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DEC 08 2014



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

Docketed by AM

IN THE MATTER OF:

MARTHA REBECA LOPEZ

CASE NO.: 130183-13-AG

FINAL ORDER DISMISSING PETITION WITH PREJUDICE AND
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 July 8, 2014, and the Order to Show Cause as to Why Respondent's Petition Should Not be Dismissed as Untimely (the "Order to Show Cause"), and being fully advised in the premises, finds that:

1. On July 8, 2014, the Department filed an Administrative Complaint against Martha Rebeca Lopez, a/k/a Martha R. Lopez-Puig (the "Respondent"). The Administrative Complaint is attached as Exhibit A to the Order to Show Cause, which is attached hereto as Exhibit AA and is fully incorporated herein by reference.

2. In compliance with section 624.310(6), Florida Statutes, on or about August 11, 2014, the Department served the Respondent with the Administrative Complaint, including a Notice of Rights and Election of Proceeding form.

3. On or about September 22, 2014, Respondent filed a Notice of Rights and Election of Proceeding form (collectively referred to as the "Petition"), Exhibit B to Exhibit AA,

with the Department wherein Respondent petitioned for a proceeding pursuant to section 120.57(1), Florida Statutes, to be held before the Division of Administrative Hearings.

4. Respondent's Petition was untimely filed.

5. Section 120.569(2)(c), Florida Statutes, states in pertinent part that "[a] petition shall be dismissed if. . . it has been untimely filed."

6. Rule 28-106.111(4), *Florida Administrative Code*, states in pertinent part, "Any person who receives written notice of an agency decision and who fails to file a written request for a hearing within 21 days waives the right to request a hearing on such matters."

7. On October 31, 2014, through an Order to Show Cause, the Department allowed Respondent until November 21, 2014, to file a statement indicating why Respondent's Petition should not be dismissed with prejudice as untimely and why Respondent's limited surety (bail bond) agent license should not be suspended or revoked.

8. Respondent failed to timely file a statement indicating why Respondent's Petition should not be dismissed with prejudice as untimely and why Respondent's limited surety (bail bond) agent license should not be suspended or revoked.

9. The Department has jurisdiction over this matter pursuant to chapters 624 and 648, Florida Statutes.

DISMISSAL OF PETITION

10. Martha Rebecca Lopez's failure to file a timely petition for hearing constitutes grounds to dismiss Martha Rebecca Lopez's Petition with prejudice.

FINDINGS OF FACT

11. The factual allegations contained in the Administrative Complaint filed on July 8, 2014, which is attached hereto as Exhibit A to Exhibit AA, and fully incorporated herein by reference, are hereby adopted as this Department's Findings of Fact in this case.

CONCLUSION OF LAW

12. Based upon the Findings of Fact adopted herein, the Department concludes that Martha Rebecca Lopez violated the specific statutes and rules charged in each count of the Administrative Complaint, attached hereto as Exhibit A to Exhibit AA, and hereby adopts the violations charged in each count of the Administrative Complaint as the Conclusions of Law in this case.

IT IS THEREFORE ORDERED that:

(a) Martha Rebecca Lopez's Petition for an administrative proceeding is hereby DISMISSED WITH PREJUDICE.

(b) All licenses, appointments and eligibility for licensure heretofore issued to Martha Rebecca Lopez, within the purview of the Department, are hereby REVOKED.

(c) Martha Rebecca Lopez does not have the right to apply for another license under chapter 648, Florida Statutes.

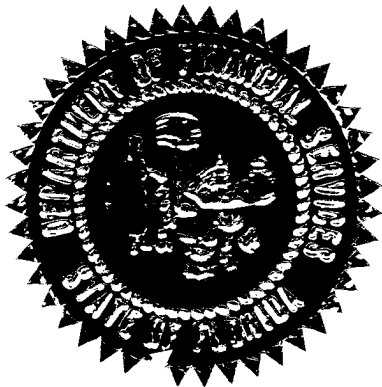
(d) During the period of revocation, Martha Rebecca Lopez shall not engage in or attempt or profess to engage in any transaction of business for which a license or appointment is required under the Florida Insurance Code, including, but not limited to, chapter 648, Florida Statutes.


(e) During the period of revocation, Martha Rebecca Lopez shall not be employed by any bail bond agent, have any ownership interest in any business involving bail bonds, or have any financial interest of any type in any bail bond business, or directly or indirectly own, control, or be employed in any manner by any insurance agent or agency or adjuster or adjusting firm.

(f) Martha Rebecca Lopez shall return 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, all licenses issued to Martha Rebecca Lopez pursuant to the Florida Insurance Code.

(g) Any person who knowingly transacts insurance or otherwise engages in insurance activities in this state without a license, or while the license(s) is suspended or revoked, commits a felony of the third degree.

DONE and ORDERED this 8th day of December, 2014.




Gregory Thomas, Director
Division of Agent and 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.

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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order Dismissing Petition with Prejudice and Order of Revocation, was furnished by U.S. mail to Martha Rebeca Lopez, at 6361 Cow Pen Road, #102, Miami Lakes, Florida 33014 on this 8th day of December, 2014.



Robert Alan Fox
Senior Attorney
Department of Financial Services
Division of Legal Services
200 East Gaines Street
Tallahassee, Florida 32399-0333

FILED

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Docketed by AM

CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

IN THE MATTER OF:

MARTHA REBECA LOPEZ

CASE NO.: 130183-12-AG

ORDER TO SHOW CAUSE
AS TO WHY RESPONDENT'S PETITION SHOULD NOT BE DISMISSED AS UNTIMELY

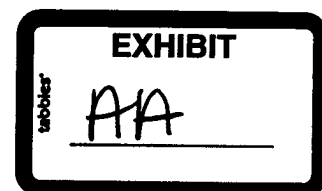
The State of Florida, Department of Financial Services (the "Department") enters this Order to Show Cause as to Why Respondent's Petition Should Not be Dismissed as Untimely, and as grounds therefor states:

FINDINGS OF FACT

1. On July 8, 2014, the Department filed an Administrative Complaint against Martha Rebeca Lopez (a/k/a Martha R. Lopez-Puig) (the "Respondent"). The Administrative Complaint is attached hereto as "Exhibit A," and is fully incorporated herein by reference.

2. The Respondent 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 suspension or revocation of Respondent's limited surety (bail bond) agent license.

3. According to the United States Postal Service's (the "USPS") tracking records, on August 11, 2014, the USPS delivered the Administrative Complaint to the Respondent.



4. The Respondent failed to answer the Administrative Complaint or request a proceeding in accordance with Sections 120.569 and 120.57, Florida Statutes.

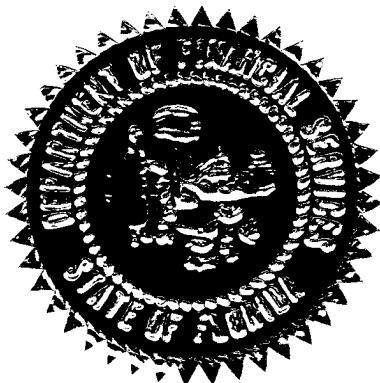
5. On or about September 22, 2014, Respondent filed an Election of Proceeding form with the Department wherein Respondent petitioned for a proceeding pursuant to section 120.57(1), Florida Statutes, to be held before the Division of Administrative Hearings. The Petition is attached hereto as "Exhibit B," and fully incorporated herein by reference.


6. Rule 28-106.111(4), *Florida Administrative Code*, states, in pertinent part, "Any person who receives written notice of an agency decision and who fails to file a written request for a hearing within 21 days waives the right to request a hearing on such matters."

7. Section 120.569(2)(c), Florida Statutes, compels dismissal of untimely petitions in administrative hearings.

THEREFORE, it appearing to the Department that the Petition was not timely filed, Respondent is granted twenty-one (21) days from the date of this Order in which to file a statement indicating why Respondent's Petition should not be dismissed with prejudice and why Respondent's limited surety (bail bond) agent license should not be suspended or revoked. 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 Petition **with prejudice**, pursuant to section 120.569(2)(c), Florida Statutes, and Rule 28-106.111(4), *Florida Administrative Code*, and suspending or revoking Respondent's limited surety (bail bond) agent license.

DATED and SIGNED this 31st day of October, 2014.




Gregory Thomas, Director
Division of Agent and Agency Services

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order to Show Cause as to Why Respondent's Petition Should Not be Dismissed as Untimely has been furnished to: Martha Rebeca Lopez at 6361 Cow Pen Road, 102, Miami Lakes, Florida 33014, by U.S. Mail Certified Mail, restricted delivery, this 31st day of October, 2014.



Robert Alan Fox
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:


MARTHA REBECA LOPEZ

CASE NO.: 130183-13-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: Martha Lopez

Date: 9/17/14

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

Print Name: Martha Lopez

Address: 6361 Cove Rd 102
Niagara Lakes FL 33014

Phone No.: 786 337 0105

Fax No.: 786 420 5763

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Docketed by KM

CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

IN THE MATTER OF:

CASE NO.: 130183-13-AG

MARTHA REBECA LOPEZ

ADMINISTRATIVE COMPLAINT

MARTHA REBECA LOPEZ
1395 NW 15th Street
Miami, Florida 33125
A007LADYBOND@YAHOO.COM

You, MARTHA REBECA LOPEZ, (also known as Martha R. Lopez-Puig), 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, MARTHA REBECA LOPEZ, are currently, and have been at all times pertinent to the events and occurrences set forth herein, licensed in this state as a limited surety (bail bond) agent, License #A158445.

2. You, MARTHA REBECA LOPEZ, own Lady Bond Bail Bonds, a bail bond agency located in Miami-Dade County, Florida.



3. At all times pertinent to the dates and occurrences referred to herein you, MARTHA REBECA LOPEZ, were the primary bail bond agent for Lady Bond Bail Bonds.

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 February 1, 2010, you, MARTHA REBECA LOPEZ, entered into a promissory note ("Promissory Note"), in the amount of \$112,259.85, with AIA Holdings, Inc.

7. When entering into the Promissory Note, AIA Holdings, Inc. was acting for and on behalf of Allegheny Casualty Company and/or Fidelity Insurance Company.

8. The \$112,259.85 is comprised of unpaid premium, unpaid forfeitures and judgments, and miscellaneous fees that you, MARTHA REBECA LOPEZ, owed Allegheny Casualty Company, a surety you were appointed as an agent with and a surety that you had transacted bail bond business on behalf of.

9. On April 1, 2010, you, MARTHA REBECA LOPEZ, AIA Holdings, Inc. entered into an amendment to the Promissory Note.

10. The Promissory Note was amended to include an additional \$73,713.66 that you, MARTHA REBECA LOPEZ, owed Allegheny Casualty Company.

11. The additional \$73,713.66 is comprised of unpaid premium, unpaid forfeitures and judgments, and miscellaneous fees that you, MARTHA REBECA LOPEZ, owed Allegheny Casualty Company.

12. As of April 2010, you, MARTHA REBECA LOPEZ, owed AIA Holdings, Inc. and/or Allegheny Casualty Company \$185,973.51.

13. Subsequent to the April 2010 Amendment, you, MARTHA REBECA LOPEZ, amassed additional debt to AIA Holdings, Inc., and/or Allegheny Casualty Company in the amount of \$107,616.96.

14. The additional \$107,616.96 is comprised of unpaid premium, unpaid forfeitures and judgments, and miscellaneous fees that you, MARTHA REBECA LOPEZ, owed Allegheny Casualty Company.

15. As of November 5, 2013, you, MARTHA REBECA LOPEZ, owed AIA Holdings, Inc. and/or Allegheny Casualty Company \$292,890.27.

16. Pursuant to the terms of the Promissory Note, you, MARTHA REBECA LOPEZ, were to pay AIA Holdings, Inc. “(i) Two Hundred and Forty (240) consecutive weekly payments of Two Hundred Dollars (\$200.00) each, payable on the Friday of each such week, and (ii) one payment of the then remaining principal balance any accrued and unpaid interest as provided herein upon the Two Hundred and Fortieth (240th) payment.”

17. As of November 5, 2013, you, MARTHA REBECA LOPEZ, had only paid AIA Holdings, Inc. and/or Allegheny Casualty Company approximately \$700.00 in relation to the Promissory Note.

18. As of November 5, 2013, you, MARTHA REBECA LOPEZ, had only made the following payments toward the Promissory Note: 1) \$200.00 on or around April 5, 2010; 2) \$300.00 on or around November 15, 2010; and 3) \$200.00 on or around December 7, 2010.

IT IS THEREFORE CHARGED that you, MARTHA REBECA LOPEZ, 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 Florida 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 648.34(2)(e), Florida Statutes, which provides that the applicant is a person of high character and approved integrity.

(c) 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 Florida Insurance Code if the licensee had exhibited a demonstrable lack of fitness or trustworthiness to engage in the limited surety (bail bond) agent business.

(d) Section 648.45(2)(h), 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 Florida Insurance Code if the licensee is guilty of misappropriation, conversion, or unlawful withholding of moneys belonging to a surety, a principal, or others and received in the conduct of business under a license.

(e) Section 648.45(2)(l), 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 Florida Insurance Code if the licensee has demonstrated lack of good faith in carrying out contractual obligations and agreements.

(f) Section 648.45(2)(m), 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 Florida Insurance Code if the licensee has failed to perform a contractual obligation or agreement with a managing general agent or insurer which results in an unrecovered loss due to nonpayment of a forfeiture or judgment by the licensee.

(g) Section 648.45(3)(c), 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 Florida Insurance Code if the licensee violated any law relating to the business of bail bond insurance or violation of any provision of the Florida Insurance Code.

(h) Section 648.295(1), Florida Statutes, which provides that all premiums, return premiums, or other funds belonging to insurers or others received by a person licensed pursuant to Chapter 648, Florida Statutes, in transactions under his or her license are trust funds received by the licensee in a fiduciary capacity, and the licensee must account for and pay the same to the insurer, insured, or other person entitled to such funds.

(i) Section 648.45(3)(d), 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 Florida Insurance Code if the licensee failed or refused, upon demand, to pay over to any insurer the bail bond agent represents or has represented any money coming into his or her hands which money belongs to the insurer.

(j) Section 648.45(3)(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 Florida Insurance Code if the licensee is found to be a source of injury or loss to the public or detrimental to the public interest or being found by the Department to be no longer carrying on the bail bond business in good faith.

COUNT II

19. The above general allegations, and paragraphs 6 through 16 are hereby realleged and fully incorporated herein by reference.

20. On or around July 14, 2011, you, MARTHA REBECA LOPEZ, filed with the Department, or had filed with the Department on your behalf, an appointing form in which United States Fire Insurance Company appointed you as a bail agent.

21. Part II of the appointing form states:

PART II (to be completed by temporary agents, permanent agents and managing general agents)

Pursuant to Section 648.382 (2)(b), F.S., I do solemnly swear that I owe no premium to any insurer and that I will discharge all outstanding forfeitures and judgments on bonds that may have been previously written.

Signature of appointee (agent)

22. You, MARTHA REBECA LOPEZ, signed Part II of the appointing form.

23. You, MARTHA REBECA LOPEZ, knew, when you signed Part II of the appointing form, that you owed premium to an insurer.

24. You, MARTHA REBECA LOPEZ, knew, when you signed Part II of the appointing form, that you had not discharged, and were not discharging, all outstanding forfeitures and judgments on bonds that you had previously written.

IT IS THEREFORE CHARGED that you, MARTHA REBECA LOPEZ, 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 Florida 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 648.34(2)(e), Florida Statutes, which provides that the applicant is a person of high character and approved integrity.

(c) Section 648.45(2)(b), 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 Florida Insurance Code, if it finds that the licensee has made a material misstatement, misrepresentation, or fraud in obtaining a license or appointment, or in attempting to obtain a license or appointment.

(d) 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 Florida Insurance Code if the licensee had exhibited a demonstrable lack of fitness or trustworthiness to engage in the limited surety (bail bond) agent business.

(e) Section 648.45(2)(o)1, 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 Florida Insurance Code if the licensee has signed and filed a report or record in the capacity of an agent which the licensee knows to be false or misleading.

(f) Section 648.45(3)(c), 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 Florida Insurance Code if the licensee violated any law relating to the business of bail bond insurance or violation of any provision of the Florida Insurance Code.

(g) Section 648.382(1), Florida Statutes, which provides that each insurer appointing a bail bond agent and each insurer, managing general agent, or bail bond agent appointing a temporary bail bond agent in this state must file the appointment with the Department and, at the same time, pay the applicable appointment fees and taxes.

(h) Section 648.382(2)(a), Florida Statutes, which provides that, prior to any appointment, an appropriate officer or official of the appointing insurer in the case of a bail bond agent or an insurer, managing general agent, or bail bond agent in the case of a temporary bail bond agent must submit, an affidavit under oath on a form prescribed by the Department, signed by the proposed appointee, stating that premiums are not owed to any insurer and that the appointee will discharge all outstanding forfeitures and judgments on bonds previously written.

COUNT III

25. The above general allegations, and paragraphs 6 through 16 are hereby realleged and fully incorporated herein by reference.

26. On or around July 17, 2010, you, MARTHA REBECA LOPEZ, filed with the Department, or had filed with the Department on your behalf, an appointing form in which Palmetto Surety Corporation appointed you as a bail agent.

27. Part II of the appointing form states:

PART II (to be completed by temporary agents, permanent agents and managing general agents)

Pursuant to Section 648.382 (2)(b), F.S., I do solemnly swear that I owe no premium to any insurer and that I will discharge all outstanding forfeitures and judgments on bonds that may have been previously written.

Signature of appointee (agent)

28. You, MARTHA REBECA LOPEZ, signed Part II of the appointing form.

29. You, MARTHA REBECA LOPEZ, knew, when you signed Part II of the appointing form, that you owed premium to an insurer.

30. You, MARTHA REBECA LOPEZ, knew, when you signed Part II of the appointing form, that you had not discharged, and were not discharging, all outstanding forfeitures and judgments on bonds that you had previously written.

IT IS THEREFORE CHARGED that you, MARTHA REBECA LOPEZ, 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 Florida 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 648.34(2)(e), Florida Statutes, which provides that the applicant is a person of high character and approved integrity.

(c) Section 648.45(2)(b), 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 Florida Insurance Code, if it finds that the licensee has made a material misstatement, misrepresentation, or fraud in obtaining a license or appointment, or in attempting to obtain a license or appointment.

(d) 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 Florida Insurance Code if the licensee had exhibited a demonstrable lack of fitness or trustworthiness to engage in the limited surety (bail bond) agent business.

(e) Section 648.45(2)(o)1, 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 Florida Insurance Code if the licensee has signed and filed a report or record in the capacity of an agent which the licensee knows to be false or misleading.

(f) Section 648.45(3)(c), 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 Florida Insurance Code if the licensee violated any law relating to the business of bail bond insurance or violation of any provision of the Florida Insurance Code.

(g) Section 648.382(1), Florida Statutes, which provides that each insurer appointing a bail bond agent and each insurer, managing general agent, or bail bond agent appointing a temporary bail bond agent in this state must file the appointment with the Department and, at the same time, pay the applicable appointment fees and taxes.

(h) Section 648.382(2)(a), Florida Statutes, which provides that, prior to any appointment, an appropriate officer or official of the appointing insurer in the case of a bail bond agent or an insurer, managing general agent, or bail bond agent in the case of a temporary bail bond agent must submit, an affidavit under oath on a form prescribed by the Department, signed by the proposed appointee, stating that premiums are not owed to any insurer and that the appointee will discharge all outstanding forfeitures and judgments on bonds previously written.

WHEREFORE, you, MARTHA REBECA LOPEZ, 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 8th day of July, 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: MARTHA REBECA LOPEZ, 1395 NW 15th Street, Miami, FL 33125, by Certified Mail this 8th day of July, 2014.



Robert Alan Fox
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:

CASE NO.: 130183-13-AG

MARTHA REBECA LOPEZ

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.: _____