

FILED

JUN 30 2015

Docketed by RLJ



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

IN THE MATTER OF

Case No. 166969-15-AG

KEVIN DANIEL WEBSTER

FINAL ORDER

On March 5, 2015, Respondent Kevin Daniel Webster, by and through his counsel, filed a Notice of Withdrawal of Election of Proceeding.

On March 7, 2015, the Hearing Officer Alan J. Leifer issued an Order Closing File based upon Mr. Webster's withdrawing his request for a hearing.

Accordingly, this proceeding is CLOSED, and the Stop-Work Order and Penalty Assessment are affirmed.

DONE and ORDERED this 30th day of June, 2015.



Robert C. Kneip
Chief of Staff

NOTICE OF RIGHT TO APPEAL

A party adversely affected by this final order may seek judicial review as provided in section 120.68, Florida Statutes, and Florida Rule of Appellate Procedure 9.190. Judicial review is initiated by filing a notice of appeal with the Agency Clerk, and a copy of the notice of appeal, accompanied by the filing fee, with the appropriate district court of appeal. The notice of appeal must conform to the requirements of Florida Rule of Appellate Procedure 9.110(d), and must be filed (i.e., received by the Agency Clerk) within thirty days of rendition of this final order.

Filing with the Department's 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 facsimile number is (850) 488-0697. The email address is Julie.Jones@myfloridacfo.com.

Copies furnished to:

R. Stan Peeler, Attorney for Respondent
Robert Fox, Attorney for the Department
Alan J. Leifer, Hearing Officer



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

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IN THE MATTER OF:

CASE NO.: 166969-15-AG

KEVIN DANIEL WEBSTER/

NOTICE OF TEMPORARY SUSPENSION

COMES NOW the Chief Financial Officer, by and through his named designee, pursuant to section 626.611(2), Florida Statutes, and issues this Order temporarily suspending all licenses and appointments heretofore issued to Kevin Daniel Webster, under chapter 626, Florida Statutes, and as grounds therefore finds:

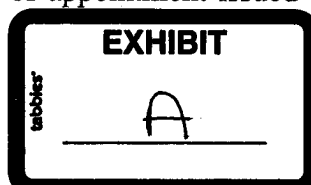
1. Kevin Daniel Webster is currently licensed in this state as a Life, Health and Variable Annuity Agent and a General Lines Agent pursuant to chapter 626, Florida Statutes.

2. At all times relevant to the dates and occurrences set forth herein, Kevin Daniel Webster was licensed in this state as a Life, Health and Variable Annuity Agent and a General Lines Agent.

3. On November 18, 2014, in the United States District Court for the Northern District of Florida Pensacola Division, Case No. 3:14-dr-00093-RV, an Indictment was filed against Kevin Daniel Webster alleging (11) counts of a Scheme to Defraud by wire communications to be transmitted in interstate commerce, felonies.

4. Pursuant to section 626.611(2), Florida Statutes:

The department shall, upon receipt of information or an indictment, immediately temporarily suspend a license or appointment issued under this chapter when the



licensee is charged with a felony enumerated in s. 626.207(3). Such suspension shall continue if the licensee is found guilty of, or pleads guilty or nolo contendere to, the crime, regardless of whether a judgment or conviction is entered, during a pending appeal. A person may not transact insurance business after suspension of his or her license or appointment.

5. Pursuant to sections 626.207(3) and 626.611(2), Florida Statutes, the Department shall immediately suspend the license of a licensee who was charged with a felony of the first degree, a capital felony, a felony involving money laundering, fraud, or embezzlement, or a felony directly related to the financial services business.

Notice is hereby given that the Department shall take prompt action to revoke the license of Kevin Daniel Webster in the event he pleads guilty or nolo contendere to a felony, a crime involving moral turpitude or a crime punishable by imprisonment of one year or more under the law of any state, territory or country whether or not a judgment or conviction has been entered, in accordance with sections 626.611 and 626.621, Florida Statutes.

WHEREFORE, IT IS HEREBY ORDERED:

(a) All licenses issued by the Department and held by Kevin Daniel Webster are hereby SUSPENDED.

(b) Kevin Daniel Webster shall immediately cease and desist from writing, issuing, or soliciting insurance in the State of Florida.


(c) During the period of suspension, Kevin Daniel Webster shall not: 1) directly or indirectly 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; 2) directly or indirectly control an agent, agency, adjuster, or adjusting firm, or otherwise participate in the business activities of such person, agency or firm; or 3) issue any checks, deposit any funds, or withdraw any funds from any financial institution account that is used for Florida-related insurance business or transactions.

(d) Subject to the prohibitions contained in paragraph (c), Kevin Daniel Webster is permitted to remain listed on the corporate records of any insurance agency or adjusting firm on which he was listed as a corporate officer, director, member or owner as of the date of entry of this Notice of Temporary Suspension. Subject to the prohibitions contained in paragraph (c), Kevin Daniel Webster is also permitted to remain listed on any financial institution accounts and records of any insurance agency or adjusting firm on which he was listed as a corporate officer, director, member or owner as of the date of entry of this Notice of Temporary Suspension.

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

DATED AND SIGNED this 20th day of January, 2015.




Gregory Thomas
Director, Agent & Agency Services

NOTICE OF RIGHTS

You have the right to request a proceeding to contest this action by the Department of Financial Services (the "Department") pursuant to sections 120.569 and 120.57, Florida Statutes, and chapter 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 petition for administrative hearing are required. 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 THIS NOTICE OF TEMPORARY SUSPENSION SHALL BE FINAL AND REMAIN IN EFFECT, AND YOUR LICENSES SHALL CONTINUE TO REMAIN SUSPENDED, UNTIL THE CRIMINAL CHARGES ARE DISPOSED OF. HOWEVER, IF YOU ARE FOUND GUILTY OF, OR PLEAD GUILTY OR NOLO CONTENDERE TO, THE CRIMINAL CHARGES, REGARDLESS OF WHETHER A JUDGMENT OR CONVICTION IS ENTERED, THE TEMPORARY SUSPENSION SHALL REMAIN IN EFFECT AND YOUR LICENSES SHALL CONTINUE TO REMAIN SUSPENDED, INCLUDING DURING ANY PENDING APPEAL OF THE CRIMINAL CHARGES.

If you request a proceeding, you must provide information that complies with the requirements of Rule 28-106.2015, *Florida Administrative Code*. Specifically, your response must contain:

(a) The name, address, 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, and 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 the notice of temporary suspension.

(e) A statement including the file number to the notice of temporary suspension.

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 an administrative law judge of the State of Florida 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 before 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 during the time frame in which you have to request a hearing.

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 Notice of Temporary Suspension has been furnished to: Kevin Daniel Webster, 1727 Creighton Road, Pensacola, Florida 32504-7145 by Certified Mail this 20th day of January, 2015.

91 7108 2133 3936 8028 7674


Leah Marino
Managing 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.: 166969-15-AG

KEVIN DANIEL WEBSTER/

ELECTION OF PROCEEDING

I have received and have read the Notice of Temporary Suspension 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 Notice of Temporary Suspension shall be final and remain in effect, and my licenses shall continue to remain suspended, until the criminal charges are disposed of. However, if I am found guilty of, or plead guilty or nolo contendere to, the criminal charges, regardless of whether a judgment or conviction is entered, the temporary suspension shall remain in effect and my licenses shall continue to remain suspended, including during any pending appeal of the criminal charges.
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 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 NOTICE OF TEMPORARY SUSPENSION. 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 NOTICE OF TEMPORARY SUSPENSION.

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 Notice of Temporary
Suspension Received: _____

If you are represented by an attorney or qualified
representative, please attach to this election form his
or her name, address, telephone and fax numbers

Phone No.: _____

Fax No.: _____

E-mail: _____

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**FLORIDA DEPARTMENT
OF FINANCIAL SERVICES**

IN THE MATTER OF:

CASE No.: 166969-AG

KEVIN DANIEL WEBSTER
_____ /

RESPONDENT'S NOTICE OF WITHDRAWAL OF ELECTION OF PROCEEDING

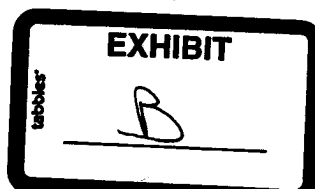
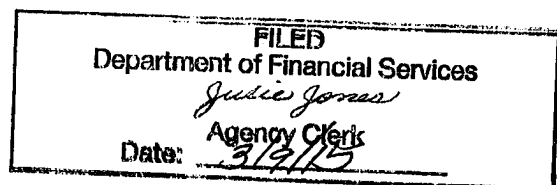
Respondent, Kevin Daniel Webster, by and through undersigned counsel, hereby files Respondent's Notice of Withdrawal of Election of Proceeding, and states:

1. On or about January 22, 2015, Respondent filed an Election of Proceeding requesting a hearing by telephone conference call regarding the above matter.
2. During February 2015 a plea of guilty to fraud charges was entered by Respondent in the United States District Court for the Northern District of Florida, Pensacola Division, case number 3:14-cr-00093-RV, regarding an indictment alleging one or more counts of wire fraud. Sentencing is to occur during May 2015.
3. Consequently, the requested hearing is no longer necessary. Respondent's Election of Proceeding filed on January 22, 2015 is hereby withdrawn.

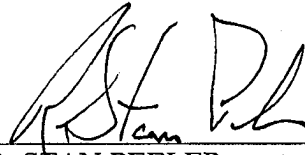
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been provided to the person listed below on the 5th day of March, 2015 by U.S. mail and e-mail.

Robert Fox, Esq.
Florida Department of Financial Svcs.
200 E. Gains Street
Tallahassee, FL 32399



Respectfully submitted this 5th day of March, 2015.

A handwritten signature in black ink, appearing to read 'R. Stan Peeler', written over a horizontal line.

R. STAN PEELER
Peeler Law Firm, P.C.
Florida Bar No. 394513
201 E. Government St.
Pensacola, FL 32502
Phone: (850) 432-7705
Fax: (850) 433- 6222
peelerlawoffices@gmail.com
diveypeelerlawfirm@gmail.com
Attorney for Kevin Daniel Webster

**FLORIDA DEPARTMENT
OF FINANCIAL SERVICES**

IN THE MATTER OF:

CASE No.: 166969-15-AG

KEVIN DANIEL WEBSTER
_____ /

ORDER CLOSING FILE

The Respondent, Kevin Daniel Webster has filed a March 5, 2015, Notice of Withdrawal of Election of Proceeding in this matter. In light of the withdrawal, there no longer is any dispute for resolution and this matter is hereby CLOSED.

DONE and **ORDERED** this 25th day of February, 2015 in Tallahassee, Florida.

[Redacted Signature]

Alan J. Leifer, Hearing Officer
Department of Financial Services
3700 Lifford Circle
Tallahassee, Florida 32309
Phone: (850)668-9820
Fax: (850)668-9825

Copies furnished to:

R. Stan Peeler, Esq.
Peeler Law Firm, P.L.
201 East Government St.
Pensacola, Florida 32502

Robert Fox, Esq.
Florida Department of Financial Svcs.
200 East Gaines Street
Tallahassee, Florida 32399
(850)413-4106

