

# FILED

JAN 14 2015

Docketed by MC



CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

IN THE MATTER OF:

CASE NO.: 162423-14-AG

KEVIN ANTHONY TUTTLE

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## ORDER OF SUSPENSION

THIS PROCEEDING CAME on for final agency action and the Chief Financial Officer, having considered the record in this case and the Consent Order and being fully advised in the premises, finds that:

1. Kevin Anthony Tuttle (the "Respondent") is currently licensed as a life including variable annuity agent.
2. On October 30, 2014, a Consent Order was issued by the Florida Department of Financial Services (the "Department") in the above-styled case. One condition of the Consent Order, which is attached hereto as "Exhibit AA," and incorporated herein, required the Respondent to pay the Department an administrative penalty of one thousand five hundred dollars (\$1,500.00) within thirty (30) days of the entry of the Consent Order. The Consent Order also provided that failure to pay the administrative penalty within the specified time limit would constitute a violation of section 626.681(3), Florida Statutes, and would result in the immediate suspension of Respondent's license and appointment for a period of sixty (60) days.

### FINDINGS OF FACT

3. The Respondent has failed to pay to the Department the administrative penalty within thirty (30) days of the entry of the Consent Order dated October 30, 2014.

### CONCLUSIONS OF LAW

4. The Respondent's failure to pay the administrative penalty to the Department is a violation of the Consent Order dated October 30, 2014, and constitutes a violation of section 626.681(3), Florida Statutes.

### PENALTY IMPOSED

5. The Respondent's violation of the Consent Order dated October 30, 2014, constitutes grounds for the suspension of the Respondent's license as an insurance agent in this state pursuant to section 626.681(3), Florida Statutes.

IT IS THEREFORE ORDERED that:

(a) All licenses, appointments and eligibility for licensure heretofore issued to the Respondent, within the purview of the Department, are hereby suspended for a period of sixty (60) days.

(b) During the period of suspension, the Respondent 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, 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) The Respondent shall not have the right to apply for and the Department shall not grant another license or appointment under the Florida Insurance Code for the sixty (60) days following the effective day of suspension. The Department shall not grant the Respondent a new license or appointment or reinstate eligibility to hold such license or appointment if it finds

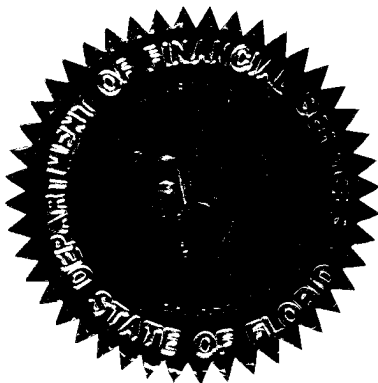
that the administrative penalty has not been paid or the Respondent has not complied with all terms and conditions of the Consent Order and the suspension.

(d) Following the sixty (60) day suspension, the Respondent shall be entitled to file an application for reinstatement of licensure. However, the Respondent's license shall not be reinstated if the circumstance or circumstances for which the license was suspended still exist or are likely to recur, or if the Respondent is not otherwise eligible for licensure.

(e) Within ten (10) calendar days of the issuance of this Order of Suspension, the Respondent shall return to the Department of Financial Services, Bureau of Licensing, 200 East Gaines Street, Tallahassee, Florida 32399-0319, all licenses issued to the Respondent 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 14<sup>th</sup> day of January, 2015.



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:

[kat@tamportfolios.com](mailto:kat@tamportfolios.com)

Kevin Anthony Tuttle  
5665 North Dean Road  
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Kevin Anthony Tuttle  
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189 South Orange Avenue, Suite 1510 South  
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Greg Thomas, Director  
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200 East Gaines Street  
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Complaint & Settlement  
Division of Legal Service  
200 East Gaines Street  
Tallahassee, Florida 32399-0333

**FILED**

OCT 30 2014



CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

Docketed by AM

IN THE MATTER OF:

CASE NO.: 162423-14-AG

KEVIN ANTHONY TUTTLE  
\_\_\_\_\_ /

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 October 10, 2014, and being otherwise fully advised in the premises, the Chief Financial Officer finds:

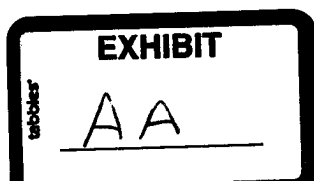
1. The Chief Financial Officer, as agency head of the Florida Department of Financial Services (the "Department"), has jurisdiction over the subject matter of this case and the parties.

2. The entry of this Consent Order and compliance herewith by Kevin Anthony Tuttle (the "Respondent"), License #A269814, shall conclude the administrative proceeding of Case No. 162423-14-AG before the Department.

IT IS THEREFORE ORDERED:

(a) The Settlement Stipulation for Consent Order dated October 10, 2014, and attached hereto as "Exhibit A," is hereby approved and fully incorporated herein by reference.

(b) The Respondent shall pay an administrative penalty in the amount of one thousand and five hundred dollars (\$1,500) as authorized by section 626.681(1), Florida Statutes,



within thirty (30) calendar days of the entry of this Consent Order. Failure of the Respondent to pay the administrative penalty within the specified time limit shall result in the immediate suspension of the Respondent's license and eligibility for licensure in this state without further proceedings for a period of sixty (60) days.


(c) If the Respondent is suspended for violating the Settlement Stipulation for Consent Order or this Consent Order, the Respondent shall, at the end of applicable period of suspension, be entitled to file an application for reinstatement of licensure. However, the Respondent's license shall not be reinstated if the Department finds that the circumstance or circumstances for which the license was suspended still exist or are likely to recur, or if the Respondent is not otherwise eligible for licensure.

(d) The Respondent shall report all administrative actions taken against his license to the Department within thirty (30) days after the final disposition.

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

DONE and ORDERED this 30<sup>th</sup> day of October, 2014.



  
Gregory Thomas  
Director, Agent & Agency Services

Copies Furnished To:

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



INVOICE

ADMINISTRATIVE PENALTY IMPOSED BY CONSENT ORDER

In order to ensure that your payment is received and properly credited, please **return this invoice with your check** payable to:

Department of Financial Services  
Division of Legal Services  
Revenue Processing Section  
Post Office Box 6100  
Tallahassee, FL 32399-6100

PAYMENT MUST BE RECEIVED WITHIN 30 DAYS OF ISSUANCE OF CONSENT ORDER

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REFERENCE

NAME      Kevin Anthony Tuttle  
ADDRESS:    5665 North Dean Road  
CITY, STATE, ZIP:    Orlando, FL 32817  
SS# or AGENT#:    A269814  
Case #:    162423-14-AG  
Attorney:    Complaint & Settlement  
Source:    Agent & Agency Investigations

Fine Due: .....	\$	<u>1,500</u>
Cost Due: .....	\$	<u>          </u>
Total Amount Due: .....	\$	<u>1,500</u>
Amount remitted: .....	\$	<u>          </u>

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CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

IN THE MATTER OF:

Case No: 162423-14-AG

KEVIN ANTHONY TUTTLE /

SETTLEMENT STIPULATION FOR CONSENT ORDER

IT IS HEREBY AGREED and STIPULATED by and between Kevin Anthony Tuttle ("the Respondent") and the State of Florida, Department of Financial Services ("the Department"), that:

1. The Respondent is currently licensed as a Life and Variable Annuity Agent. At all times relevant to the dates and occurrences referred to herein, the Respondent was so licensed in this state.
2. Pursuant to chapter 626, Florida Statutes, the Department has jurisdiction over the Respondent's licensure and eligibility for licensure and appointment in this state and the subject matter of this proceeding.
3. The Department conducted an investigation of the Respondent in his capacity as a licensee. As a result thereof, the Department alleges that the Respondent failed to report an administrative action within thirty (30) days after the final disposition to the Department. In order to avoid formal litigation of this matter, the Respondent has determined that it is in his best interests to enter into this Settlement Stipulation for Consent Order.

EXHIBIT

A

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

5. The Respondent voluntarily waives receipt of an administrative complaint pursuant to section 120.60(5), Florida Statutes, or any notice or charges other than this Settlement Stipulation for Consent Order.

6. By entering into this Settlement Stipulation for Consent Order and by the filing of a Consent Order in this case, the Respondent and the Department intend to and do resolve all issues pertaining to the license disciplinary administrative penalties to be imposed against the Respondent based on the allegations in paragraph 3 above.

7. 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.

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

9. Each party to this proceeding shall bear its own costs and attorneys fees, unless otherwise provided herein.

10. This Settlement Stipulation for Consent Order is subject to the approval of the Chief Financial Officer or his designee. Upon his approval, and without further notice, the Chief Financial Officer or his designee may issue a Consent Order providing for the following:

(a) Incorporation by reference of all the terms and conditions of this Settlement Stipulation for Consent Order.

(b) The Respondent shall pay an administrative penalty in the amount of one thousand five hundred dollars (\$1,500.00) as authorized by section 626.681(1), Florida Statutes, within thirty (30) calendar days of the entry of the Consent Order to be issued in this case. Failure of the Respondent to pay the administrative penalty within the specified time limit shall result in the immediate suspension of the Respondent's license and eligibility for licensure in this state without further proceedings for a period of sixty (60) days.

(c) If the Respondent is suspended for violating the Settlement Stipulation for Consent Order or the Consent Order to be entered in this cause, the Respondent shall, at the end of the applicable period of suspension, be entitled to file an application for reinstatement of licensure. However, the Respondent's license shall not be reinstated if the Department finds that the circumstance or circumstances for which the license was suspended still exist or are likely to recur, or if the Respondent is not otherwise eligible for licensure.

(d) The Respondent shall report all administrative actions taken against his license to the Department within thirty (30) after the final disposition.

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

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

12. The Respondent agrees that the Consent Order may be sent to the Respondent via the e-mail address below the Respondent's signature.

DATED and SIGNED this 10 day of OCTOBER, 2014



Kevin Anthony Tuttle  
5665 North Dean Road  
Orlando, Florida 32817-3205  
KAT@TAMPORFOLIOS.COM



Barry K. Lanier, FLMI, CLU  
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