

FILED

FEB 25 2015

Docketed by ELL



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

IN THE MATTER OF:

Case No.: 156137-14-AG

CHRISTOPHER ALLEN WINDHAM

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 November 18, 2014, and being fully advised in the premises, finds that:

1. Christopher Allen Windham is licensed by the Department of Financial Services (the "Department"), pursuant to the Florida Insurance Code, as a limited surety (bail bond) agent. This license is currently suspended pursuant to a Notice of Temporary Suspension.

2. On November 18, 2014, the Department issued an Administrative Complaint, attached hereto as "Exhibit A," against Christopher Allen Windham, alleging that on February 7, 2012, in the Circuit Court for the Seventh Judicial Circuit, in and for Volusia County, Florida, Case No. 2011-34535 CFAES, Christopher Allen Windham pled nolo contendere to one count of Attempt to Organized Scheme to Defraud, a first degree misdemeanor and crime of moral turpitude.

3. The Department notified Christopher Allen Windham 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), Florida Statutes, the Administrative Complaint was served upon Christopher Allen Windham on December 17, 2014, by personal service, in Volusia County, Florida, by Ruth Williams, investigator for the Florida Department of Financial Services.

5. Christopher Allen Windham 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 November 18, 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 Christopher Allen Windham 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 Christopher Allen Windham 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 Christopher Allen Windham.

IT IS THEREFORE ORDERED that:

(a) All licenses, appointments and eligibility for licensure heretofore issued to Christopher Allen Windham, within the purview of the Department, are hereby revoked.

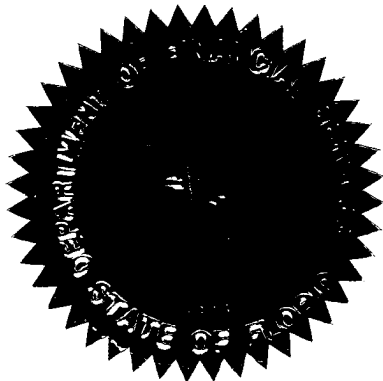
(b) Pursuant to section 648.49(2), Florida Statutes, Christopher Allen Windham does not have the right to apply for another license or appointment under chapter 648, Florida Statutes.


(c) During the period of suspension or revocation of the license and until the license is reinstated or a new license is issued, 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, Christopher Allen Windham shall return all licenses issued to Christopher Allen Windham 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 25th 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:

cwindham33@yahoo.com

Christopher Allen Windham
900 North Atlantic Avenue
Daytona Beach, Florida 32118

Christopher Allen Windham
559 Dr. Mary Mcleod Bethune Boulevard
Daytona Beach, Florida 32114

Christopher Allen Windham
944 West International Speedway
Daytona Beach, Florida 32114

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

NOV 18 2014

Docketed by AM



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

IN THE MATTER OF:

Case No.: 156137-14-AG

CHRISTOPHER ALLEN WINDHAM

ADMINISTRATIVE COMPLAINT

Christopher Allen Windham
559 Dr. Mary Mcleod Bethune Boulevard
Daytona Beach, Florida 32114

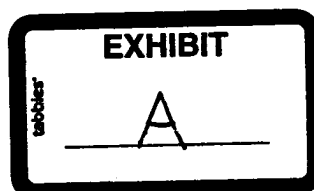
Christopher Allen Windham
900 North Atlantic Avenue
Daytona Beach, Florida 32118

Christopher Allen Windham, License #P059180, 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, Christopher Allen Windham is licensed in this state as a limited surety (bail bond) agent. Christopher Allen Windham's license is currently suspended.

2. On the same date as this Administrative Complaint, a Notice of Temporary Suspension was filed against Christopher Allen Windham suspending his license as a limited surety (bail bond) agent.



3. Pursuant to chapter 648, Florida Statutes, the Florida Department of Financial Services (the "Department") has jurisdiction over Christopher Allen Windham's license and eligibility for licensure as a limited surety (bail bond) agent.

COUNT I

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

5. On February 7, 2012, in the Circuit court for the Seventh Judicial Circuit, in and for Volusia County, Florida, Case No. 2011-34535 CFAES, Christopher Allen Windham pled nolo contendere to one count of Attempt to Organized Scheme to Defraud, a first degree misdemeanor and a crime of moral turpitude.

IT IS THEREFORE CHARGED that Christopher Allen Windham 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 648.34(2)(e), Florida Statutes, which requires a person to be of high character and approved integrity and to have not been convicted of or pleaded guilty or no contest to a felony, a crime involving moral turpitude, or a crime punishable by imprisonment of 1 year or more under the law of any state, territory, or country, whether or not a judgment or

conviction has been entered, in order to qualify for licensure as a limited surety (bail bond) agent.


(c) Section 648.45(2)(e), 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 the licensee had exhibited a demonstrable lack of fitness or trustworthiness to engage in the limited surety (bail bond) agent business.

(d) Section 648.45(2)(k), 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 the licensee has been found guilty of, or has pleaded guilty or no contest to a felony, a crime involving moral turpitude, or a crime punishable by imprisonment of one (1) year or more under the law of any state, territory, or country, whether or not a judgment or conviction has been entered.

WHEREFORE, Christopher Allen Windham 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 18th day of November, 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 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. 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*. 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: Christopher Allen Windham, 559 Dr. Mary Mcleod Bethune Boulevard, Daytona Beach, Florida 32114; Christopher Allen Windham, 900 North Atlantic Avenue, Daytona Beach, Florida 32118; by Certified Mail this 18th day of November, 2014.



Robert A. Fox
Assistant General Counsel
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.: 156137-14-AG

CHRISTOPHER ALLEN WINDHAM

/

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 _____



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

FILED

NOV 18 2014

Docketed by AM

IN THE MATTER OF:

CASE NO.: 156137-14-AG

CHRISTOPHER ALLEN WINDHAM

NOTICE OF TEMPORARY SUSPENSION

COMES NOW the Chief Financial Officer, by and through his named designee, pursuant to section 648.45(1), Florida Statutes, and issues this Order temporarily suspending all licenses and appointments heretofore issued to Christopher Allen Windham, under chapter 648, Florida Statutes, and as grounds therefore finds:

1. Christopher Allen Windham is currently licensed in this state as a limited surety (bail bond) agent pursuant to chapter 648, Florida Statutes.

2. At all times relevant to the dates and occurrences set forth herein, Christopher Allen Windham was licensed in this state as a limited surety (bail bond) agent.

3. On or about September 14, 2011, an Information was filed against Christopher Allen Windham in the Circuit Court of the Seventh Judicial Circuit, in and for Volusia County, Florida, in Case No. 2011-34535 CFAES, alleging that he engaged in a scheme to defraud, a crime of moral turpitude.

4. Pursuant to section 648.45(1), Florida Statutes, the Department of Financial Services (the "Department") shall, upon receipt of an information or indictment, immediately temporarily suspend any license or appointment issued under chapter 648, Florida Statutes, when

the licensee has been charged with a felony or a crime involving moral turpitude or a crime punishable by imprisonment of one (1) year or more under the law of any state, territory, or country. Such suspension shall continue if the licensee has been found guilty of, or has pleaded guilty or no contest to, the crime, whether or not a judgment or conviction has been entered, or an appeal is pending. A person may not effect any additional bail bonds after suspension of his license or appointment, however, he may discharge any liability on bonds effected prior to suspension.

Notice is hereby given that the Department shall take prompt action to revoke the license of Christopher Allen Windham in the event he pleads guilty, nolo contendere or is found guilty of this felony or any other lesser offense which is a felony, a crime involving moral turpitude or a crime punishable by imprisonment of one (1) year or more under the law of any state, territory or country whether or not a judgment or conviction has been entered.

WHEREFORE, IT IS HEREBY ORDERED:


(a) That the limited surety (bail bond) agent license held by Christopher Allen Windham is hereby suspended. During the period of suspension Christopher Allen Windham may not engage in any transaction or business for which a license or appointment is required by chapter 648, Florida Statutes.

(b) That Christopher Allen Windham shall immediately cease and desist from writing, issuing, or soliciting any bail bonds in the State of Florida and he shall not effect any additional bail bonds. However, pursuant to section 648.45(1), Florida Statutes, Christopher

Allen Windham may discharge any liability on bonds effected prior to this suspension.

DATED AND SIGNED this 18th day of November, 2014.




Gregory Thomas
Director, Agent & Agency Services

NOTICE OF RIGHTS

Christopher Allen Windham has 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 Rule 28-106, *Florida Administrative Code*. The proceeding request must be in writing, signed by Christopher Allen Windham, and must be filed with the Department within twenty-one (21) days of his 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. Christopher Allen Windham's written response must be received by the Department no later than 5:00 p.m. on the twenty-first day after his receipt of this notice. Mailing the response on the twenty-first day will not preserve Christopher Allen Windham's right to a hearing.

FAILURE TO ENSURE THAT CHRISTOPHER ALLEN WINDHAM'S WRITTEN RESPONSE IS RECEIVED BY THE DEPARTMENT WITHIN TWENTY-ONE (21) DAYS OF HIS RECEIPT OF THIS NOTICE WILL CONSTITUTE A WAIVER OF HIS RIGHT TO REQUEST A PROCEEDING ON THE MATTERS ALLEGED HEREIN

AND THIS NOTICE OF TEMPORARY SUSPENSION SHALL BE FINAL AND REMAIN IN EFFECT, AND HIS LICENSES SHALL CONTINUE TO REMAIN SUSPENDED, UNTIL THE CRIMINAL CHARGES ARE DISPOSED OF. HOWEVER, IF CHRISTOPHER ALLEN WINDHAM IS 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 HIS LICENSE SHALL CONTINUE TO REMAIN SUSPENDED, INCLUDING DURING ANY PENDING APPEAL OF THE CRIMINAL CHARGES.

If Christopher Allen Windham requests a proceeding, he must provide information that complies with the requirements of Rule 28-106.2015, *Florida Administrative Code*. Specifically, Christopher Allen Windham's 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, Christopher Allen Windham is 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 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, Christopher Allen Windham has the right to be represented by counsel or other qualified representative at his 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, Christopher Allen Windham 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 Christopher Allen Windham feels that a hearing is necessary, one will be conducted in Tallahassee, Florida, or by telephonic conference call upon his request.

However, if Christopher Allen Windham disputes material facts which are the basis for the Department's action, Christopher Allen Windham 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 Christopher Allen Windham's 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 Christopher Allen Windham until his response has been received by the Department.

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: Christopher Allen Windham, 559 Dr. Mary Mcleod Bethune Boulevard, Daytona Beach, Florida 32114; Christopher Allen Windham, 900 North Atlantic Avenue, Daytona Beach, Florida 32118; by Certified Mail this 18th day of November, 2014.



Robert A. Fox
Assistant General Counsel
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:

CHRISTOPHER ALLEN WINDHAM

CASE NO.: 156137-14-AG

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 license shall continue to remain suspended, until the criminal charges are disposed of, and I further understand that if I am found guilty of, or have pleaded guilty or no contest to, the crime, whether or not a judgment or conviction has been entered, the temporary suspension shall remain in effect and my license shall 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 subparagraph (c) of the Notice of Rights. Specifically, I have identified the disputed issues of material fact.

TO PRESERVE (respondent's name)'s RIGHT TO A HEARING, (RESPONDENT'S NAME) MUST FILE (RESPONDENT'S NAME)'S RESPONSE WITH THE DEPARTMENT OF FINANCIAL SERVICES WITHIN TWENTY-ONE (21) DAYS OF (RESPONDENT'S NAME)'S 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 (RESPONDENT'S NAME)'S 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: _____