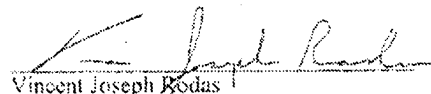
(e) If such an enforcement order is granted in the Circuit Court, then the Respondent agrees that he shall be liable to the Department for all reasonable costs and attorneys fees expended in the enforcement action. Further, if the Consent Order to be issued in this cause is enforced in the Circuit Court, 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 to be issued in this case may be sent to the Respondent via the e-mail address below the Respondent's signature and that the Respondent will not receive a hard copy in the mail.


THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

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.


Vincent Joseph Rodas
1101 South Andrews Avenue
Ft. Lauderdale, Florida 33316
bondmeout@aol.com

cc: Robert Buschel, Esq.
buschel@bglaw-pa.com

for


Rachie A. Wilson
Department of Financial Services
Division of Legal Services
200 East Gaines Street
Tallahassee, Florida 32399-0333
(850) 413-4300

Respondent

Date signed: 9/25/14

For the Department

Date signed: 9-30-14

FILED

SEP 11 2014

Docketed by AM



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

IN THE MATTER OF:

VINCENT JOSEPH RODAS

CASE NO.: 137388-13-AG

ORDER DISMISSING PETITION FOR SECTION 120.57(1), FLORIDA STATUTES,
PROCEEDING WITHOUT PREJUDICE

The State of Florida, Department of Financial Services (the "Department"), pursuant to sections 120.54(5)(b) and 120.569(2), Florida Statutes, and Rule 28-106.2015(5), *Florida Administrative Code*, enters this Order Dismissing Petition For Section 120.57(1), Florida Statutes, Proceeding Without Prejudice, and as grounds therefore states:

FINDINGS OF FACT

1. On June 16, 2014, an Administrative Complaint was issued against Vincent Joseph Rodas (the "Petitioner"), and is attached hereto as "Exhibit A."
2. In compliance with section 120.60(5), Florida Statutes, on or about June 18, 2014, the Department served the Petitioner with the Administrative Complaint, including a Notice of Rights and Election of Proceeding Form.
3. On or about June 23, 2014, the Petitioner filed an Election of Proceeding form (the "Petition"), attached hereto as "Exhibit B," with the Department wherein the Petitioner requested a formal proceeding pursuant to section 120.57(1), Florida Statutes, to be held before the Division of Administrative Hearings.

4, Pursuant to sections 120.54(5)(b) and 120.569(2), Florida Statutes, the Department carefully reviewed the Petition to determine if it was in substantial compliance with Rule 28-106.2015(5), *Florida Administrative Code*.

5. Rule 28-106.2015(5), *Florida Administrative Code*, requires that the Petitioner's Petition contain the following:

(a) The name, address, any e-mail address, telephone number, and facsimile number, if any, of the respondent, if the respondent is not represented by an attorney or qualified representative.

(b) The name, e-mail address, telephone number, and 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 to the administrative complaint.

6. The Petitioner failed to allege any disputed issues of material fact regarding the allegations set forth in the Administrative Complaint. In fact, the Petitioner filed the Election of Proceeding form without including any attachments or statements.

CONCLUSIONS OF LAW

7. The Department has jurisdiction over this matter pursuant to chapter 626, Florida Statutes.

8. Section 120.569(2)(c), Florida Statutes, provides that upon receipt of a petition or request for hearing, the agency shall carefully review the petition to determine if it contains all information required by Rule 28-106.2015(5), *Florida Administrative Code*. A petition shall be dismissed if it is not in substantial compliance with the requirements of that rule. Dismissal of a petition shall, at least once, be without prejudice to the Petitioner's filing a timely amended petition curing the defect.

9. A petition that does not contain a statement of all disputed issues of material fact is not in substantial compliance with Rule 28-106.2015(5), *Florida Administrative Code*.

10. The Petitioner has failed to substantially comply with all of the requirements of Rule 28-106.2015(5), *Florida Administrative Code*, in that his Petition does not contain a statement of all disputed issues of material facts.

IT IS THEREFORE ORDERED that the Petition for a Section 120.57(1), Florida Statutes, proceeding filed by the Petitioner is DISMISSED WITHOUT PREJUDICE.

The Petitioner is granted twenty-one (21) days from the date of this Order in which to file an amended petition curing the defects cited above by providing a petition containing a statement of those issues of material fact in the Administrative Complaint that are in dispute.


In the alternative, the Petitioner is granted twenty-one (21) days from the date of this Order in which to submit a written request for a section 120.57(2), Florida Statutes, informal proceeding before the Department of Financial Services. This is a proceeding that is available in those instances where there are no material facts in dispute. If such a proceeding is requested, the Petitioner may choose to submit written statements and documentary evidence in lieu of a hearing. The Petitioner may also choose to personally attend a hearing conducted by a Department Hearing Officer in Tallahassee. Lastly, if the Petitioner requests a proceeding

pursuant to section 120.57(2), Florida Statutes, the Petitioner may choose to attend the proceeding by way of a conference call.

The failure to respond within twenty-one (21) days from the date of this Order will result in the issuance of a Final Order dismissing the Petitioner's Petition with prejudice, pursuant to section 120.569(2)(c), Florida Statutes, and suspending or revoking the Petitioner's license(s).

DATED and SIGNED this 11th day of September, 2014.




Gregory Thomas
Division Director, Agent & Agency Services

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing ORDER DISMISSING PETITION FOR SECTION 120.57(1), FLORIDA STATUTES, PROCEEDING WITHOUT PREJUDICE, has been furnished to: Robert Buschel, Esq., by electronic mail at buschel@bglaw-pa.com this 11th day of September, 2014.



Rachic' A. Wilson
Senior Attorney
Department of Financial Services
Division of Legal Services
612 Larson Building
200 East Gaines Street
Tallahassee, Florida 32399-0333

STATE OF FLORIDA
DEPARTMENT OF FINANCIAL SERVICES
DIVISION OF LEGAL SERVICES

IN THE MATTER OF:

VINCENT JOSEPH RODAS

CASE NO.: 137388-13-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

Date: 6/20/14

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

Robert Buschel
Print Name

one Financial Plaza - Suite 1200
Address: Fort Lauderdale, FL 33394

954-530-5301
Phone No.:

954-320-
Fax No.:

6/23/14



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

FILED

JUN 16 2014

Docketed by Am

IN THE MATTER OF:

VINCENT JOSEPH RODAS

CASE NO.: 137388-13-AG

ADMINISTRATIVE COMPLAINT

VINCENT JOSEPH RODAS
1101 South Andrews Street
Fort Lauderdale, Florida 33316-1039

VINCENT JOSEPH RODAS
7870 NW 5th Place
Plantation, Florida 33324-1401

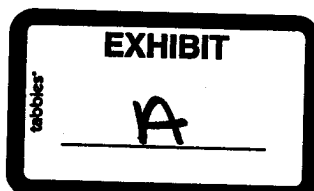
You, VINCENT JOSEPH RODAS, license number A223353, are hereby notified that the Chief Financial Officer of the State of Florida has caused to be made an investigation of your activities while licensed as a limited surety (bail bond) agent in this state, as a result of which it is alleged:

GENERAL ALLEGATIONS

1. Pursuant to Chapter 648, Florida Statutes, you, VINCENT JOSEPH RODAS, are currently licensed in this state as a limited surety (bail bond) agent (2-34).

2. At all times relevant to the dates and occurrences referred to herein, you, VINCENT JOSEPH RODAS, were licensed in this state as a limited surety (bail bond) agent with license number A223353.

3. Pursuant to Chapter 648, Florida Statutes, the Florida Department of Financial Services ("Department") has jurisdiction over your insurance licenses and appointments.



4. At all times relevant to the dates and occurrences herein, you, VINCENT JOSEPH RODAS, were appointed by International Fidelity Insurance Company (“International Fidelity”), a surety company.

5. At all times relevant to the dates and occurrences herein, you, VINCENT JOSEPH RODAS, solicited and executed bonds and conducted bail bond business at A ABBOTT & Cathy Bail Bonds (“AACBB”), located at 1101 South Andrews Avenue, Fort Lauderdale, Florida 33316.

COUNT I

6. The general allegations are re-alleged and fully incorporated herein by reference.

7. You, VINCENT JOSEPH RODAS, began employment with the Broward County Sheriff’s Office (“BSO”) on or around December 28, 1989, and have remained so employed at all times relevant to the dates and occurrences herein.

8. Between February 14, 2010, and May 30, 2012, you, VINCENT JOSEPH RODAS, wrote a total of twenty-six bail bonds and collected premium and sometimes collateral on such bonds.

IT IS THEREFORE CHARGED that you, VINCENT JOSEPH RODAS, have violated one or more of the following provisions of the Florida Statutes or Florida Administrative Code, which constitutes grounds for the suspension or revocation of your license as a limited surety (bail bond) agent in the state:

A. Section 648.45(2)(b), Florida Statutes, which prohibits persons employed as police officers or by any police department or law enforcement agency from being bail bond agents, temporary bail bond agents or employees of bail bond agents or businesses, and from benefiting directly or indirectly from the execution of any bail bond.

B. Section 648.45(2)(d), Florida Statutes, which prohibits persons employed as sheriffs and deputy sheriffs or employees of any sheriff's department from being bail bond agents, temporary bail bond agents or employees of bail bond agents or businesses, and from benefiting directly or indirectly from the execution of any bail bond.

WHEREFORE, you, VINCENT JOSEPH RODAS, are hereby notified that the Chief Financial Officer, through his designee, intends to enter an Order suspending or revoking your licenses and appointments as a limited surety (bail bond) agent, or to impose penalties, including administrative fines and restitution, as may be provided under the provisions of sections 648.442, 648.45, 648.49, 648.50, 648.51, 648.52, 648.53 and 648.571, Florida Statutes, and under the referenced sections of the Florida Statutes and Florida Administrative Code, as set out in this Administrative Complaint. Additionally, the Department intends to enter an order to cease and desist from violation of Chapter 648, Florida Statutes.

You are further notified that any order entered in this case revoking or suspending any license or eligibility for licensure held by you shall also apply to all other licenses and eligibility held by you under the Florida Insurance Code.

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.

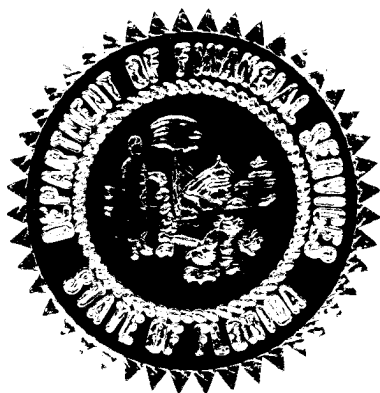
If a proceeding is requested and there is no dispute of material fact, the provisions of Section 120.57(2), Florida Statutes, apply. In this regard, you may submit oral or written evidence in opposition to the action taken by the Department or a written statement challenging the grounds upon which the 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 16th day of June, 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: VINCENT JOSEPH RODAS, 1101 South Andrews Avenue, Fort Lauderdale, Florida 33316, and 7870 NW 5th Place Plantation, Florida 33324-1401 by Certified Mail this 16th day of June, 2014.

91 7199 9991 7032 7167 3903

91 7199 9991 7032 7167 3910



Rachic' A. Wilson
Senior Attorney
Department of Financial Services
Division of Legal Services
200 East Gaines Street
Tallahassee, Florida 32399-0333

STATE OF FLORIDA
DEPARTMENT OF FINANCIAL SERVICES
DIVISION OF LEGAL SERVICES

IN THE MATTER OF:

VINCENT JOSEPH RODAS

CASE NO.: 137388-13-AG

ELECTION OF PROCEEDING

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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
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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 32399-0390.

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.: _____