



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

FILED

JAN 21 2015

Docketed by MC

IN THE MATTER OF:

CASE NO.: 149048-14-AG

WALLACE TRANUM, JR.
_____ /

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 December 31, 2014, and being otherwise fully advised of the premises, the Chief Financial Officer hereby finds:

1. The Chief Financial Officer, as head of the Department of Financial Services (the "Department"), has jurisdiction over the subject matter of this case and parties hereto.
2. The entry of this Consent Order and compliance herewith by Wallace Tranum, Jr. (the "Respondent") shall conclude the administrative proceeding of Case Number 149048-14-AG before the Department of Financial Services.

IT IS THEREFORE ORDERED:

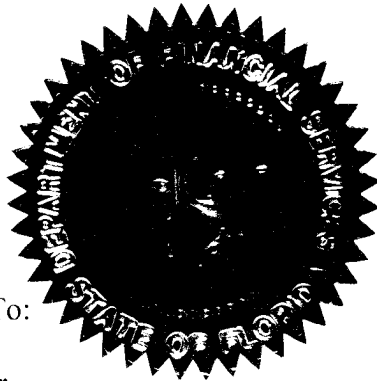
- (a) The Settlement Stipulation for Consent Order dated December 31, 2014, is hereby approved and fully incorporated herein by reference as Exhibit "A."
- (b) Respondent shall be ineligible for licensure and appointments under the Florida Insurance Code for a period of six months.
- (c) During the period of ineligibility, and until the Respondent successfully obtains a license under the Florida Insurance Code, Respondent may 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 an agent, agency, adjuster, or adjusting firm. See § 626.641, Fla. Stat. (2014).

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

(e) If the Department has good cause to believe that the Respondent has violated any condition of this Consent Order, the Respondent authorizes the Department to seek the immediate enforcement of the order in the Circuit Court in and for Leon County, Florida. If such an enforcement order is granted in the Circuit Court, Respondent agrees that he shall be liable to the Department for all reasonable costs and attorneys fees expended in the enforcement action. Further, if this order is enforced in the Circuit Court, Respondent shall be subject to contempt sanctions for violating any enforcement order.

DONE and ORDERED this 21st day of January, 2015.



Gregory Thomas
Director, Agent & Agency Services

Copies Furnished To:

Wallace Trantum, Jr.
415 Golden Arm Rd.
Deltona, FL 32738
ctlchip@aol.com

Manshi Shah
Division of Legal Services
200 East Gaines Street
Tallahassee, Florida 32399-0333
manshi.shah@myfloridacfo.com



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

IN THE MATTER OF:

WALLACE TRANUM, JR.

CASE NO.: 149048-14-AG

SETTLEMENT STIPULATION FOR CONSENT ORDER

IT IS AGREED and STIPULATED by and between Wallace Trantum, Jr. ("Respondent") and the State of Florida, Department of Financial Services (the "Department"), that:

1. Pursuant to chapter 626, Florida Statutes, the Department has jurisdiction over the unlicensed transaction of insurance, and the licenses, appointments, and eligibility for licensure of insurance agents and adjusters in this state.
2. Respondent has never held any license or registration issued by this Department under or pursuant to the Florida Insurance Code.
3. From approximately July 2013, to November 2013, Respondent was employed by Gary Guichard and Associates, P.A., a public adjusting firm.
4. On July 25, 2014, the Department filed a Notice of Intent to Issue a Cease and Desist Order against Respondent, which alleged that he transacted insurance as a public adjuster without a license.
5. In order to avoid formal litigation of this matter, Respondent has determined that it is in his best interests to enter into this Settlement Stipulation for Consent Order.

EXHIBIT

A

6. By execution of this Settlement Stipulation for Consent Order and by the entry of the subsequent Consent Order, the Department and Respondent intend to and do resolve all issues pertaining to the matters referred to above.

7. Respondent voluntarily and knowingly enters into this Settlement Agreement.

8. No party will appeal this Settlement Stipulation for Consent Order or the Consent Order to be issued in this case, and the parties specifically waive notice of the right to appeal as required by section 120.569(1), Florida Statutes.

9. This document is a public record and contains information which is routinely published by the Department.

10. Each party to this proceeding shall bear its own costs and attorney's fees.

11. 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) Respondent shall be ineligible for licensure and appointments under the Florida Insurance Code for a period of six months.

(c) During the period of ineligibility, and until the Respondent successfully obtains a license under the Florida Insurance Code, Respondent may 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 an agent, agency, adjuster, or adjusting firm. §626.641, Florida Statutes.


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

(e) If the Department has good cause to believe that Respondent has violated any condition of the Consent Order to be issued in this case, he authorizes the Department to seek the immediate enforcement of the order in the Circuit Court in and for Leon County, Florida. If such an enforcement order is granted in the Circuit Court, Respondent agrees that he shall be liable to the Department for all reasonable costs and attorneys fees expended in the enforcement action. Further, if this order is enforced in the Circuit Court, Respondent shall be subject to contempt sanctions for violating any enforcement order.


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

13. Respondent agrees that the Consent Order may be sent to Respondent via the e-mail address below Respondent's signature and that Respondent will not receive a hard copy in the mail.

WHEREFORE, the undersigned parties hereby acknowledge and agree to the terms and conditions of the foregoing Settlement Stipulation for Consent Order, subject to final approval by the Chief Financial Officer, or his designee, by written consent on the last date executed below.



Wallace Trnum, Jr.
Respondent


For Jessie Harmsen
Attorney
Department of Financial Services
Division of Legal Services
Larson Building
200 East Gaines Street
Tallahassee, Florida 32399-0333
(850) 413-4236

Attorney for the Department

Dated and Signed this
27 day of Dec, 2014.

Dated and Signed this
31st day of December, 2014.



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

FILED

JUL 25 2014

Docketed by MC

IN THE MATTER OF:

WALLACE TRANUM, JR.

CASE NO.: 149048-14-AG

NOTICE OF INTENT TO ISSUE CEASE AND DESIST ORDER

TO: WALLACE TRANUM, JR.
415 Golden Arm Road
Deltona, Florida 32738

You, WALLACE TRANUM, JR., are hereby notified that the Chief Financial Officer of the State of Florida has caused to be made an investigation of your 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 ("Department") has jurisdiction over the unlicensed transaction of insurance, and the licenses, appointments, and eligibility for licensure of insurance agencies and agents in this state.
2. On July 2, 2013, you, WALLACE TRANUM, JR., submitted an application for licensure as a public adjuster apprentice to the Department. On August 1, 2013, the Department authorized you to take the required examination. As of this date, you have not passed the required examination, and have not qualified to be licensed in this state as a public adjuster apprentice.

3. From approximately July 2013 to November 2013, you, WALLACE TRANUM, JR. were employed by Gary Guichard and Associates, P.A., a public adjusting firm, then located at 2578 Enterprise Road, Suite 120 in Orange City, Florida.

4. You, WALLACE TRANUM, JR., have never held any license or registration issued under or pursuant to the Florida Insurance Code.

COUNT I

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

6. On or around August 22, 2013, you, WALLACE TRANUM, JR., initiated contact with insured M.M. at his home to solicit adjusting services on behalf of Gary Guichard and Associates, P.A.

7. At that meeting, you, WALLACE TRANUM, JR., advised M.M. that an insurance claim needed to be filed for damage related to his roof, two cracked tiles, an air conditioner leak, and damage to his kitchen. You, WALLACE TRANUM, JR., then developed a “scope” or estimate of the repairs which would be required to fix the damages. This “scope” was later transmitted to M.M.’s insurance company with your name listed on it as the adjuster.

8. You, WALLACE TRANUM, JR., presented a “Letter of Authorization” to M.M., which M.M. signed, indicating that public adjusting services were to be performed. You delivered this Letter of Authorization to Gary Guichard and Associates, P.A., where Gary Guichard later affixed his signature in the “accepted by” field.

9. M.M. was misled by your actions to believe that you, WALLACE TRANUM, JR., were a licensed and appointed public adjuster who would handle the claim with the insurance company.

IT IS THEREFORE CHARGED that you, WALLACE TRANUM, JR., have violated or are accountable under the following provisions of the Florida Insurance Code which constitutes grounds for the imposition of a Cease and Desist Order:

- a. Section 626.112(1)(a), Florida Statutes, which provides 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.
- b. Section 626.112(3), Florida Statutes, which provides that no person shall act as an adjuster as to any class of business for which he or she is not then licensed and appointed.
- c. Section 626.112(9), Florida Statutes, which provides that any person who knowingly transacts insurance or otherwise engages in insurance activities in this state without a license in violation of section 626.112, Florida Statutes, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

COUNT II

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

11. You, WALLACE TRANUM, JR., acted as a public adjuster from approximately July 12, 2013 through November 21, 2013. This involved the following activities: soliciting public adjusting services, performing home inspections, executing “scopes” or estimates to submit to an insured’s insurance company, and completing “Letters of Representation” with insureds.

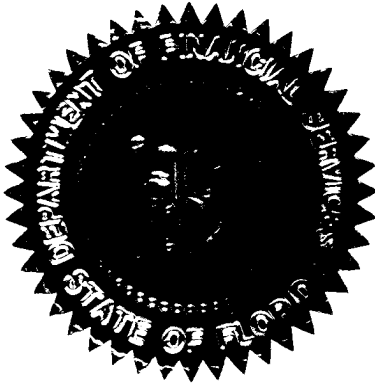
IT IS THEREFORE CHARGED that you, WALLACE TRANUM, JR., have violated or are accountable under the following provisions of the Florida Insurance Code which constitutes grounds for the imposition of a Cease and Desist Order:


- a. Section 626.112(1)(a), Florida Statutes, which provides 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.
- b. Section 626.112(3), Florida Statutes, which provides that no person shall act as an adjuster as to any class of business for which he or she is not then licensed and appointed.
- c. Section 626.112(9), Florida Statutes, which provides that any person who knowingly transacts insurance or otherwise engages in insurance activities in this state without a license in violation of section 626.112, Florida Statutes, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

WHEREFORE, you, WALLACE TRANUM, JR., are hereby notified that the Chief Financial Officer intends to enter a Cease and Desist Order, pursuant to section 626.9581, Florida Statutes, requiring you to cease and desist your unlawful activity and imposing other such penalties as may be provided under the provisions of sections 626.612, and 626.9521, Florida Statutes, any referenced sections of the Florida Statutes as set out in this Notice, and under any other applicable section of the Florida Insurance Code.

WALLACE TRANUM, JR. is further notified that any person who violates a cease and desist order of the Department shall be subject to a monetary penalty of not more than fifty thousand dollars pursuant to section 626.9601, Florida Statutes.

DATED and SIGNED this 25th day of July, 2014.




Gregory Thomas
Director of Agent & Agency Services

NOTICE OF RIGHTS

You have the right to request a proceeding to contest this action by the Department of Financial Services ("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, 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 CEASE AND DESIST ORDER 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 intent to issue a cease and desist.
- (e) A statement including the file number to the notice of intent to issue a cease and desist.

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 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 that 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 WALLACE TRANUM, JR., 415 Golden Arm Road, Deltona, Florida 32738, via U.S. Certified Mail, restricted delivery, this 25th day of July, 2014.



Jessica Harmsen
Division of Legal Services
612 Larson Building
Tallahassee, FL 32399-0333
Tel.: (850) 413-4236

Attorney for the Department
Fla. Bar No. 92433

91 7199 9991 7032 7167 4726