



CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

**FILED**

MAR 11 2015

Docketed by 

IN THE MATTER OF:

CASE NO.: 160904-14-AG

REBECCA BARNHILL  
\_\_\_\_\_ /

CEASE AND DESIST ORDER

THIS PROCEEDING CAME on for final agency action and the Chief Financial Officer, having considered the record, including the Notice of Intent to Issue Cease and Desist Order (“Notice of Intent”) filed on December 18, 2014, and being fully advised in the premises, finds that:

1. Rebecca Barnhill (the “Respondent”) is not currently licensed by the Department of Financial Services (the “Department”) pursuant to the Florida Insurance Code.
2. On December 18, 2014, a Notice of Intent was issued against the Respondent alleging that she transacted insurance without a license.
4. In accordance with section 120.60(5), Florida Statutes, the Department served the Notice of Intent upon the Respondent by certified mail on December 22, 2014.
5. The Notice of Intent notified the Respondent of the right to request a proceeding in accordance with sections 120.569 and 120.57, Florida Statutes, and that failure to respond to the Notice of Intent or request a proceeding within twenty-one (21) days would result in the imposition of a penalty.

6. The Respondent timely filed an Election of Proceeding form with the Department but indicated that she did not dispute any of the Department's factual allegations and did not desire a hearing in accordance with sections 120.569 and 120.57, Florida Statutes. The Respondent's Election of Proceeding form is attached hereto as "Exhibit A."

#### FINDINGS OF FACT

7. The factual allegations contained in the Notice of Intent, which is attached hereto as "Exhibit B," and is fully incorporated herein by reference, are hereby adopted as the Department's Findings of Fact in this case.

#### CONCLUSIONS OF LAW

8. Based upon the Findings of Fact adopted herein, the Department concludes that Rebecca Barnhill violated the specific statutes and rules charged in each count of the Notice of Intent and hereby adopts the violations charged in each count of the Notice of Intent as the Conclusions of Law in this case.

#### PENALTY IMPOSED

9. The failure of Rebecca Barnhill to request a proceeding, taken together with the Findings of Fact and Conclusions of Law adopted herein, constitute grounds for the Chief Financial Officer to enter a Cease and Desist Order against Rebecca Barnhill.

IT IS THEREFORE ORDERED that:

(a) Rebecca Barnhill shall cease and desist from transacting insurance in Florida without a license.

(b) Rebecca Barnhill shall cease and desist from advertising or holding herself out as an insurance agent or customer representative.

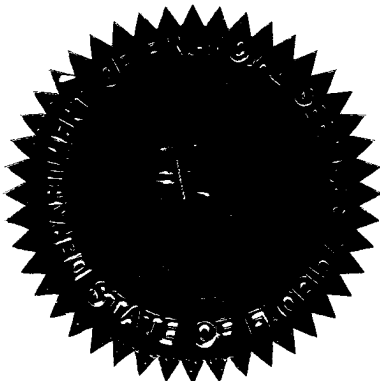
(c) Rebecca Barnhill shall cease and desist from engaging in or attempting or professing to engage in any transaction or business for which a license or appointment is required under the Florida Insurance Code.


(d) Rebecca Barnhill shall cease and desist from violating the Florida Insurance Code, including but not limited to those provisions specifically cited in the Notice of Intent.

(e) The Department provides notice to Rebecca Barnhill that a fine, in accordance with section 624.310(5), Florida Statutes, in addition to any other applicable penalties and fines, shall be imposed against Rebecca Barnhill for failure to comply with this Cease and Desist Order.

(f) 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 11<sup>th</sup> day of March, 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).

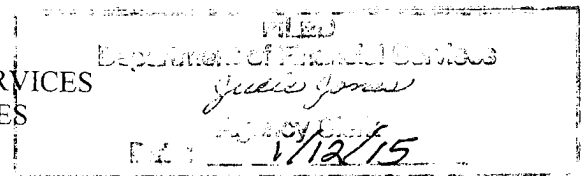
A copy of the petition or notice of appeal must also be filed with the appropriate district court of appeal within thirty (30) days of the rendition of this Order.

Copies Furnished To:

REBECCA BARNHILL  
144 Jack Oak Drive  
Melrose, Florida 32666

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

STATE OF FLORIDA  
DEPARTMENT OF FINANCIAL SERVICES  
DIVISION OF LEGAL SERVICES



IN THE MATTER OF:

REBECCA BARNHILL

CASE NO.: 160904-14-AG

**ELECTION OF PROCEEDING**

I have received and have read the Notice of Intent to Issue a Cease and Desist Order 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, Agency Clerk, Florida Department of Financial Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0390.

Rebecca L. Barnhill  
Signature

Date: 12/31/2014

Date Administrative  
Complaint Received: \_\_\_\_\_

File No. (if any): \_\_\_\_\_

Print Name

Address: Rebecca Barnhill

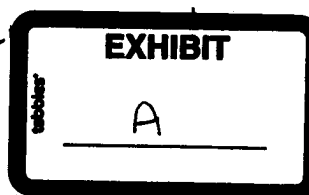
144 Jack Oak Dr Melrose, FL 32066

Phone No.: 386-965-5999

Fax No.: N/A

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.

I have not  
since May 2014



my agency



CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

**FILED**

DEC 18 2014

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IN THE MATTER OF:

REBECCA BARNHILL

CASE NO.: 160904-14-AG

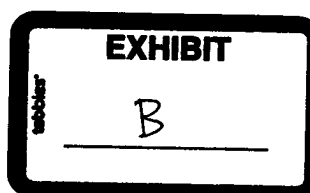
NOTICE OF INTENT TO ISSUE CEASE AND DESIST ORDER

Rebecca Barnhill is hereby notified that the Chief Financial Officer of the State of Florida has caused to be made an investigation of her activities in this state, as result of which it is alleged:

GENERAL ALLEGATIONS

1. Pursuant to chapters 624 and 626, Florida Statutes, the Chief Financial Officer of the State of Florida and the Department of Financial Services (the "Department") have jurisdiction over Rebecca Barnhill, and the transactions and business of insurance.
2. Rebecca Barnhill was licensed in this state as a Customer Representative from October 4, 2007, to January 7, 2014.
3. On January 7, 2014, the Department issued a Notice of Revocation revoking Rebecca Barnhill's Customer Representative license after she was adjudicated guilty of Possession of a Controlled Substance, a third degree felony.
4. The Notice of Revocation states in pertinent part that Rebecca Barnhill is notified that pursuant to section 626.641, Florida Statutes,

(4) During the period of suspension or revocation of the license or appointment, and until the license is reinstated or, if revoked, a new license issued, the former licensee or appointee shall not



engage in or attempt or profess to engage in any transaction or business for which a license or appointment is required under this code or directly or indirectly own, control, or be employed in any manner by any insurance agent or agency or adjuster or adjusting firm.

#### COUNT I

5. The above general allegations are hereby re-alleged and fully incorporated herein by reference.

6. From January 7, 2014, to May 6, 2014, subsequent to the revocation of her Customer Representative license, Rebecca Barnhill was directly or indirectly employed by Gainesville Outdoor Center Inc. dba Sadler & Associates/Sunshine State Insurance ("SSI").

7. At all times material hereto, SSI was a registered insurance agency.

8. In late February 2014, Rebecca Barnhill assisted K.L. of LaCross, Florida, in an insurance transaction by: 1) calling the insurer (Lloyds of London); 2) dealing with K.L.'s insurance issue; and 3) stating that K.L. would be able to keep the \$35,000.00 policy on her personal property but the structure coverage would be reduced.

9. During K.L.'s transaction of insurance, Rebecca Barnhill transacted insurance without a license, including, but not limited to: 1) solicitation or inducement; 2) transaction of matters subsequent to effectuation of a contract of insurance and arising out of it; and 3) acting as an insurance agent or customer representative or service representative.

10. During K.L.'s transaction of insurance, Rebecca Barnhill acted as an insurance agent or customer representative or service representative by, including but not limited to: 1) describing the benefits or terms of insurance coverage, including premiums or rates of return; 2) making general or specific recommendations as to insurance products; 3) completing orders or applications for insurance products; and 4) comparing insurance products, advising as to

insurance matters, or interpreting policies or coverages.

11. During K.L.'s transaction of insurance, Rebecca Barnhill: 1) compared insurance products, advised K.L. as to insurance needs or insurance matters, or interpreted policies or coverages; and 2) solicited the sale of insurance in person; and 3) engaged in substantive discussion of insurance products.

IT IS THEREFORE CHARGED that Rebecca Barnhill has violated or is accountable under the following provisions of the Florida Insurance Code or Florida Administrative Code:

(a) Section 626.621(3), Florida Statutes, which provides that it is a violation of law to violate any lawful order or rule of the department, commission, or office.

(b) Section 626.112(1)(a), Florida Statutes, which provides that no person may be, act as, or advertise or hold himself or herself out to be an insurance agent, insurance adjuster, or customer representative unless he or she is currently licensed by the department and appointed by an appropriate appointing entity or person.

(c) Section 626.112(1)(b), Florida Statutes, which states that except as provided in subsection (6) or in applicable department rules, and in addition to other conduct described in this chapter with respect to particular types of agents, a license as an insurance agent, service representative, customer representative, or limited customer representative is required in order to engage in the solicitation of insurance. For purposes of this requirement, as applicable to any of the license types described in this section, the solicitation of insurance is the attempt to persuade any person to purchase an insurance product by: 1) describing the benefits or terms of insurance coverage, including premiums or rates of return; 2) distributing an invitation to contract to prospective purchasers; 3) making general or specific recommendations as to insurance products;



4) completing orders or applications for insurance products; 5) comparing insurance products, advising as to insurance matters, or interpreting policies or coverages.

(d) Section 626.112(2), Florida Statutes, which provides that no agent or customer representative shall solicit or otherwise transact as agent or customer representative, or represent or hold himself or herself out to be an agent or customer representative as to, any kind or kinds of insurance as to which he or she is not then licensed and appointed.

(e) Section 624.10(5), Florida Statutes, which provides that “transact” with respect to insurance includes solicitation or inducement, preliminary negotiations, effectuation of a contract of insurance and transaction of matters subsequent.

(f) Section 624.11(1), Florida Statutes, which states that no person shall transact insurance in this state without complying with the applicable provisions of the code.

(g) Section 626.9571(1), Florida Statutes, which states that whenever the department has reason to believe that any person is engaging in the business of insurance without being properly licensed it shall conduct or cause to have conducted a hearing in accordance with chapter 120.

(h) Section 626.9581, Florida Statutes, which states that after the hearing provided in section 626.9571, Florida Statutes, the department shall enter a final order in accordance with section 120.569, Florida Statutes. If it is determined that the person charged has engaged in the unlawful transaction of insurance, the department shall also issue an order requiring the violator to cease and desist from engaging in such method of competition, act, or practice or the unlawful transaction on insurance.

(i) Section 626.7315(1), Florida Statutes, which states that no individual shall, unless licensed as a general lines agent, solicit insurance or procure applications therefor.

(j) Section 626.7315(3), Florida Statutes, which states that no individual shall, unless licensed as a general lines agent, directly or indirectly represent himself or herself to be an agent of any insurer or as an agent, to collect or forward any insurance premium, or to solicit, negotiate, effect, procure, receive, deliver, or forward directly or indirectly, any insurance contract or renewal thereof or any endorsement relating to an insurance contract, or attempt to effect the same, or property or insurable business activities or interests, located in this state.

(k) Section 626.7315(4), Florida Statutes, which states that no individual shall, unless licensed as a general lines agent, in this state, engage or hold himself or herself out as engaging in the business of analyzing or abstracting insurance policies or of counseling or advising or giving opinions, other than as a licensed attorney at law, relative to insurance or insurance contracts, for fee, commission, or other compensation, other than as a salaried bona fide full-time employee so counseling and advising his or her employer relative to the insurance interests of the employer and of the subsidiaries or business affiliates of the employer.

(l) Section 626.7315(5), Florida Statutes, which states that no individual shall, unless licensed as a general lines agent, in any way, directly or indirectly, make or cause to be made, or attempt to make or cause to be made, any contract of insurance for or on account of any insurer.

(m) Section 626.7315(6), Florida Statutes, which states that no individual shall, unless licensed as a general lines agent, solicit, negotiate, or in any way, directly or indirectly, effect insurance contracts, if a member of a partnership or association, or a stockholder, officer, or agent of a corporation which holds an agency appointment from any insurer.


(n) Rule 69B-222.060, *Florida Administrative Code*, states that comparing insurance products, advising as to insurance needs or insurance matters or interpreting policies or coverages is never allowable by unlicensed personnel.

WHEREFORE, Rebecca Barnhill is notified that the Chief Financial Officer intends to issue a Cease and Desist Order against Rebecca Barnhill, pursuant to sections 626.9571 and 626.9581, Florida Statutes, which will order the following: (1) enjoin Rebecca Barnhill from engaging in any and all insurance related activities until she has been properly licensed by the Department, (2) enjoin Rebecca Barnhill from violating the Florida Insurance Code or related rules, and (3) impose sanctions as authorized under the Florida Insurance Code and related rules.

Rebecca Barnhill is notified that any person who violates a cease and desist order of the Department shall be subject to a monetary penalty of not more than fifty thousand (\$50,000) dollars pursuant to section 626.9601, Florida Statutes.

DATED and SIGNED this 18<sup>th</sup> day of December, 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 of Financial Services ("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, 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 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 AN ORDER TO CEASE AND DESIST 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 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  
DEPARTMENT OF FINANCIAL SERVICES  
DIVISION OF LEGAL SERVICES

IN THE MATTER OF:

REBECCA BARNHILL

CASE NO.: 160904-14-AG

**ELECTION OF PROCEEDING**

I have received and have read the Notice of Intent to Issue a Cease and Desist Order 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, 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.: \_\_\_\_\_

File No. (if any): \_\_\_\_\_


Fax 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.**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Intent to Issue a Cease and Desist Order has been furnished by U.S. Certified Mail to: Rebecca Barnhill at 144 Jack Oak Drive, Melrose, Florida 32666, on this 18<sup>th</sup> day of December, 2014.

91 7199 9991 7032 7167 5792



Derick Dehmer  
Florida Bar No.: 105847  
Senior Attorney  
Florida Department of Financial Services  
Division of Legal Services  
200 East Gaines St.  
Tallahassee, Florida 32399-0333  
P: (850) 413-4305  
F: (850) 187-4907