

**FILED**

FEB 17 2015

Docketed by CEJ



CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

IN THE MATTER OF:

CASE NO.: 146043-13-AG

MAHAGONY WILLIAMS  
\_\_\_\_\_ /

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 August 1, 2014, and being fully advised in the premises, finds that:

1. Mahagony Williams ("Respondent") is currently licensed by the Department of Financial Services ("Department"), pursuant to the Florida Insurance Code, as a limited surety (bail bond) agent.

2. On August 1, 2014,<sup>1</sup> an Administrative Complaint was issued against Respondent, alleging that she committed numerous violations of the insurance code in the conduct of her bail bond business.

3. Respondent was notified 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

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<sup>1</sup> In order to correct a typographical error in the Administrative Complaint, the date of the Director's signature, contained on page 8 of the Administrative Complaint, is hereby changed from "August 1, 2013" to "August 1, 2014."

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

4. In accordance with section 624.310(6), Florida Statutes, the Administrative Complaint was served upon Respondent by publication on October 1<sup>st</sup>, 8<sup>th</sup>, 15<sup>th</sup> and 22<sup>nd</sup>, 2014, in Duval County, Florida, in the Financial News and Daily Record Newspaper.

5. After more than 21 days since service of the Administrative Complaint, Respondent has 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 August 1, 2014, which is attached hereto as "Exhibit A", and fully incorporated herein by reference, are hereby adopted as this Department's Findings of Fact in this case.

#### CONCLUSIONS OF LAW

7. Based upon the Findings of Fact adopted herein, the Department concludes that Respondent 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. Respondent's failure to answer the Administrative Complaint or request a proceeding, taken together with the Findings of Fact and Conclusions of Law adopted herein, constitute grounds for the revocation of Respondent's license.

IT IS THEREFORE ORDERED that:

(a) All licenses, appointments and eligibility for licensure heretofore issued to Respondent, within the purview of the Department, are hereby REVOKED.

(b) Pursuant to section 648.49(2), Florida Statutes, Respondent does not have the right to apply for another license or appointment under chapter 648 of the Florida Insurance Code. Further, pursuant to section 626.641(2), Florida Statutes, Respondent does not have the right to apply for any license or appointment under the Florida Insurance Code for a period of two years after the effective date of revocation.

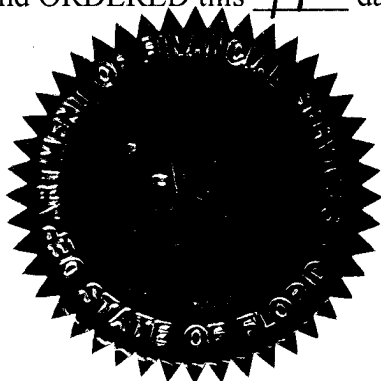
(c) Subsequent to this revocation, Respondent shall not engage in or attempt or profess to engage in any transaction of business for which a license or appointment is required under chapter 648 of the Insurance Code, or be employed by any bail bond agent or agency, have any ownership in any business involving bail bonds, or have any financial interest of any type in any bail bond business.

(d) During the period of revocation, Respondent shall not engage in or attempt or profess to engage in any transaction of business for which a license or appointment is required under the 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.

(e) Respondent shall return all licenses issued to her pursuant to the Florida Insurance Code 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 order.

(f) Pursuant to section 648.49(3), Florida Statutes, any person who knowingly transacts insurance or otherwise engages in insurance activities in this state without a license, or while the license(s) is suspended or revoked, commits a felony of the third degree.

DONE and ORDERED this 17<sup>th</sup> day of February, 2015.



[Redacted signature]

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:

Mahagony Williams  
7580 Strato Road  
Jacksonville, Florida 32210  
Hoggy\_33056@yahoo.com

GREG THOMAS, DIRECTOR  
Division of Agent & Agency Services  
200 East Gaines Street  
Tallahassee, Florida 32399

# FILED

AUG 01 2014



CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

Docketed by MC

IN THE MATTER OF:

MAHAGONY WILLIAMS

CASE NO.: 146043-13-AG

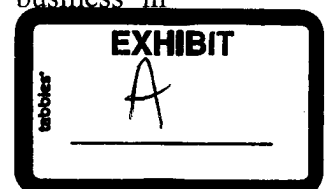
ADMINISTRATIVE COMPLAINT

TO: MAHAGONY WILLIAMS  
7580 Strato Road  
Jacksonville, Florida 32210  
Hoggy\_33056@yahoo.com

You, MAHAGONY WILLIAMS, are hereby notified that the Chief Financial Officer of the State of Florida, and the Department of Financial Services, has caused to be made an investigation of your activities in this state while licensed as a limited surety (bail bond) agent, as a result of which it is alleged:

GENERAL ALLEGATIONS

1. Pursuant to chapter 648, Florida Statutes, at all times pertinent to the dates and occurrences referred to herein, you, MAHAGONY WILLIAMS, were licensed in this state as a limited surety (bail bond) agent, License #P075559.
2. Between September 24, 2008 and March 9, 2013, you, MAHAGONY WILLIAMS, were appointed with Continental Heritage Insurance Company ("Continental,") for which C.E. Parish General Agency, Inc. ("Parish") served as Managing General Agent.
3. Mahagony's Bonding Agency, formerly known as "No Problem Bail Bonds," is a Florida Corporation acting as a bail bond agency with its principal place of business in



Jacksonville, Florida. Mahagony's Bonding Agency was administratively dissolved by the Florida Department of State, Division of Corporations, on September 28, 2012, for failure to file its annual report.

4. Mahagony's Bonding Agency conducted the business of bail bonds from approximately August 2009 to November 2012.

5. At all times pertinent to the dates and occurrences referred to herein, you, MAHAGONY WILLIAMS, were the owner, president, registered agent, and primary bail bond agent of Mahagony's Bonding Agency.

6. Pursuant to section 648.25, Florida Statutes, the responsibilities of a primary bail bond agent includes the responsibility for the overall operation and management of a bail bond agency location.

7. At all times pertinent hereto, you, MAHAGONY WILLIAMS, as the owner and primary bail bond agent for Mahagony's Bonding Agency, failed to faithfully discharge your duties and responsibilities.

#### COUNT I

8. The general allegations contained in paragraphs 1 through 7 of this Administrative Complaint are hereby re-alleged and fully incorporated herein.

9. On or about June 8, 2011, V.H. went to Mahagony's Bonding Agency to arrange for a bond for M.G. An appearance bond, with power number PC75-00913186, was filed by Mahagony's Bonding Agency on behalf of M.G.

10. V.H. paid a total of \$4,800 as bond premium. Two bail bond premium receipts evincing V.H.'s payment to Mahagony's Bonding Agency were issued to her on June 8, 2011.

11. M.G. was not released from jail on the appearance bond with power number PC75-00913186, and as a result, you, MAHAGONY WILLIAMS, promised to refund the premium payment of \$4,800 to V.H.

12. You, MAHAGONY WILLIAMS, failed to refund the premium payment to V.H.

13. On May 3, 2013, Parish issued a check for \$4,800 to V.H. as a refund of the premium you, MAHAGONY WILLIAMS, collected from her.

14. As of this date, you, MAHAGONY WILLIAMS, have failed to transmit the premium payment to Parish in accordance with your contract with Parish.

IT IS THEREFORE CHARGED that, you, MAHAGONY WILLIAMS, have violated one or more of the following provisions of the Florida Statutes or Florida Administrative Code, which constitutes grounds for the suspension or revocation of your license as a Florida limited surety (bail bond) agent:

- (a) Section 648.295(1), Florida Statutes, which provides that all premiums, return premiums, or other funds belonging to insurers or others received by a person licensed pursuant to this chapter in transactions under her or his license are trust funds received by the licensee in a fiduciary capacity, and the licensee must account for and pay the same to the insurer, insured, or other person entitled to such funds.
- (b) Section 648.45(2)(h), Florida Statutes, which provides that it is a violation for the bail bond agent to misappropriate, convert, or unlawfully withhold moneys belonging to a surety, principal, or others and received in the conduct of business under a license.

- (c) Section 648.45(3)(d), Florida Statutes, which provides that it is a violation for the bail bond agent to fail or refuse, upon demand, to pay over to any insurer the bail bond agent represents or has represented any money coming into his or her hands which money belongs to the insurer.

## COUNT II

15. The general allegations in paragraphs 1 through 7 of this Administrative Complaint are hereby re-alleged and fully incorporated herein.

16. On or about January 13, 2011, M.L. went to Mahagony's Bonding Agency to arrange for a bond for W.L. Two appearance bonds, with power numbers PC7-00883078 and PC7-00883079, were filed by Mahagony's Bonding Agency on behalf of W.L.

17. W.L. failed to appear at his court hearing, resulting in the forfeitures of the appearance bonds with power numbers PC7-00883078 and PC7-00883-78.

18. On April 20, 2011, Judge Charles Cofer in the Fourth Judicial Circuit in and for Duval County, Florida, entered an Order of Forfeiture on the appearance bonds with power numbers PC7-00883078 and PC7-00883079.

19. On or about August 8, 2011, Parish made a payment of \$5,137.09 to satisfy judgment of forfeiture in case number 16-2011-CA-005230 to the Fourth Judicial Circuit in and for Duval County, Florida and received receipt number 1356878 as evidence thereof.

20. On or about August 8, 2011, Parish made a payment of \$5,137.09 to satisfy judgment of forfeiture in case number 16-2011-CA-005229 to the Fourth Judicial Circuit in and for Duval County, Florida and received receipt number 1356878 as evidence thereof.

21. You, MAHAGONY WILLIAMS, failed to pay forfeiture monies for powers issued on behalf of W.L. and associated costs totaling \$10,274.00.



22. You, MAHAGONY WILLIAMS, were required to satisfy these forfeitures in accordance with section 648.45, Florida Statutes, and your contract with Parish.

23. To date, you, MAHAGONY WILLIAMS, have not paid any of the money owed to Parish.

IT IS THEREFORE CHARGED that, you, MAHAGONY WILLIAMS, have violated one or more of the following provisions of the Florida Statutes or Florida Administrative Code, which constitutes grounds for the suspension or revocation of your license as a Florida limited surety (bail bond) agent:

- (a) Section 648.295(1), Florida Statutes, which provides that all premiums, return premiums, or other funds belonging to insurers or others received by a person licensed pursuant to this chapter in transactions under her or his license are trust funds received by the licensee in a fiduciary capacity, and the licensee must account for and pay the same to the insurer, insured, or other person entitled to such funds.
- (b) Section 648.45(2)(h), Florida Statutes, which provides that it is a violation for the bail bond agent to misappropriate, convert, or unlawfully withhold moneys belonging to a surety, a principal, or others and received in the conduct of business under a license.
- (c) Section 648.45(2)(m), Florida Statutes, which provides that it is a violation for the bail bond agent to fail to perform a contractual obligation or agreement with a managing general agent or insurer which results in an unrecovered loss due to nonpayment of a forfeiture or judgment by the licensee.

- (d) Section 648.45(3)(d), Florida Statutes, which provides that it is a violation for the bail bond agent to fail or refuse, upon demand, to pay over to any insurer the bail bond agent represents or has represented any money coming into his or her hands which money belongs to the insurer.

### COUNT III

24. The general allegations in paragraphs 1 through 7 of this Administrative Complaint are hereby re-alleged and fully incorporated herein.

25. You, MAHAGONY WILLIAMS, as owner of Mahagony's Bonding Agency, abandoned your bail bond business located in Jacksonville, Florida, in or about November, 2012.

26. You, MAHAGONY WILLIAMS, are not now actively engaged as a full-time bail bond agent.

27. You, MAHOGANY WILLIAMS, failed to notify the Department that you ceased writing bail bonds on your appointment with Continental Heritage Insurance Company.

28. You, MAHAGONY WILLIAMS, failed to notify the Duval County Clerk of the Court that you ceased writing bail bonds on your appointment with Continental Heritage Insurance Company.

29. You, MAHAGONY WILLIAMS, failed to notify the Duval Sheriff's Office that you ceased writing bail bonds on your appointment with Continental Heritage Insurance Company.

IT IS THERFORE CHARGED that, you, MAHAGONY WILLIAMS, have violated one or more of the following provisions of the Florida Statutes or Florida Administrative Code, which constitutes grounds for the suspension or revocation of your license as a Florida limited surety (bail bond) agent:

- (a) Section 648.40(2), Florida Statutes, which provides that any professional bail bond agent who discontinues writing bail bonds during the period for which he or she is appointed must notify each clerk of the circuit court and each sheriff with whom he or she is registered and the department within 30 days after such discontinuance.
- (b) Section 648.34, Florida Statutes, which provides that the place of business of the applicant will be located in this state and in the county where the applicant will maintain his or her records and be actively engaged in the bail bond business and maintain an agency accessible to the public which is open for reasonable business hours.
- (c) Section 648.421, Florida Statutes, which provides, in pertinent part, as follows: Each licensee under this chapter shall notify in writing the department, insurer, managing general agent, and the clerk of each court in which the licensee is registered within 10 working days after a change in the licensee's principal business address or telephone number. The licensee shall also notify the department within 10 working days after a change of the name, address, or telephone number of each agency or firm for which he or she writes bonds and any change in the licensee's name, home address, e-mail address, or telephone number.
- (d) Rule 69B-221.051, Florida Administrative Code, which provides, in pertinent part, as follows: Every bail bond agent must be actively engaged in the bail bond business; in a building suitably designated as a bail bond agency, which

must be maintained open and accessible to the public to render service during reasonable business hours.

WHEREFORE, you, MAHAGONY WILLIAMS, are hereby notified that the Chief Financial Officer, through his designee, intends to enter an Order suspending or revoking your licenses and appointments as a limited surety (bail bond) agent, and impose such penalties as may be provided under the provisions of sections 648.387, 648.442, 648.45, 648.49, 648.50, 648.51, 648.52, 648.53 and 648.571, Florida Statutes and under other referenced sections as set forth in this Administrative Complaint. You are further notified that any order entered in this case revoking or suspending any license or eligibility for licensure held by you shall also apply to all other licenses and eligibility held by you under the Florida Insurance Code.

DATED and SIGNED this 1<sup>st</sup> day of August, 2013.



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 ("Department") pursuant to sections 120.569 and 120.57, Florida Statutes, and rule 28-1065, 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, 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 to 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 freeform 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.

STATE OF FLORIDA  
FLORIDA DEPARTMENT OF FINANCIAL SERVICES  
DIVISION OF LEGAL SERVICES

IN THE MATTER OF:

MAHAGONY WILLIAMS

CASE NO. 146043-13-AG

ELECTION OF PROCEEDING

Respondent has received and has read the Administrative Complaint filed by the Florida Department of Financial Services ("Department"), including the Notice of Rights contained therein, and understands its options. Respondent is requesting disposition of this matter as indicated below. **(CHOOSE ONE)**

1. ☐ Respondent does not dispute any of the Department's factual allegations and does not desire a hearing. Respondent understands that by waiving its right to a hearing, the Board of Funeral, Cemetery and Consumer Services ("Board") may enter a final order that adopts the Administrative Complaint and imposes the sanctions sought, including suspending or revoking my license(s) as may be appropriate.
2. Respondent does not dispute any of the Department's factual allegations and hereby elects a proceeding to be conducted ~~in accordance with Sections 120.57(2) and 497.153(4)(b), Florida Statutes. In this regard, Respondent desires to~~  
**(CHOOSE ONE):**
  - ☐ Submit a written statement and documentary evidence to the Board in lieu of personally appearing at a hearing conducted by the Board at the location of a regularly scheduled Board meeting;
  - OR
  - ☐ Personally attend a hearing conducted by the Board at the location of a regularly scheduled Board meeting.
3. ☐ Respondent does dispute one or more of the Department's factual allegations, and hereby requests a hearing pursuant to Section 120.57(1), Florida Statutes, to be held before the Division of Administrative Hearings. Respondent has attached to this election form the information required by Rule 28-106.2015, Florida Administrative Code as specified in the Notice of Rights. Specifically, it has identified the disputed issues of material fact in the response attached hereto.

**TO PRESERVE THE RIGHT TO A HEARING, RESPONDENT MUST FILE ITS RESPONSE WITH THE DEPARTMENT OF FINANCIAL SERVICES WITHIN TWENTY-ONE (21) DAYS OF 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 RESPONDENT'S RECEIPT OF THE ADMINISTRATIVE COMPLAINT.**

The address for filing a Response is: Julie Jones, 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 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. \_\_\_\_\_

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Administrative Complaint has been furnished by U.S. Certified Mail to: MAHAGONY WILLIAMS, 7580 Strato Road, Jacksonville, Florida 32210, and via electronic mail, read and delivery receipts requested, to Hoggy\_33056@yahoo.com, on this 1<sup>st</sup> day of August, 2014.

  
**Jessica Harmsen**  
Florida Bar No.: 92433  
Assistant General Counsel  
Florida Department of Financial Services  
Division of Legal Services  
200 East Gaines St.  
Tallahassee, Florida 32399-0333  
P: (850) 413-4236  
F: (850) 487-4907

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