

# FILED

OCT 30 2014

Docketed by AM



CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

IN THE MATTER OF:

Case No.: 157863-14-AG

KIM M. HANSEN

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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 September 4, 2014, and being fully advised in the premises, finds that:

1. Kim M. Hansen is currently licensed by the Department of Financial Services (the "Department"), pursuant to the Florida Insurance Code, as a general lines.
2. On September 4, 2014, the Department issued an Administrative Complaint, attached hereto as "Exhibit A," against Kim M. Hansen alleging that she failed to failure to pay a Final Judgment.
3. The Department notified Kim M. Hansen 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, after attempts at service via certified mail were unsuccessful, the Department served the Administrative Complaint upon Kim M. Hansen by e-mail at the e-mail address on record with the Department, with the required delivery receipt received on September 23, 2014. The e-mail, e-mail attachment (Administrative Complaint), and delivery receipt are attached hereto as "Exhibit B," and are fully incorporated herein by reference.

5. Kim M. Hansen 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 September 4, 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 Kim M. Hansen 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 Kim M. Hansen 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 Kim M. Hansen.

IT IS THEREFORE ORDERED that:

All licenses, appointments and eligibility for licensure heretofore issued to Kim M. Hansen, within the purview of the Department, are hereby SUSPENDED for a period of one (1) year.

(a) During the period of suspension, Kim M. Hansen 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.

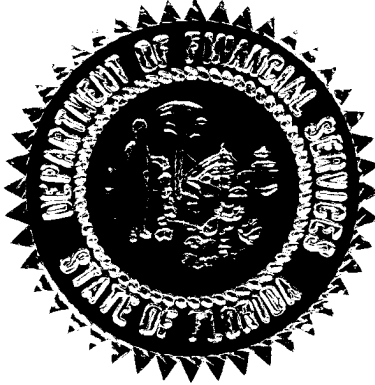
(c) Kim M. Hansen shall not have the right to apply for and the Department shall not grant another license or appointment under the Florida Insurance Code for one (1) year following the effective date of suspension.

(d) Following the one (1) year suspension, Kim M. Hansen shall be entitled to file for an application for reinstatement of licensure. However, the license of Kim M. Hansen shall not be reinstated if the circumstance or circumstances for which the license was suspended still exist or are likely to recur, or if she is not otherwise eligible for licensure.

(e) Within ten (10) calendar days of the issuance of this Order of Suspension, Kim M. Hansen shall return to the Department of Financial Services, Bureau of Licensing, 200 East Gaines Street, Tallahassee, Florida 32399-0319, all licenses issued to Kim M. Hansen 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 30<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:

HANSENINSURANCE@ATT.NET

Kim M. Hansen  
Hansen & Asso. Insurance  
1153 Egret Cir. S  
Jupiter , Florida 33458

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

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

FILED

SEP - 4 2014



CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

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IN THE MATTER OF:

CASE NO.: 157863-14-AG

KIM M. HANSEN

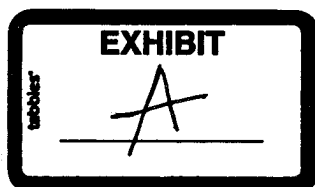
ADMINISTRATIVE COMPLAINT

Kim M. Hansen  
Hansen & Associates Insurance  
1153 Egret Circle South  
Jupiter, FL 33458

Kim M. Hansen is hereby notified that the Chief Financial Officer of the State of Florida has caused to be made an investigation of her 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, Kim M. Hansen is currently licensed in this state as a general lines agent.
2. At all times pertinent to the dates and occurrences referred to herein, Kim M. Hansen was licensed in this state as a general lines agent, license # A110399.
3. Pursuant to chapter 626, Florida Statutes, the Florida Department of Financial Services (the "Department") has jurisdiction over her insurance license and appointments.



4. Section 631.155, Florida Statutes, provides that premiums and unearned commissions which have been collected on behalf of an insurer by an agent, agency, or other entity or person constitute an asset of the insurer for which the agent, agency, or other entity or person has a duty to account to the receiver and to pay over amounts as may be due. The duty to account to the receiver shall encompass all persons or entities involved in the handling and transmittal of premium funds. An accounting shall be provided to the receiver within 20 days after receipt of a written demand for an accounting. If there is a dispute regarding the accounting, the court shall hear and decide the matter upon petition of the receiver. Compliance with this section and payment of sums determined to be owed by the court within 30 days of judgment, or within other payment terms approved by the court, shall constitute requirements for continued licensure of a person holding a license under the Florida Insurance Code, and failure to comply with this section shall be sufficient grounds for the license revocation.

#### COUNT I

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

6. Kim Hansen is listed as the owner and agent in charge of Hansen & Associates Insurance, Inc. ("Hansen"), registration #R054002.

7. On January 28, 2013, in the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, Civil Action No. 2010-CA-1230 B, a Final Judgment was entered in favor of the Department, as Receiver of Northern Capital Insurance against Hansen for unearned commissions in the amount of \$423.50, and accrued interest in the amount of \$21.82.

8. On February 18, 2014, a Satisfaction of Judgment was entered acknowledging the payment and satisfaction of the judgment in the amount of \$465.55.



IT IS THEREFORE CHARGED that Kim M. Hansen has 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 her license as an insurance agent in this state:

(a) Section 631.155, Florida Statutes, which provides that premiums and unearned commissions which have been collected on behalf of an insurer by an agent, agency, or other entity or person constitute an asset of the insurer for which the agent, agency, or other entity or person has a duty to account to the receiver and to pay over amounts as may be due. The duty to account to the receiver shall encompass all persons or entities involved in the handling and transmittal of premium funds. An accounting shall be provided to the receiver within 20 days after receipt of a written demand for an accounting. If there is a dispute regarding the accounting, the court shall hear and decide the matter upon petition of the receiver. Compliance with this section and payment of sums determined to be owed by the court within 30 days of judgment, or within other payment terms approved by the court, shall constitute requirements for continued licensure of a person holding a license under the Florida Insurance Code, and failure to comply with this section shall be sufficient grounds for the license revocation.

(b) Section 626.611(1)(m), Florida Statutes, which provides that the 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 code is grounds for revocation suspension of a license.

(c) Section 626.621(2), Florida Statutes, which provides that violation of any provision of this code or of any law applicable to the business of insurance in the course of dealing under the license(s) or appointment(s) are grounds for revocation suspension of a license.

(d) Section 626.621(4), Florida Statutes, which provides that failure or refusal, upon demand, to pay over to any insurer he or she represents or has represented any money coming into his or her hands belonging to the insurer is grounds for revocation suspension of a license.

WHEREFORE, Kim M. Hansen is hereby notified that the Chief Financial Officer intends to enter an Order suspending or revoking her license and appointments as an insurance agent or to impose such penalties as may be provided under the provisions of sections 626.611, 626.621, 626.681, 626.691, 626.9521, and 631.155, Florida Statutes, and under the other referenced sections of the Florida Statutes as set out in this Administrative Complaint.

DATED and SIGNED this 4<sup>th</sup> day of September, 2014.



Gregory Thomas  
Director, Agent & Agency Services

#### NOTICE OF RIGHTS

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

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

If Kim M. Hansen requests a proceeding, she 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, Kim M. Hansen's 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, Kim M. Hansen is 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, Kim M. Hansen has the right to be represented by counsel or other qualified representative at her 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, Kim M. Hansen 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 Kim M. Hansen feels that a hearing is necessary, one will be conducted in Tallahassee, Florida, or by telephonic conference call upon her request.

However, if Kim M. Hansen disputes material facts which are the basis for the Department's action, she 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 Kim M. Hansen'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 Kim M. Hansen until the response has been received by the Department of Financial 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: Kim M. Hansen, at Hansen & Assoc. Insurance, 1153 Egret Cir. S, Jupiter, Florida 33458, by Certified Mail this 4<sup>th</sup> day of September, 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

**Edgil, Kerry**

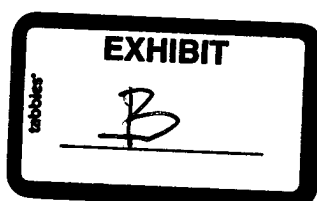
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**From:** Microsoft Outlook  
**To:** 'HANSENINSURANCE@ATT.NET'  
**Sent:** Tuesday, September 23, 2014 1:10 PM  
**Subject:** Relayed: 157863-14-AG HANSEN, Kim M.:

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

'HANSENINSURANCE@ATT.NET' (HANSENINSURANCE@ATT.NET)

Subject: 157863-14-AG HANSEN, Kim M.:



STATE OF FLORIDA  
DEPARTMENT OF FINANCIAL SERVICES  
DIVISION OF LEGAL SERVICES

IN THE MATTER OF:

KIM M. HANSEN

CASE NO.: 157863-14-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.: \_\_\_\_\_

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