

**FILED**

FEB 24 2015

**Docketed by** SK



CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

IN THE MATTER OF:

CASE NO. 156245-14-AG

DAVID LAURENCE WEBB  
\_\_\_\_\_ /

FINAL ORDER DISMISSING PETITION FOR A 120.57(1) PROCEEDING WITH  
PREJUDICE AND 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 July 28, 2014, and being fully advised in the premises, finds that:

1. The Department of Financial Services (the "Department") has jurisdiction over this matter pursuant to chapter 626, Florida Statutes.
2. On July 28, 2014, the Department issued an Administrative Complaint including a Notice of Rights and Election of Proceeding form ("Administrative Complaint") against David Laurence Webb ("Petitioner"). The Administrative Complaint is attached as Exhibit A and fully incorporated herein by reference.
3. On July 31, 2014, Petitioner received the Administrative Complaint by certified mail. The Certified Mail Receipt is attached as Exhibit B and fully incorporated herein by reference.
4. Petitioner had twenty-one (21) days from the receipt of the Administrative Complaint to file an Election of Proceeding form.

5. On August 19, 2014, Petitioner returned the Election of Proceeding form requesting a formal hearing pursuant to section 120.57(1), Florida Statutes. The Election of Proceeding form ("Petition") is attached as Exhibit C and fully incorporated herein by reference.

6. The Department reviewed Petitioner's request for formal hearing and determined that Petitioner failed to identify any disputed issues of material fact in his request for hearing.

7. On October 2, 2014, the Department issued an Order Dismissing Petition for Section 120.57(1), Florida Statutes, Proceeding without Prejudice. The Order Dismissing Petition for Section 120.57(1), Florida Statutes, Proceeding without Prejudice is attached as Exhibit D and fully incorporated herein by reference.

8. Petitioner had twenty-one (21) days from the receipt of the Order Dismissing Petition for Section 120.57(1), Florida Statutes, Proceeding without Prejudice to correct the defect in the original Election of Proceeding form.

9. Petitioner failed to respond to the Department's Order Dismissing Petition for Section 120.57(1), Florida Statutes, Proceeding without Prejudice.

#### DISMISSAL OF PETITION WITH PREJUDICE

10. The failure of Petitioner to file a Petition which substantially complies with sections 120.569 and 120.57, Florida Statutes, and Rule 28-106, *Florida Administrative Code*, constitutes grounds for the dismissal of Petitioner's Petition with prejudice.

#### FINDINGS OF FACT

11. The factual allegations contained in the Administrative Complaint issued on July 28, 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.

### CONCLUSION OF LAW

12. Based upon the Findings of Fact adopted herein, the Department concludes that David Laurence Webb has violated the specific statutes and rules charged in the Administrative Complaint, and hereby adopts the violations charged in each count of the Administrative Complaint as the Conclusions of Law in this case.

### PENALTY IMPOSED

13. The failure of David Laurence Webb to respond to the Order Dismissing Petition for Section 120.57(1), Florida Statutes, Proceeding without Prejudice, taken together with the Findings of Fact and Conclusions of Law adopted herein constitute grounds for the Chief Financial Officer to revoke his license.

IT IS THEREFORE ORDERED that:

(a) David Laurence Webb's Petition for an administrative proceeding is hereby DISMISSED WITH PREJUDICE.

(b) All licenses and appointments issued by the Department are hereby REVOKED.

(c) During the period of revocation, David Laurence Webb shall not engage in or attempt to profess to engage in any transaction or 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 until the license is reinstated or, if revoked, a new license is issued.


(d) David Laurence Webb shall return all licenses issued to him, 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.

(e) 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 on this 24<sup>th</sup> day of February, 2015



  
Greg Thomas  
Division 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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order Dismissing Petition for section 120.57(1), Florida Statutes, Proceeding without Prejudice, has been furnished to David Laurence Webb by certified U.S. Mail at 512 Overlook Drive, North Palm Beach, Florida 33408 and via e-mail at emaildwebb@gmail.com, this 24<sup>TH</sup> day of February, 2015.

91 7199 9991 7032 7167 6720



DERICK DEHMER  
Bar Number: 105847  
Department of Financial Services  
Division of Legal Services  
200 East Gaines Street  
Tallahassee, Florida 32399-0333  
(850) 413-4305  
Fax (850) 488-0697  
Derick.dehmer@myfloridacfo.com  
Attorney for Department

**FILED**

JUL 28 2014

Docketed by AM



CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

IN THE MATTER OF:

CASE NO.: 156245-14-AG

DAVID LAURENCE WEBB  
\_\_\_\_\_

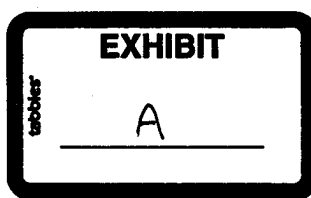
ADMINISTRATIVE COMPLAINT

DAVID LAURENCE WEBB  
512 Overlook Dr.  
North Palm Beach, FL 33408-3722

You, DAVID LAURENCE WEBB, license I.D. # A279485, are hereby notified that the Chief Financial Officer of the State of Florida has caused to be made an investigation of your activities while licensed as an insurance agent in this state, as a result of which it is alleged:

GENERAL ALLEGATIONS

1. Pursuant to chapter 626, Florida Statutes, you, DAVID LAURENCE WEBB, are currently licensed in this state as a life and variable annuity agent, a life agent, a health and variable annuity agent, and a life and health agent.
2. At all times pertinent to the dates and occurrences referred to herein, you, DAVID LAURENCE WEBB, were licensed in this state as a life and variable annuity agent, a life agent, a health and variable annuity agent, a life and health agent, and a health agent.
3. Pursuant to chapter 626, Florida Statutes, the Florida Department of Financial Services ("Department") has jurisdiction over your insurance license(s) and appointment(s).



COUNT I

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

5. On September 16, 2013, the Office of Financial Regulation issued an Administrative Complaint against you, DAVID LAURENCE WEBB, alleging that you engaged in fraudulent activity in violation of sections 517.301 and 517.07(1), Florida Statutes, by offering and/or selling unregistered securities.

6. The above Administrative Complaint informed you, DAVID LAURENCE WEBB, that the Office of Financial Regulation sought entry of a Final Order imposing administrative fines and restoration in the amount of \$107,500, a bar from registering in the State of Florida, and the issuance of a Cease and Desist Order pursuant to chapter 517, Florida Statutes.

7. On October 30, 2013, the Final Order was entered against you, DAVID LAURENCE WEBB, permanently barring you from licensure or registration for selling unregistered securities.

8. The order found that you, DAVID LAURENCE WEBB, engaged in fraudulent behavior which resulted in harm to consumers.

IT IS THEREFORE CHARGED that you, DAVID LAURENCE WEBB, have violated one or more of the following provisions of the Florida Statutes or Florida Administrative Code, which constitute grounds for the suspension or revocation of your license(s) as an insurance agent in this state:

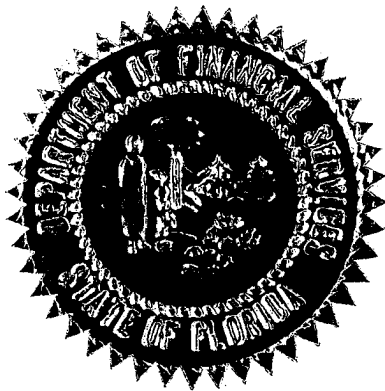
- (a) Section 626.621(13), Florida Statutes, which provides that the Department may suspend or revoke your license(s) and appointments if it finds that you have been: the subject of or has had a license, permit, appointment, registration, or other authority



to conduct business subject to any decision, finding, injunction, suspension, prohibition, revocation, denial, judgment, final agency action, or administrative order by any court of competent jurisdiction, administrative law proceeding, state agency, federal agency, national securities, commodities, or option exchange, or national securities, commodities, or option association involving a violation of any federal or state securities or commodities law or any rule or regulation adopted thereunder, or a violation of any rule or regulation of any national securities, commodities, or option exchange or national securities, commodities, or option association.

WHEREFORE, you, DAVID LAURENCE WEBB, are hereby notified that the Chief Financial Officer intends to enter an Order suspending or revoking your license(s) and appointment(s) as an insurance agent or to impose such penalties as may be provided under the provisions of sections 626.611, 626.621, 626.681, 626.691, 626.9521, and 631.155, Florida Statutes, and under the other referenced sections of the Florida Statutes as set out in this Administrative Complaint.

DATED and SIGNED this 28<sup>th</sup> day of July, 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/or a petition for administrative hearing will suffice as a written request. 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. 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 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 of Financial Services.

STATE OF FLORIDA  
DEPARTMENT OF FINANCIAL SERVICES  
DIVISION OF LEGAL SERVICES

IN THE MATTER OF:

DAVID LAURENCE WEBB

CASE NO.: 156245-14-AG

ELECTION OF PROCEEDING

I have received and have read the Administrative Complaint filed by the Florida Department of Financial Services ("Department") against me, including the Notice of Rights contained therein, and I understand my options. I am requesting disposition of this matter as indicated below. **(CHOOSE ONE)**

1. ☐ I do not dispute any of the Department's factual allegations and I do not desire a hearing. I understand that by waiving my right to a hearing, the Department may enter a final order that adopts the Administrative Complaint and imposes the sanctions sought, including suspending or revoking my licenses and appointments as may be appropriate.
2. I do not dispute any of the Department's factual allegations and I hereby elect a proceeding to be conducted in accordance with section 120.57(2), Florida Statutes. In this regard, I desire to **(CHOOSE ONE)**:
  - ☐ Submit a written statement and documentary evidence in lieu of a hearing; or
  - ☐ Personally attend a hearing conducted by a department hearing officer in Tallahassee; or
  - ☐ Attend that same hearing by way of a telephone conference call.
3. ☐ I do dispute one or more of the Department's factual allegations. I hereby request a hearing pursuant to section 120.57(1), Florida Statutes, to be held before the Division of Administrative Hearings. I have attached to this election form the information required by rule 28-106.2015, Florida Administrative Code, as specified in subparagraph (c) of the Notice of Rights. Specifically, I have identified the disputed issues of material fact.

TO PRESERVE YOUR RIGHT TO A HEARING, YOU MUST FILE YOUR RESPONSE WITH THE DEPARTMENT OF FINANCIAL SERVICES WITHIN TWENTY-ONE (21) DAYS OF YOUR RECEIPT OF THE ADMINISTRATIVE COMPLAINT. THE RESPONSE MUST BE RECEIVED BY THE DEPARTMENT NO LATER THAN 5:00 P.M. ON THE TWENTY-FIRST DAY AFTER YOUR RECEIPT OF THE ADMINISTRATIVE COMPLAINT.

The address for filing is: Julie Jones, DFS Agency Clerk, Florida Department of Financial Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0390.

Signature \_\_\_\_\_

Print Name \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_

Date Administrative

Complaint Received: \_\_\_\_\_

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 \_\_\_\_\_

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: DAVID LAURENCE WEBB at 512 Overlook Dr., North Palm Beach, FL 33408-3722 by Certified Mail this 28<sup>th</sup> day of July, 2014.

  
Laura Anstead  
Managing Attorney  
Department of Financial Services  
Division of Legal Services  
612 Larson Building  
200 East Gaines Street  
Tallahassee, Florida 32399-0333  
(850) 413-4227



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Quick Tools

Ship a Package

Send Mail

Manage Your Mail

Shop

Business Solutions

## USPS Tracking™



Customer Service ›

Have questions? We're here to help.

Tracking Number: 9171999991703271674139

Expected Delivery Day: Thursday, July 31, 2014

## Product &amp; Tracking Information

## Postal Product:

First-Class Mail®

## Features:

Certified Mail™

DATE & TIME	STATUS / ITEM	LOCATION
July 31, 2014 , 9:42 am	Delivered	PALM BEACH GARDENS, FL 33410

Your item was delivered at 9:42 am on July 31, 2014 in PALM BEACH GARDENS, FL 33410.

July 30, 2014 , 10:38 am	Notice Left (No Authorized Recipient Available)	NORTH PALM BEACH, FL 33408
July 30, 2014 , 8:59 am	Arrived at Unit	WEST PALM BEACH, FL 33415
July 29, 2014 , 10:29 pm	Departed USPS Facility	WEST PALM BEACH, FL 33416
July 29, 2014 , 6:34 pm	Arrived at USPS Facility	WEST PALM BEACH, FL 33416
July 28, 2014 , 10:06 pm	Departed USPS Facility	TALLAHASSEE, FL 32301
July 28, 2014 , 9:26 pm	Arrived at USPS Origin Facility	TALLAHASSEE, FL 32301
July 28, 2014 , 5:00 pm	Departed Post Office	TALLAHASSEE, FL 32301
July 28, 2014 , 4:03 pm	Acceptance	TALLAHASSEE, FL 32301

## Available Actions

Return Receipt Electronic

Text Updates

Email Updates

## Track Another Package

What's your tracking (or receipt) number?

Track It

## LEGAL

Privacy Policy ›

Terms of Use ›

FOIA ›

## ON USPS.COM

Government Services ›

Buy Stamps &amp; Shop ›

Print a Label with Postage

EXHIBIT

B

## COM

## OTHER USPS SITES

Business Customer Gateway ›

Postal Inspectors ›

Inspector General ›

STATE OF FLORIDA  
DEPARTMENT OF FINANCIAL SERVICES  
DIVISION OF LEGAL SERVICES

IN THE MATTER OF:

DAVID LAURENCE WEBB

CASE NO.: 156245-14-AG

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Signature

Date:

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

Print Name

Address:

Phone No.:

Fax No.:

E-mail

EXHIBIT

C

FILED

Department of Financial Services

Julie Jones

Agency Clerk

Date:

8/19/14