



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

FILED

FEB 04 2015

Docketed by MC

IN THE MATTER OF:

CASE NO.: 165070-14-AG

DAVID HERLICKA
_____ /

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 January 20, 2015, 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 David Herlicka (the "Respondent") shall conclude the administrative proceeding of Case Number 165070-14-AG before the Department of Financial Services.
3. The Respondent is licensed as a nonresident life and variable annuity agent in Florida with license number P096704.

IT IS THEREFORE ORDERED:

(a) The Settlement Stipulation for Consent Order dated January 20, 2015, is hereby approved and fully incorporated herein by reference as Exhibit "A."

(b) All licenses and eligibility for licensure and appointment of the Respondent are hereby surrendered to the Department. Said surrender shall become effective upon the date of issuance of the Consent Order. The Respondent 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 Consent Order, all licenses issued to the Respondent pursuant to the Florida Insurance Code.

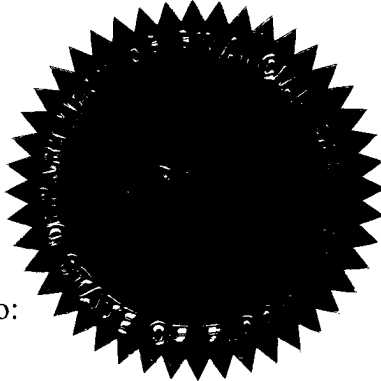
(c) Pursuant to section 626.641, Florida Statutes, the Respondent shall not engage in or attempt or profess to engage in any transaction or business for which a license or appointment is required under the Florida Insurance Code or directly or indirectly own, control, or be employed in any manner by any insurance agent or agency or adjuster or adjusting firm until the license is reinstated or, if revoked, a new license is issued.


(d) The Respondent shall not have the right to apply to the Department for another license under the Florida Insurance Code for two (2) years from the effective date of surrender. The Department shall only grant a new license if it finds that the circumstance or circumstances for which the license was surrendered no longer exist and are not likely to recur, and if the Respondent meets all other licensing requirements. In the future, if the Respondent makes application to the Department for licensure, in addition to all other licensing requirements, the Respondent shall have the burden of establishing the same circumstances that caused the surrender no longer exist and are not likely to recur.

(e) If the Department has good cause to believe that the Respondent has violated any condition of this Settlement Stipulation for Consent Order, 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, the Respondent agrees he shall be liable to the Department for all reasonable costs and attorneys fees expended in the enforcement action.

(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 4th day of February, 2015.




Gregory Thomas
Director, Agent & Agency Services

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CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

IN THE MATTER OF:

Case No: 165070-14-AG

DAVID HERLICKA /

SETTLEMENT STIPULATION FOR CONSENT ORDER

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

1. The Respondent is currently licensed as a nonresident life and variable annuity agent with license number P096704. 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 the Respondent was suspended by Financial Industry Regulatory Authority (FINRA) for eighteen (18) months in May 2014. Moreover, the Department alleges Respondent failed to report the aforementioned FINRA action to the Department within thirty (30) days of the final disposition. In order to avoid formal litigation of

EXHIBIT

A

this matter, the Respondent has determined that it is in his best interests to enter into this Settlement Stipulation for Consent Order.

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

5. In case number 165070-14-AG, 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 subsequent 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) All licenses and eligibility for licensure and appointment of the Respondent are hereby surrendered to the Department. Said surrender shall become effective upon the date of issuance of the Consent Order. The Respondent 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 Consent Order, all licenses issued to the Respondent pursuant to the Florida Insurance Code.

(c) Pursuant to section 626.641, Florida Statutes, 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 own, 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.

(d) The Respondent shall not have the right to apply to the Department for another license under the Florida Insurance Code for two (2) years from the effective date of surrender. The Department shall only grant a new license if it finds that the circumstance or circumstances for which the license was surrendered no longer exist and are not likely to recur, and if the Respondent meets all other licensing requirements. In the future, if the Respondent makes application to the Department for licensure, in addition to all other licensing requirements, the Respondent shall have the burden of establishing the same circumstances that caused the surrender no longer exist and are not likely to recur.

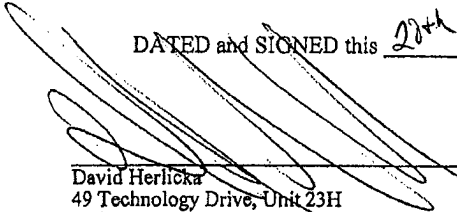
(e) If the Department has good cause to believe that the Respondent has violated any condition of this Settlement Stipulation for Consent Order, the Respondent authorizes the Department to seek the immediate enforcement of the order in the Circuit Court of the Second Judicial Circuit, in and for Leon County, in Tallahassee, Florida. If such an

enforcement order is granted, the Respondent agrees he shall be liable to the Department for all reasonable costs and attorneys fees expended in the enforcement action.


(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.

11. The Respondent certifies that the address and e-mail address below Respondent's signature are valid addresses. The Respondent further agrees the subsequent Consent Order may be sent to his representative at the e-mail address below and that he will not receive a hard copy in the mail.

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


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Respondent

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