



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

FILED

APR 16 2015

Docketed by KE

IN THE MATTER OF:

CASE NO.: 165619-14-AG

OSCAR VALDES
_____ /

ORDER VACATING ORDER OF SUSPENSION

UPON CONSIDERATION of the record in this cause and being otherwise fully advised in the premises, Chief Financial Officer hereby finds:

1. The Chief Financial Officer, as head of the Department of Financial Services (the "Department"), has jurisdiction over the subject matter of this case and parties hereto.
2. On March 20, 2015, the Chief Financial Officer issued an Order of Suspension in this matter based upon the failure of Oscar Valdez to pay an administrative fine.
3. Subsequent to the entry of the Order of Suspension, the Department discovered that Oscar Valdes had in fact submitted payment to the Department.

IT IS THEREFORE ORDERED:

The Order of Suspension entered in this cause on March 20, 2015, is hereby VACATED, and the licenses and appointments of Oscar Valdes are hereby REINSTATED.

DONE and ORDERED this 16th day of April, 2015.



Gregory Thomas
Director, Agent & Agency Services

Copies Furnished To:

ovaldes@me.com

Oscar Valdes
185 Southwest 7th Street, Unit 3603
Miami, Florida 33130

Greg Thomas, Director
Division of Agent & Agency Services
200 East Gaines Street
Tallahassee, Florida 32399-0320

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

1144

FLORIDA RECOVERY ADJUSTERS LLC

DATE 3/25/15



PAY TO THE ORDER OF

Department of Financial Services

\$ 1,000.⁰⁰/₁₀₀

One Thousand and ⁰⁰/₁₀₀

DOLLARS

CHASE
JPMorgan Chase Bank, N.A.
www.Chase.com

FOR Case: 165619-14-AG (Reissud) E 034575



165619

INVOICE

ADMINISTRATIVE PENALTY IMPOSED BY CONSENT ORDER

In order to ensure that your payment is received and properly credited, please **return this invoice with your check** payable to:

Department of Financial Services
Division of Legal Services
Revenue Processing Section
Post Office Box 6100
Tallahassee, FL 32399-6100

PAYMENT MUST BE RECEIVED WITHIN 30 DAYS OF ISSUANCE OF CONSENT ORDER

REFERENCE

NAME Oscar Valdes
ADDRESS: 185 Southwest 7th Street, Unit 3603
CITY, STATE, ZIP: Miami, Florida 33130
SS# or AGENT#: E034575
Case #: 165619-14-AG
Attorney: Complaint & Settlement
Source: Agent & Agency Investigations

Fine Due:	\$	<u>1,000.00</u>
Cost Due:	\$	<u> </u>
Total Amount Due:	\$	<u>1,000.00</u>
Amount remitted:	\$	<u> </u>

OFFICIAL USE ONLY - PLEASE, DO NOT MARK BELOW THIS LINE

B/T T/C F/T INV AMT (inserted by operator)
M 6100 J

FILED

MAR 20 2015

Docketed by MC



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

IN THE MATTER OF:

CASE NO.: 165619-14-AG

OSCAR VALDES

ORDER OF SUSPENSION

THIS PROCEEDING CAME on for final agency action and the Chief Financial Officer, having considered the record in this case and the Consent Order and being fully advised in the premises, finds that:

1. Oscar Valdes (the "Respondent") is currently licensed as a public adjuster.
2. On January 15, 2015, a Consent Order was issued by the Florida Department of Financial Services (the "Department") in the above-styled case. One condition of the Consent Order, which is attached hereto as "Exhibit AA," and incorporated herein, required the Respondent to pay the Department an administrative penalty of one thousand dollars (\$1,000) within thirty (30) days of the entry of the Consent Order. The Consent Order also provided that failure to pay the administrative penalty within the specified time limit would constitute a violation of section 626.681(3), Florida Statutes, and would result in the immediate suspension of the Respondent's license and appointment for a period of sixty (60) days.

FINDINGS OF FACT

3. The Respondent has failed to pay to the Department the administrative penalty within thirty (30) days of the entry of the Consent Order dated January 15, 2015.

CONCLUSIONS OF LAW

4. The Respondent's failure to pay the administrative penalty to the Department is a violation of the Consent Order dated January 15, 2015, and constitutes a violation of section 626.681(3), Florida Statutes.

PENALTY IMPOSED

5. The Respondent's violation of the Consent Order dated January 15, 2015, constitutes grounds for the suspension of the Respondent's license as a public adjuster in this state pursuant to section 626.681(3), Florida Statutes.

IT IS THEREFORE ORDERED that:

(a) All licenses, appointments and eligibility for licensure heretofore issued to the Respondent, within the purview of the Department, are hereby suspended for a period of sixty (60) days.

(b) During the period of suspension, the Respondent 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, 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.

(c) The Respondent shall not have the right to apply for, and the Department shall not grant, another license or appointment under the Florida Insurance Code for the sixty (60) days following the effective date of suspension. The Department shall not grant the Respondent a new license or appointment or reinstate eligibility to hold such license or

appointment if it finds that the administrative penalty has not been paid or the Respondent has not complied with all terms and conditions of the Consent Order and the suspension.

(d) Following the sixty (60) day suspension, the Respondent shall be entitled to file an application for reinstatement of licensure. However, the Respondent's license shall not be reinstated if the circumstance or circumstances for which the license was suspended still exist or are likely to recur, or if the Respondent is not otherwise eligible for licensure.

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

(f) 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 20th day of March, 2015.



Gregory Thomas
Director, Agent & Agency Services

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.

Copies Furnished To:

ovaldes@me.com

Oscar Valdes
185 Southwest 7th Street, Unit 3603
Miami, Florida 33130

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

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



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

FILED

JAN 15 2015

Docketed by

A handwritten signature in black ink, appearing to be "DJ", written over a horizontal line.

IN THE MATTER OF:

CASE NO.: 165619-14-AG

OSCAR VALDES
_____ /

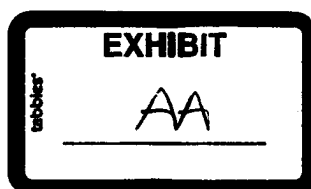
CONSENT ORDER

THIS CAUSE came on for consideration and final agency action. Upon consideration of the record, including the Settlement Stipulation for Consent Order dated December 10, 2014, and being otherwise fully advised in the premises, the Chief Financial Officer finds:

1. The Chief Financial Officer, as agency head of the Florida Department of Financial Services (the "Department"), has jurisdiction over the subject matter of this case and the parties.
2. The entry of this Consent Order and compliance herewith by Oscar Valdes (the "Respondent"), License #E034575, shall conclude the administrative proceeding of Case No. 165619-14-AG before the Department.

IT IS THEREFORE ORDERED:

(a) The Settlement Stipulation for Consent Order dated December 10, 2014, and attached hereto as "Exhibit A," is hereby approved and fully incorporated herein by reference.



(b) The Respondent shall pay an administrative penalty in the amount of one thousand dollars (\$1,000.00) as authorized by section 626.681(1), Florida Statutes, within thirty (30) calendar days of the entry of this Consent Order. Failure of the Respondent to pay the administrative penalty within the specified time limit shall result in the immediate suspension of the Respondent's license and eligibility for licensure in this state without further proceedings for a period of sixty (60) days.

(c) If the Respondent is suspended for violating the Settlement Stipulation for Consent Order or this Consent Order, the Respondent shall, at the end of the applicable period of suspension, be entitled to file an application for reinstatement of licensure. Pursuant to section 626.865, Florida Statutes, the Respondent must retake and pass the public adjuster examination prior to license reinstatement. However, the Respondent's license shall not be reinstated if the Department finds that the circumstance or circumstances for which the license was suspended still exist or are likely to recur, or if the Respondent is not otherwise eligible for licensure.

(d) If the Department has good cause to believe that the Respondent has violated any condition of this Consent Order, then the Respondent authorizes the Department to seek the immediate enforcement of the order in the Circuit Court of the Second Judicial Circuit, in and for Leon County, in Tallahassee, Florida. If such an enforcement order is granted, then the Respondent agrees that he shall be liable to the Department for all reasonable costs and attorneys fees expended in the enforcement action.

DONE and ORDERED this 15th day of January, 2015.



[Redacted signature area]

Gregory Thomas
Director, Agent & Agency Services

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Tallahassee, Florida 32399-0320

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



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

IN THE MATTER OF:

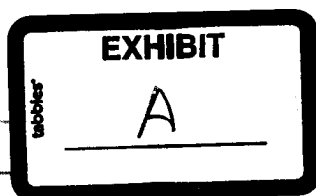
Case No: 165619-14-AG

OSCAR VALDES/

SETTLEMENT STIPULATION FOR CONSENT ORDER

IT IS HEREBY AGREED and STIPULATED by and between Oscar Valdes ("the Respondent") and the State of Florida, Department of Financial Services ("the Department"), that:

1. The Respondent is currently licensed as a Public Adjuster. At all times relevant to the dates and occurrences referred to herein, the Respondent was so licensed in this state.
2. Pursuant to chapter 626, Florida Statutes, the Department has jurisdiction over the Respondent's licensure and eligibility for licensure and appointment in this state and the subject matter of this proceeding.
3. The Department conducted an investigation of the Respondent in his capacity as a licensee. As a result thereof, the Department alleges that the Respondent acted as a public adjuster prior to being licensed, appointed or bonded and failed to include contact information on contracts. In order to avoid formal litigation of this matter, the Respondent has determined that it is in his best interests to enter into this Settlement Stipulation for Consent Order.



4. The Respondent voluntarily waives the right to a hearing in this matter and voluntarily enters into this Settlement Stipulation for Consent Order.

5. The Respondent voluntarily waives receipt of an administrative complaint pursuant to section 120.60(5), Florida Statutes, or any notice or charges other than this Settlement Stipulation for Consent Order.

6. By entering into this Settlement Stipulation For Consent Order and by the filing of a Consent Order in this case, the Respondent and the Department intend to and do resolve all issues pertaining to the license disciplinary administrative penalties to be imposed against the Respondent based on the allegations in paragraph 3 above.

7. No party will appeal this Settlement Stipulation For Consent Order or the Consent Order to be issued in this case, and the parties specifically waive notice of the right to appeal as required by section 120.569(1), Florida Statutes.

8. This document is a public record and contains information which is routinely published by the Department.

9. Each party to this proceeding shall bear its own costs and attorneys fees, unless otherwise provided herein.

10. This Settlement Stipulation For Consent Order is subject to the approval of the Chief Financial Officer or his designee. Upon his approval, and without further notice, the Chief Financial Officer or his designee may issue a Consent Order providing for the following:

(a) Incorporation by reference of all the terms and conditions of this Settlement Stipulation For Consent Order.

(b) The Respondent shall pay an administrative penalty in the amount of one thousand dollars (\$1,000.00) as authorized by section 626.681(1), Florida Statutes, within thirty (30) calendar days of the entry of the Consent Order to be issued in this case. Failure of the Respondent to pay the administrative penalty within the specified time limit shall result in the

immediate suspension of the Respondent's license and eligibility for licensure in this state without further proceedings for a period of sixty (60) days.

(c) If the Respondent is suspended for violating the Settlement Stipulation for Consent Order or the Consent Order to be entered in this cause, the Respondent shall, at the end of the applicable period of suspension, be entitled to file an application for reinstatement of licensure. Pursuant to section 626.865, Florida Statutes, the Respondent must retake and pass the public adjuster examination prior to license reinstatement. However, the Respondent's license shall not be reinstated if the Department finds that the circumstance or circumstances for which the license was suspended still exist or are likely to recur, or if the Respondent is not otherwise eligible for licensure.

(d) If the Department has good cause to believe that the Respondent has violated any condition of this Consent Order, then the Respondent authorizes the Department to seek the immediate enforcement of the order in the Circuit Court of the Second Judicial Circuit, in and for Leon County, in Tallahassee, Florida. If such an enforcement order is granted, then the Respondent agrees that he shall be liable to the Department for all reasonable costs and attorneys fees expended in the enforcement action.

11. The Respondent certifies that the address and e-mail address below the Respondent's signature are valid addresses.

12. The Respondent agrees that the Consent Order may be sent to the Respondent via the e-mail address below the Respondent's signature.

DATED and SIGNED this 10th day of December, 2014.



Oscar Valdes
185 Southwest 7th Street, Unit 3603
Miami, Florida 33130

OVALDES@ME.COM



Barry K. Lanier, FLMI, CLU
Bureau Chief
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