



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

FILED

FEB 11 2015

Docketed by 

IN THE MATTER OF:

Case No.: 151609-14-AG

NORMAN L. BRITTEN, JR.
_____ /

ORDER OF REVOCATION

THIS PROCEEDING CAME on for final agency action and the Chief Financial Officer, having considered the record, including the Administrative Complaint filed on October 15, 2014, and being fully advised in the premises, finds that:

1. Norman L. Britten, Jr. is currently licensed by the Department of Financial Services (the "Department"), pursuant to the Florida Insurance Code, as a limited surety (bail bond) agent.

2. On October 15, 2014, the Department issued an Administrative Complaint, attached hereto as "Exhibit A," against Norman L. Britten, Jr., alleging that on September 11, 2013, a judgment was issued against him in Case No. 2013-CA-004704-WS, when Percy Hale, the defendant for whom he had executed a bond, failed to appear in court. The judgment was due on October 16, 2013. Norman L. Britten failed to pay the judgment until December 10, 2013, and executed at least seven bonds between October 16, 2013, and December 10, 2013.

3. The Department notified Norman L. Britten, Jr. in the Administrative Complaint of the right to request a proceeding in accordance with sections 120.569 and 120.57, Florida

Statutes, and that failure to answer the Administrative Complaint or request a proceeding within twenty-one (21) days would result in the imposition of a penalty.

4. In accordance with section 624.310(6)(a), Florida Statutes, after attempts at service via certified mail were unsuccessful, the Department served the Administrative Complaint upon Norman L. Britten, Jr. by e-mail at the e-mail address on record with the Department, with the required delivery receipt received on December 5, 2014. The e-mail, e-mail attachment (Administrative Complaint), and delivery receipt are attached hereto as "Exhibit B," and are fully incorporated herein by reference.

5. Norman L. Britten, Jr. failed to answer the Administrative Complaint or request a proceeding in accordance with sections 120.569 and 120.57, Florida Statutes.

FINDINGS OF FACT

6. The factual allegations contained in the Administrative Complaint dated October 15, 2014, which is attached hereto as Exhibit A, and fully incorporated herein by reference, are hereby adopted as the Department's Findings of Fact in this case.

CONCLUSIONS OF LAW

7. Based upon the Findings of Fact adopted herein, the Department concludes that Norman L. Britten, Jr. violated the specific statutes and rules charged in each count of the Administrative Complaint, attached hereto as Exhibit A, and hereby adopts the violations charged in each count of the Administrative Complaint as the Conclusions of Law in this case.

PENALTY IMPOSED

8. The failure of Norman L. Britten, Jr. to answer the Administrative Complaint or request a proceeding, taken together with the Findings of Fact and Conclusions of Law adopted

herein, constitutes grounds for the Chief Financial Officer to revoke the licenses of Norman L. Britten, Jr.

IT IS THEREFORE ORDERED that:

(a) All licenses, appointments and eligibility for licensure heretofore issued to Norman L. Britten, Jr., within the purview of the Department, are hereby revoked.

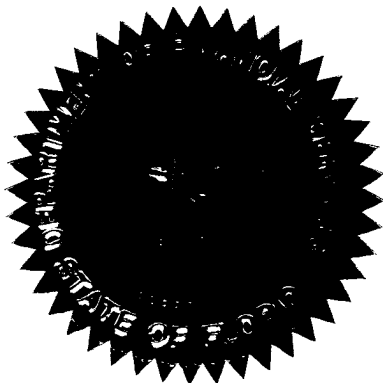
(b) Pursuant to section 648.49(2), Florida Statutes, Norman L. Britten, Jr. does not have the right to apply for another license or appointment under chapter 648, Florida Statutes.


(c) During the period of suspension or revocation of the license, the former licensee may not engage in or attempt to profess to engage in any transaction or business for which a license or appointment is required under chapter 648, Florida Statutes.

(d) Within ten (10) calendar days of the issuance of this Order of Revocation, Norman L. Britten, Jr. shall return all licenses issued to Norman L. Britten, Jr. pursuant to the Florida Insurance Code to the Department of Financial Services, Bureau of Licensing, 200 East Gaines Street, Tallahassee, Florida 32399-0319.

(e) 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 11th day of February, 2015.




Gregory Thomas
Director, Agent & Agency Services

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.

Copies Furnished To:

norman_britten@yahoo.com

Norman L. Britten, Jr.
700 63rd Avenue South
St. Petersburg, Florida 33705

91 7199 9991 7032 7167 6768

Norman L. Britten, Jr.
1220 South Dale Mabry Highway #204
Tampa, Florida 33629

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

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

FILED

OCT 15 2014

Docketed by AM



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

IN THE MATTER OF:

Case No.: 151609-14-AG

NORMAN L. BRITTEN, JR.
_____ /

ADMINISTRATIVE COMPLAINT

Norman L. Britten, Jr.
1220 South Dale Mabry Highway #204
Tampa, Florida 33629

Norman L. Britten, Jr.
700 63rd Avenue South
St. Petersburg, Florida 33705

Norman L. Britten, Jr., License I.D. D042991, is hereby notified that the Chief Financial Officer of the State of Florida has caused to be made an investigation of his activities while licensed as a limited surety (bail bond) agent in this state, as a result of which it is alleged:

GENERAL ALLEGATIONS

1. Pursuant to chapter 648, Florida Statutes, Norman L. Britten, Jr. is licensed in this state as a limited surety (bail bond) agent.
2. Pursuant to chapter 648, Florida Statutes, the Florida Department of Financial Services (the "Department") has jurisdiction over Norman L. Britten's license and eligibility for licensure as a limited surety (bail bond) agent.



COUNT I

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

4. On September 11, 2013, a judgment was issued against Norman L. Britten in Case No. 2013-CA-004704-WS, when Percy Hale, the defendant for whom Norman L. Britten had executed a bond, failed to appear in court. The judgment was due on October 16, 2013.

5. Norman L. Britten failed to pay the judgment until December 10, 2013. He executed at least seven bonds between October 16, 2013, and December 10, 2013.

IT IS THEREFORE CHARGED that NORMAN L. BRITTEN, JR. has violated one or more of the following provisions of the Florida Statutes and/or the *Florida Administrative Code*, which constitutes sufficient grounds for the suspension or revocation of his license or appointment as a limited surety (bail bond) agent in this state:

(a) Section 648.45(2)(a), Florida Statutes, which provides that the Department shall deny, suspend, revoke, or refuse to renew any license issued under chapter 648, Florida Statutes, or the Insurance Code, if it finds that the licensee lacks one or more of the qualifications for the license or appointment as specified in Chapter 648, Florida Statutes.

(b) Section 648.44(1)(m), Florida Statutes, which states that a bail bond agent may not execute a bond in this state if a judgment has been entered on a bond executed by that agent and has remained unpaid for more than thirty-five (35) days unless the full amount has been deposited with the clerk.

COUNT II

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

7. On December 12, 2013, the Department sent correspondence to Norman L. Britten via certified mail. It was returned as undeliverable. He failed to notify the Department in writing within ten (10) working days of his new mailing address.

IT IS THEREFORE CHARGED that NORMAN L. BRITTEN, JR. has violated one or more of the following provisions of the Florida Statutes and/or the *Florida Administrative Code*, which constitutes sufficient grounds for the suspension or revocation of his license or appointment as a limited surety (bail bond) agent in this state:

(c) Section 648.45(2)(a), Florida Statutes, which provides that the Department shall deny, suspend, revoke, or refuse to renew any license issued under chapter 648, Florida Statutes, or the Insurance Code, if it finds that the licensee lacks one or more of the qualifications for the license or appointment as specified in Chapter 648, Florida Statutes.

(d) Section 648.421, Florida Statutes, which requires that each licensee under this chapter must notify the Department in writing, within ten (10) working days, after a change in the licensee's principal business address or telephone number.

WHEREFORE, Norman L. Britten, Jr. is hereby notified that the Chief Financial Officer, through his designee, intends to enter an Order suspending or revoking his license and appointments or to impose such penalties as may be provided under the provisions of sections 648.45, 648.46, 648.51, 648.52, 648.525, and 648.53, Florida Statutes, and under the other referenced sections of the Florida Statutes as set out in this Administrative Complaint.

DATED and SIGNED this 15th day of October, 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/or a petition for administrative hearing will suffice as a written request. 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 A FINAL ORDER OF SUSPENSION OR REVOCATION 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 the administrative complaint.

(e) A statement including the file number of the administrative complaint.

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 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 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 Administrative Complaint and Election of Proceeding has been furnished to: Norman L. Britten, Jr., 1220 South Dale Mabry Highway #204, Tampa, Florida 33629; Norman L. Britten, Jr., 700 63rd Avenue South, St. Petersburg, Florida 33705; by Certified Mail this 15th day of October, 2014.


Laura Anstead
Managing Attorney
Department of Financial Services
Division of Legal Services
612 Larson Building
200 East Gaines Street
Tallahassee, Florida 32399-0333
(850) 413-4227

STATE OF FLORIDA
DEPARTMENT OF FINANCIAL SERVICES
DIVISION OF LEGAL SERVICES

IN THE MATTER OF:

CASE NO.: 151609-14-AG

NORMAN L. BRITTEN, JR.

ELECTION OF PROCEEDING

I have received and have read the Administrative Complaint 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 Department may enter a final order that adopts the Administrative Complaint and imposes the sanctions sought, including suspending or revoking my licenses and appointments as may be appropriate.
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 subparagraph (c) of 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 ADMINISTRATIVE COMPLAINT. 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 ADMINISTRATIVE COMPLAINT.

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 Administrative
Complaint 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 _____

Edgil, Kerry

From: Microsoft Outlook
To: 'NORMAN_BRITTEN@YAHOO.COM'
Sent: Friday, December 05, 2014 4:13 PM
Subject: Relayed: 151609-14-AG BRITTEN, JR., Norman L.:

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

'NORMAN_BRITTEN@YAHOO.COM' (NORMAN_BRITTEN@YAHOO.COM)

Subject: 151609-14-AG BRITTEN, JR., Norman L.:

EXHIBIT

B