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CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

Docketed by Am

IN THE MATTER OF

Case No. 154194-14-AG

LARRY DENSMORE
a/k/a LAWRENCE DENSMORE

ORDER TO CEASE AND DESIST

THIS PROCEEDING came on for final agency action and the Chief Financial Officer, through his designee, having considered the record in this case and the Notice of Intent to Issue a Cease and Desist Order and being fully advised in the premises, finds:

1. Larry Densmore, a/k/a Lawrence Densmore, is not currently licensed by the Department of Financial Services (hereinafter referred to as the "Department") pursuant to the Florida Insurance Code.

2. On or about November 4, 2014, the Department issued a Notice of Intent to Issue a Cease and Desist Order (Notice) against Larry Densmore alleging, among other things, he engaged in the unlicensed practice of insurance. The Notice is attached to this Order to Cease and Desist (Order) as Exhibit A, and is fully incorporated in this Order by reference.

3. In the Notice, the Department included a Notice of Rights and an Election of Proceeding form. The Department advised Larry Densmore that his failure to respond to the Notice, and to request a proceeding in accordance with sections 120.569 and 120.57, Florida Statutes, within twenty-one days would result in his waiver of a right to a hearing and the entry of an Order to Cease and Desist.

4. In accordance with section 120.60(5), on or about November 6, 2014, the Department served the Notice on Larry Densmore, as evidenced by Exhibit B.

5. Based upon the date of service of the Notice upon Larry Densmore, his request for disposition of the matter was due November 28, 2014.

6. As of December 2, 2014, the Department has not received Larry Densmore's request for a hearing.

FINDINGS OF FACT

7. The factual allegations contained in the Notice are hereby adopted as the Department's Findings of Fact in this case.

CONCLUSIONS OF LAW

8. Based upon the Findings of Fact adopted herein, the Department concludes Larry Densmore violated the specific statutes and rules charged in each count of the Notice, attached hereto as Exhibit A, and hereby adopts the violations charged in each count of the Notice as the Conclusions of Law in this case.

IT IS THEREFORE ORDERED:

(a) Larry Densmore shall cease and desist from:

(1) accepting any commission or other valuable consideration from an insurance company or licensed life agent;

(2) accepting any commission or other valuable consideration from an insurance company or licensed health agent;

(3) transacting insurance without complying with the applicable provisions of the Florida Insurance Code;

(4) acting or operating as an insurance agent in Florida;

- (5) advertising or holding himself out as an insurance agent;
- (6) engaging in the business of insurance without being properly licensed;
- (7) engaging in or attempting or professing to engage in any transaction or business for which a license or appointment is required under the Florida Insurance Code;
- (8) soliciting insurance or annuities or procure applications; and
- (9) violating the Florida Insurance Code, including, but not limited to those provisions specifically cited in the Notice of Intent.

(b) The Department provides notice to Larry Densmore that the Department, pursuant to section 624.310(5), Florida Statutes, shall, in addition to any other applicable penalties, impose a fine in accordance with section 624.310(5), Florida Statutes, against Larry Densmore if he does not comply with this Cease and Desist Order.

(c) 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.

NOTICE OF RIGHTS

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.

DONE and ORDERED this 24th day of December, 2014.




Gregory Thomas
Director, Division of Agent & Agency Services

Copies furnished:

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

Larry Densmore
1107 Parkview Court
Palm Bay, Florida 32907-2165

Manshi Shah, Assistant General Counsel
Department of Financial Services
Division of Legal Services
612 Larson Building
200 East Gaines Street
Tallahassee, Florida 32399

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CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

Docketed by AM

IN THE MATTER OF:

Case No.: 154194-14-AG

LARRY DENSMORE
a/k/a LAWRENCE DENSMORE

NOTICE OF INTENT TO ISSUE CEASE AND DESIST ORDER

Larry Densmore,
a/k/a Lawrence Densmore
1107 Parkview Court
Palm Bay, Florida 32907-2165

Larry Densmore, a/k/a Lawrence Densmore, is hereby notified the Chief Financial Officer of the State of Florida has caused to be made an investigation of his activities in this state, as a result of which it is alleged:

GENERAL ALLEGATIONS

1. Pursuant to chapter 626, Florida Statutes, the Florida Department of Financial Services (the "Department") has jurisdiction over the business of insurance.
2. On or about April 20, 2006, the Department filed an Order of Revocation revoking Larry Densmore's insurance licenses.
3. According to the Order of Revocation, Larry Densmore was prohibited from engaging in or attempting or professing to engage in any transaction or business for which a insurance license or appointment is required under the Florida Insurance Code.

EXHIBIT

A

4. Moreover, the Order of Revocation prohibited Larry Densmore from directly or indirectly owning, controlling, or being employed in any matter by an insurance agent, agency, adjuster or adjusting firm.

5. At all times relevant to the dates and occurrences referred to herein, Larry Densmore did not hold any license issued pursuant to the Florida Insurance Code.

6. On or about May 11, 2007, Larry Densmore opened an individual checking account at Bank of America ("BOA").

7. Larry Densmore was the only authorized signatory on the BOA account, and upon Larry Densmore's death, the balance in the bank account was payable to Nicole Bigelow.

8. On or about July 12, 2007, Larry Densmore opened a bank account at Branch Banking and Trust Company ("BB&T"). The name and address of the depositor was Lawrence Densmore d/b/a Consolidated Consulting Group, 1107 Parkview Court, Palm Bay, Florida 32907.

9. Larry Densmore was the only authorized signatory on the BB&T account.

10. On or about September 19, 2011, Larry Densmore opened another bank account at BB&T ("BB&T II"). The name and address of the depositor was Lawrence Densmore d/b/a Consolidated Consulting Group, 1107 Parkview Court, Palm Bay, Florida 32907.

11. Larry Densmore was the only authorized signatory on the BB&T II account.

12. At all times material hereto, Nicole Bigelow was a Florida licensed resident life including variable annuity and health insurance agent.

COUNT I

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

14. On or about September 16, 2009, Nicole Bigelow submitted an application for appointment with Mutual of Omaha Insurance Company ("Mutual").

15. In addition, Nicole Bigelow listed Larry Densmore's BB&T bank account on her application for appointment with Mutual indicating that all commissions be deposited into said account.

16. On or about September 7, 2012, Mutual deposited commissions in the amount of five hundred, eighty-five dollars and seventy-seven cents (\$585.77) into Larry Densmore's BB&T II account.

17. On or about September 14, 2012, Mutual deposited commissions in the amount of seven hundred, ten dollars and forty-six cents (\$710.46) into Larry Densmore's BB&T II account.

IT IS THEREFORE CHARGED that Larry Densmore violated or is accountable under one or more of the following provisions of the Florida Statutes or Florida Administrative Code, which constitute grounds for the imposition of a cease and desist order:

(a) Section 626.794, Florida Statutes, which provides that:

(1) No life insurer or licensed life agent shall pay directly or indirectly any commission or other valuable consideration to any person for services as a life insurance agent within this state, unless such person holds a currently valid license and appointment to act as a life insurance agent as required by the laws of this state; except that a life insurer may pay such commission or other valuable consideration to, and a licensed and appointed life insurance agent may share any commission or other valuable consideration with, an incorporated insurance agency in which all employees, stockholders, directors, or officers who solicit, negotiate, or effectuate life insurance contracts are qualified life insurance agents holding currently valid licenses and appointments.

(2) No person other than a licensed and appointed life agent shall accept any such commission or other valuable consideration, except as provided in subsection (1).

(b) Section 626.838, Florida Statutes, which provides that:

(1) No health insurer or licensed health agent shall pay directly or indirectly any commission or other valuable consideration to any person for services as a health insurance agent within this state, unless such person holds a currently valid license and appointment to act as a health insurance agent as required by the laws of this state; except that a health insurer may pay such commission or other valuable consideration to, and a licensed and appointed health insurance agent may share any commission or other valuable consideration with, an incorporated insurance agency in which all employees, stockholders, directors, or officers who solicit, negotiate, or effectuate health insurance contracts are qualified health insurance agents holding currently valid licenses and appointments.

(2) No person other than a licensed and appointed health agent shall accept any such commission or other valuable consideration, except as provided in subsection (1).

(c) Section 624.10, Florida Statutes, which provides transacting insurance includes any of the following, in addition to other applicable provisions of the Florida Insurance Code: 1) solicitation or inducement; 2) preliminary negotiations; 3) effectuation of a contract of insurance; and 4) transaction of matters subsequent to effectuation of a contract of insurance and arising out of it.

(d) Section 624.11(1), Florida Statutes, which provides no person shall transact in this state, or relative to a subject of insurance resident, located, or to be performed in this state, without complying with the applicable provisions of Florida Insurance Code.

(e) Section 626.015(2), Florida Statutes, which provides an “agent” means a general lines agent, life agent, health agent, or title agent, or all such agents, as indicated by context. The

term “agent” includes an insurance producer or producer, but does not include a customer representative, limited customer representative, or service representative.

(f) Sections 626.112(1)(a) and (2), Florida Statutes, which provide that no person may be, act as, or advertise or hold himself or herself out to be an insurance agent, insurance adjuster, or customer representative unless he or she is currently licensed by the department and appointed by an appropriate appointing entity or person; and no agent or customer representative shall solicit or otherwise transact as agent or customer representative, or represent or hold himself or herself out to be an agent or customer representative as to, any kind or kinds of insurance as to which he or she is not then licensed and appointed.

(g) Section 626.9581(1), Florida Statutes, which provides, in relevant part, that if it is determined that the person charged has engaged in an unfair or deceptive act or practice or the unlawful transaction of insurance, the department or office shall issue an order requiring the violator to cease and desist from engaging in such method of competition, act, or practice or the unlawful transaction of insurance.

(h) Section 626.9571(1), Florida Statutes, which provides, among other things, that it is a violation for any person to engage in the business of insurance without being properly licensed.

(i) Section 626.641(4), Florida Statutes, which provides during the period of suspension or revocation of a license or appointment, and until the license is reinstated or, if revoked, a new license issued, the former licensee or appointee may not engage in or attempt or profess to engage in any transaction or business for which a license or appointment is required under this code or directly or indirectly own, control, or be employed in any manner by an agent, agency, adjuster, or adjusting firm.

(j) Section 626.7845(2)(a), Florida Statutes, which provides, in relevant part, no individual shall, unless licensed as a life agent, solicit insurance or annuities or procure applications.

COUNT II

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

19. On or about May 13, 2009, Nicole Bigelow submitted an application for appointment with United Home Life Insurance Company ("United").

20. In addition, Nicole Bigelow listed Larry Densmore's BOA bank account as the account on her application for appointment with United indicating that all commissions be deposited into said account.

21. United deposited one hundred, seventeen dollars and forty-seven cents (\$117.47) into Larry Densmore's BOA account for the period of March 1, 2013, through March 31, 2013.

22. United deposited one hundred, thirty-six dollars and nineteen cents (\$136.19) into Larry Densmore's BOA account for the period of April 1, 2013, through April 30, 2013.

23. United deposited one hundred, twenty-six dollars and eighty-three cents (\$126.83) into Larry Densmore's BOA account for the period of May 1, 2013, through May 31, 2013.

24. United deposited thirty two dollars and thirty-nine cents (\$32.39) into Larry Densmore's BOA account for the period of June 1, 2013, through June 30, 2013.

IT IS THEREFORE CHARGED that Larry Densmore violated or is accountable under one or more of the following provisions of the Florida Statutes or Florida Administrative Code, which constitute grounds for the imposition of a cease and desist order: sections 626.794, 626.838, 624.10, 624.11(1), 626.015(2), 626.112(1)(a) and (2), 626.9581(1), 626.9571(1), 626.641(4), and 626.7845(2)(a), Florida Statutes, all of which are alleged in detail in Count I.

COUNT III

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

26. On or about February 27, 2012, Nicole Bigelow submitted an application for appointment with Transamerica Life Insurance Company ("Transamerica").

27. In addition, Nicole Bigelow listed Larry Densmore's BB&T II bank account on her application for appointment with Transamerica indicating that all commissions be deposited into said account.

28. On or about June 28, 2012, Transamerica deposited commissions in the amount of two hundred, thirty-one dollars and sixty-one cents (\$231.61) into Larry Densmore's BB&T II account.

29. On or about December 27, 2012, Transamerica deposited commissions in the amount of two hundred, thirty-one dollars and sixty-one cents (\$231.61) into Larry Densmore's BB&T II account..

IT IS THEREFORE CHARGED that Larry Densmore violated or is accountable under one or more of the following provisions of the Florida Statutes or Florida Administrative Code, which constitute grounds for the imposition of a cease and desist order: sections 626.794, 626.838, 624.10, 624.11(1), 626.015(2), 626.112(1)(a) and (2), 626.9581(1), 626.9571(1), 626.641(4), and 626.7845(2)(a), Florida Statutes, all of which are alleged in detail in Count I.

COUNT IV

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

31. On or about May 20, 2010, Nicole Bigelow submitted an application for appointment with American General Life Insurance Company ("AIG").

32. In addition, Nicole Bigelow listed Larry Densmore's BB&T bank account on her application for appointment with AIG indicating that all commissions be deposited into said account.

IT IS THEREFORE CHARGED that Larry Densmore violated or is accountable under one or more of the following provisions of the Florida Statutes or Florida Administrative Code, which constitute grounds for the imposition of a cease and desist order: sections 626.794, 626.838, 624.10, 624.11(1), 626.015(2), 626.112(1)(a) and (2), 626.9581(1), 626.9571(1), 626.641(4), and 626.7845(2)(a), Florida Statutes, all of which are alleged in detail in Count I.

COUNT V

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

34. Nicole Bigelow authorized Protective Life Insurance Company ("Protective") to deposit all commissions into Larry Densmore's BB&T II bank account.

35. Prior to September 5, 2012, all commissions from Protective were remitted via check and mailed to 1107 Parkview Court, Palm Bay, Florida, which is Larry Densmore's address.

36. On or about December 18, 2012, Protective deposited commissions in the amount of two hundred, two dollars and fifty cents (\$202.50) into Larry Densmore's BB&T II account.

37. On or about April 23, 2013, Protective deposited commissions in the amount of sixty-seven dollars and fifty-one cents (\$67.51) into Larry Densmore's BB&T II account.

38. On or about May 21, 2013, Protective deposited commissions in the amount of two hundred, seventy dollars and zero cents (\$270.00) into Larry Densmore's BB&T II account.

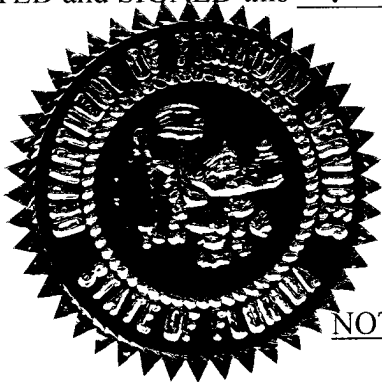
IT IS THEREFORE CHARGED that Larry Densmore violated or is accountable under one or more of the following provisions of the Florida Statutes or Florida Administrative Code,


which constitute grounds for the imposition of a cease and desist order: sections 626.794, 626.838, 624.10, 624.11(1), 626.015(2), 626.112(1)(a) and (2), 626.9581(1), 626.9571(1), 626.641(4), and 626.7845(2)(a), Florida Statutes, all of which are alleged in detail in Count I.

WHEREFORE, Larry Densmore is hereby notified the Chief Financial Officer intends to enter an Order requiring Larry Densmore to cease and desist, imposing a fine and other such penalties as may be provided under the provisions of sections 626.9521, 626.9571, and 626.9581, Florida Statutes, any referenced sections of the Florida Statutes as set out in this Notice, and under any other applicable sections of the Florida Insurance Code.

Larry Densmore is further notified that any company or person who violates a cease and desist order of the Department shall be subject to a monetary penalty of not more than fifty thousand (\$50,000) dollars pursuant to section 626.9601, Florida Statutes.

DATED and SIGNED this 4th day of November, 2014.




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 a petition for administrative hearing are required. The request must be filed with the General Counsel as acting 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.

YOUR FAILURE TO RESPOND IN WRITING 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 CEASE AND DESIST ORDER WILL BE ENTERED AGAINST YOU. VIOLATION OF THE ORDER TO CEASE AND DESIST WILL SUBJECT YOU TO FINE UP TO \$50,000, PURSUANT TO SECTION 626.9601, FLORIDA STATUTES.

If you request a proceeding, you must provide information that complies with the requirements of Rule 28-106.201(2), *Florida Administrative Code*. Specifically, your response must contain:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the Petitioner; the name, address, and telephone number of the Petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the Petitioner's substantial interests will be affected by the Department's determination;
- (c) A statement of when and how the Petitioner received notice of the Department's decision;
- (d) A statement of all disputed issues of material fact. If there are none, the Petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the Petitioner contends warrant reversal or modification of the Department's proposed action;
- (f) A statement of the specific rules or statutes the Petitioner contends require

reversal or modification of the Department's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the Petitioner, stating precisely the action Petitioner wishes the Department to take with respect to the Department's proposed action.

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 that 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 freeform 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 a true and correct copy of the foregoing NOTICE OF INTENT TO ISSUE CEASE AND DESIST ORDER and ELECTION OF PROCEEDING has been furnished to: Larry Densmore, 1107 Parkview Court, Palm Bay, Florida 32907, by Certified Mail this 4th day of November, 2014.



Manshi Shah
Assistant General Counsel
Florida Bar No. 65520
Department of Financial Services
Division of Legal Services
612 Larson Building
200 East Gaines Street
Tallahassee, Florida 32399-0333
Phone: (850) 413-4165
Fax: (850) 487-4907
manshi.shah@myfloridacfo.com