



CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

**FILED**

FEB 09 2015

**Docketed by** 

IN THE MATTER OF:

Case No.: 161369-14-AG

SOUTHEASTERN MORTGAGE &  
INSURANCE

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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 December 8, 2014, and being fully advised in the premises, finds that:

1. Southeastern Mortgage & Insurance is currently licensed by the Department of Financial Services (the "Department"), pursuant to the Florida Insurance Code, as an insurance agency.

2. On December 8, 2014, the Department issued an Administrative Complaint, attached hereto as "Exhibit A," against Southeastern Mortgage & Insurance, alleging that on May 7, 2014, in the United States District Court in and for the Northern District of Florida, Panama City Division, Case No. 5:13CR26-RS, Donald Terry Dubose, the managing member of Southeastern Mortgage & Insurance, was adjudicated guilty of one count of Conspiracy to Commit Wire Fraud against the Federal Deposit Insurance Corporation (FDIC), seven counts of Wire Fraud, three counts of Making False Statements to the FDIC, and one count of Aiding and Abetting a False Claim Against the United States, all felonies.

3. The Department notified Southeastern Mortgage & Insurance 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 Southeastern Mortgage & Insurance by e-mail at the e-mail address on record with the Department, with the required delivery receipt received on December 17, 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. Southeastern Mortgage & Insurance 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 December 8, 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 Southeastern Mortgage & Insurance 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 Southeastern Mortgage & Insurance 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 license of Southeastern Mortgage & Insurance.

IT IS THEREFORE ORDERED that:

(a) All licenses, appointments and eligibility for licensure heretofore issued to Southeastern Mortgage & Insurance, within the purview of the Department, are hereby revoked.

(b) Southeastern Mortgage & Insurance does not have the right to apply for another license or appointment under the Florida Insurance Code for a period of two (2) years from the effective date of revocation. The Department shall not thereafter grant Southeastern Mortgage & Insurance a new license or appointment or reinstate eligibility to hold such license or appointment if it finds that the circumstance or circumstances for which the license was revoked still exist or are likely to recur.

(c) During the period of revocation, Southeastern Mortgage & Insurance 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) Within ten (10) calendar days of the issuance of this Order of Revocation, Southeastern Mortgage & Insurance shall return all licenses issued to Southeastern Mortgage & Insurance 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 9<sup>th</sup> 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](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:

kelly@semifl.com

Southeastern Mortgage & Insurance  
C/O Edward Dubose  
4458 Legendary Drive, Suite 140  
Destin, Florida 32541

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

DEC 08 2014



CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

Docketed by AM

IN THE MATTER OF:

Case No.: 161369-14-AG

SOUTHEASTERN MORTGAGE &  
INSURANCE, LLC

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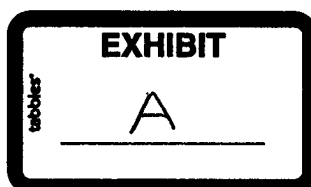
ADMINISTRATIVE COMPLAINT

Southeastern Mortgage & Insurance, LLC  
C/O Edward Dubose  
4458 Legendary Drive, Suite 140  
Destin, FL 32541

Southeastern Mortgage & Insurance, LLC ("Southeastern Mortgage & Insurance"), License #L080412, is hereby notified that the Chief Financial Officer of the State of Florida has caused to be made an investigation of its activities while licensed as an insurance agent in this state, as a result of which it is alleged:

GENERAL ALLEGATIONS

1. Pursuant to chapter 626, Florida Statutes, Southeastern Mortgage & Insurance is currently licensed in this state as a resident insurance agency.
2. At all times pertinent to the dates and occurrences referred to herein, Southeastern Mortgage & Insurance was licensed in this state as a resident insurance agency.
3. Pursuant to chapter 626, Florida Statutes, the Florida Department of Financial Services (the "Department") has jurisdiction over Southeastern Mortgage & Insurance's insurance license and appointments.



## COUNT I

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

5. On May 7, 2014, in the United States District Court in and for the Northern District of Florida, Panama City Division, Case No. 5:13CR26-RS, Donald Terry Dubose, the managing member of Southeastern Mortgage & Insurance, was adjudicated guilty of one count of Conspiracy to Commit Wire Fraud against the Federal Deposit Insurance Corporation (FDIC), seven counts of Wire Fraud, three counts of Making False Statements to the FDIC, and one count of Aiding and Abetting a False Claim Against the United States, all felonies.

IT IS THEREFORE CHARGED that Southeastern Mortgage & Insurance has violated one or more of the following provisions of the Florida Statutes or *Florida Administrative Code*, which constitute grounds for the suspension or revocation of its license as a resident insurance agency in this state:

(a) Section 626.6115(3), Florida Statutes, which provides that the Department shall deny, suspend, revoke, or refuse to continue the license of any insurance agency if it finds, as to any insurance agency or as to any majority owner, partner, manager, director, officer, or other person who manages or controls such agency has had a license to practice or conduct any regulated profession, business, or vocation relating to the business of insurance by this state, any other state, any nation, any possession or district of the United States, any court, or any lawful agency thereof denied, suspended, or revoked.

WHEREFORE, Southeastern Mortgage & Insurance is hereby notified that the Chief Financial Officer intends to enter an Order revoking its license and appointments as an insurance agency or to impose such penalties as may be provided under the provisions of sections



626.6115(3), 626.641, 626.681, 626.691, and 626.9521, Florida Statutes, and under the other referenced sections of the Florida Statutes as set out in this Administrative Complaint.

DATED and SIGNED this 8<sup>th</sup> day of December, 2014.



A solid black rectangular box used to redact the signature of Gregory Thomas.

Gregory Thomas  
Director, Agent & Agency Services

## NOTICE OF RIGHTS

Southeastern Mortgage & Insurance has 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 Southeastern Mortgage & Insurance's designee, and must be filed with the Department within twenty-one (21) days of Southeastern Mortgage & Insurance's receipt of this notice. Completion of the attached Election of Proceeding form and a 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. Southeastern Mortgage & Insurance's 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 SOUTHEASTERN MORTGAGE & INSURANCE'S WRITTEN RESPONSE IS RECEIVED BY THE DEPARTMENT WITHIN TWENTY-ONE (21) DAYS OF ITS RECEIPT OF THIS NOTICE WILL CONSTITUTE A WAIVER OF ITS RIGHT TO REQUEST A PROCEEDING ON THE MATTERS ALLEGED HEREIN AND A FINAL ORDER OF SUSPENSION OR REVOCATION WILL BE ENTERED AGAINST SOUTHEASTERN MORTGAGE & INSURANCE.**

If Southeastern Mortgage & Insurance requests a proceeding, it must provide information that complies with the requirements of Rule 28-106.2015, *Florida Administrative Code*.

(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 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 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 you during the time frame in which you have to request a hearing.

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 Southeastern Mortgage & Insurance, at 4458 Legendary Drive, Suite 140, Destin, Florida 32541, by Certified Mail this 8<sup>th</sup> day of December, 2014.



Leah E. Marino  
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:

SOUTHEASTERN MORTGAGE & INSURANCE /

CASE NO.: 161369-14-AG

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: \_\_\_\_\_

Phone No.: \_\_\_\_\_

**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**

Fax No.: \_\_\_\_\_

E-mail \_\_\_\_\_

**Edgil, Kerry**

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**From:** Microsoft Outlook  
**To:** 'DTDUBOSE@AOL.COM'  
**Sent:** Wednesday, December 17, 2014 2:59 PM  
**Subject:** Relayed: 161369-14-AG SOUTHEASTERN MORTGAGE & INSURANCE:

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

'DTDUBOSE@AOL.COM' ([DTDUBOSE@AOL.COM](mailto:DTDUBOSE@AOL.COM)) <<mailto:DTDUBOSE@AOL.COM>>

Subject: 161369-14-AG SOUTHEASTERN MORTGAGE & INSURANCE:

