

FILED

MAY 22 2015

Docketed by MC



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

IN THE MATTER OF:

RONALD LEGALL

CASE NO.: 145796-13-AG

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 August 26, 2014, and being fully advised in the premises, finds that:

1. Ronald Legall is not currently licensed by the Department of Financial Services (the "Department") pursuant to the Florida Insurance Code.

2. On August 26, 2014, the Department issued a Notice of Intent against Ronald Legall alleging that he acted as, and advertised or held himself out as, an adjuster without being properly licensed by the Department. (Attached hereto as "Exhibit A").

3. Pursuant to section 624.310(6), Florida Statutes, the Department served Ronald Legall with the Notice of Intent, which included a Notice of Rights and Election of Proceeding Form, by publication in the Miami Daily Business Review on December 15, 2014; December 22, 2014; December 29, 2014; and January 5, 2015. (Attached hereto as "Exhibit B").

4. The Notice of Rights advised Ronald Legall that failure to respond to the Notice of Intent, and to request a proceeding in accordance with sections 120.569 and 120.57, Florida

Statutes, within twenty-one days would result in his waiver of a right to a hearing and the entry of an Order to Cease and Desist.

5. Ronald Legall failed to answer the Notice of Intent or request a proceeding in accordance with sections 120.569 and 120.57, Florida Statutes.

FINDINGS OF FACT

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

CONCLUSIONS OF LAW

8. Based upon the Findings of Fact adopted herein, the Department concludes that Ronald Legall 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 Ronald Legall to answer the Notice of Intent 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 enter a Cease and Desist Order against Ronald Legall.

IT IS THEREFORE ORDERED that:

- (a) Ronald Legall shall cease and desist from acting or operating as an adjuster in Florida.
- (b) Ronald Legall shall cease and desist from advertising or holding himself out as an adjuster.
- (c) Ronald Legall 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.
- (g) Ronald Legall shall cease and desist from violating the Florida Insurance Code, including but not limited to those provisions specifically cited in the Notice of Intent.
- (j) The Department provides notice to Ronald Legall that the Department, pursuant to section 624.310(5), Florida Statutes, shall, in addition to any other applicable penalties and fines, impose a fine in accordance with section 624.310(5), Florida Statutes, against Ronald Legall if he does not comply with this Cease and Desist Order.
- (k) 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 22nd day of May, 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 of this Order within thirty (30) days of rendition of this Order pursuant to section 120.68, Florida Statutes, and Florida Rule of Appellate Procedure 9.190. Review proceedings must be instituted by filing a notice of appeal with the appropriate district court of appeal and with the Department's Agency Clerk. The Department's Agency Clerk contact information is: Julie Jones, DFS Agency Clerk, Department of Financial Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida, 32399-0390. Filing may be accomplished via United States Post Office Mail, express overnight delivery, hand delivery, facsimile transmission, or electronic mail.

Copies Furnished To:

RONALD LEGALL
585 NE 121st Street,
North Miami, Florida 33161

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

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AUG 26 2014



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STATE OF FLORIDA

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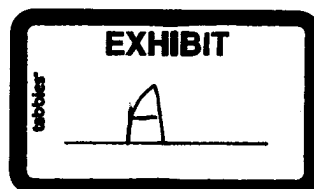
NOTICE OF INTENT TO ISSUE CEASE AND DESIST ORDER

TO: Ronald Legall
1360 Northeast 152nd Street,
North Miami, Florida 33162

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

GENERAL ALLEGATIONS

1. Pursuant to chapter 626, Florida Statutes, the Florida Department of Financial Services (the "Department") has jurisdiction over the unlicensed transaction of insurance, and the licenses, appointments, and eligibility for licensure of insurance agencies and agents in this state.
2. Ronald Legall was, at all times pertinent to the allegations made herein, employed by All Florida Insurance Claims Service, Inc., a public adjusting firm, then located at 11077 Biscayne Boulevard, Suite 210, in North Miami Beach, Florida.
3. Ronald Legall has never held any license or registration issued under or pursuant to the Florida Insurance Code.



COUNT I

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

5. On or around November 12, 2012, Ronald Legall, on behalf of All Florida Insurance Claims Service, Inc., attended a meeting where an insurance company representative, J.P., was to inspect and adjust a claim of loss at the home of D.D., a Florida insurance consumer.

6. At that meeting, Ronald Legall represented himself as a public adjuster.

7. Ronald Legall presented his business card to J.P., which represented him to be a representative of All Florida Insurance Claims Service, Inc., falsely identified him as a licensed public adjuster, and bore a license number that was not his own.

8. J.P. was misled by Ronald Legall, both by his actions and his business card, to believe that Mr. Legall was a licensed and appointed public adjuster who could legally handle the insured's claim with the insurance company.

IT IS THEREFORE CHARGED that Ronald Legall has violated or is accountable under the following provisions of the Florida Insurance Code and Rules of the Department which constitute grounds for the imposition of a Cease and Desist Order:

(a) 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.

(b) Section 626.112(3), Florida Statutes, which provides that no person shall act as an adjuster as to any class of business for which he or she is not then licensed and appointed.

(c) Section 626.112(9), Florida Statutes, which provides that any person who knowingly transacts insurance or otherwise engages in insurance activities in this state without a license in violation of section 626.112, Florida Statutes, commits a felony of the third degree, punishable as provided in sections 775.082, 775.083, or 775.084, Florida Statutes.

(d) Rule 69B-220.051, *Florida Administrative Code*, which provides that no person or entity shall advertise services as a public adjuster in this state, unless such person or entity is licensed as a public adjuster or is a member of the Florida Bar.

(e) Section 626.9521(1), Florida Statutes, which provides that no person shall engage in this state in any trade practice which is defined in this part as, or determined pursuant to section 626.951 or section 626.9561 to be, an unfair method of competition or an unfair or deceptive act or practice involving the business of insurance.

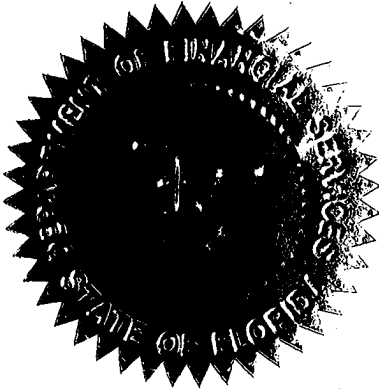
(f) Section 626.9541(1)(b), Florida Statutes, which provides that it is an unfair method of competition and an unfair or deceptive act or practice, violative of section 626.9521, Florida Statutes, to knowingly make, publish, disseminate, circulate, or place before the public, or cause, directly or indirectly, to make, publish, disseminate, circulate, or place before the public in any way, an advertisement, announcement, or statement containing any assertion, representation, or statement with respect to the business of insurance, which is untrue, deceptive, or misleading.

WHEREFORE, Ronald Legall is hereby notified that the Chief Financial Officer intends to enter a Cease and Desist Order, pursuant to section 626.9581, Florida Statutes, requiring that he cease and desist his unlawful activity and imposing other such penalties as may be provided under the provisions of sections 626.612, and 626.9521, Florida Statutes, any referenced sections

of the Florida Statutes as set out in this Notice, and under any other applicable section of the Florida Insurance Code.

Ronald Legall is further 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 dollars pursuant to section 626.9601, Florida Statutes.

DATED and SIGNED this 26th day of August, 2014.



Gregory Thomas
Director of 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/or a petition for administrative hearing will suffice as a written request. The request must be filed with Julie Jones, Agency Clerk, at the Florida Department of Financial Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0390. Your written response must be received by

the Department no later than 5:00 p.m. on the twenty-first day after your receipt of this notice.

Mailing the response on the twenty-first day will not preserve your right to a hearing.

FAILURE TO ENSURE THAT YOUR WRITTEN RESPONSE IS RECEIVED BY THE DEPARTMENT WITHIN TWENTY-ONE (21) DAYS OF YOUR RECEIPT OF THIS NOTICE WILL CONSTITUTE A WAIVER OF YOUR RIGHT TO REQUEST A PROCEEDING ON THE MATTERS ALLEGED HEREIN AND A CEASE AND DESIST ORDER 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 intent to issue a cease and desist.
- (e) A statement including the file number to the notice of intent to issue a cease and desist.

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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing NOTICE OF INTENT TO ISSUE CEASE AND DESIST ORDER and ELECTION OF PROCEEDING has been furnished to RONALD LEGALL, at 1360 Northeast 152nd Street, North Miami, Florida 33162, via U.S. Certified Mail, restricted delivery, this 26th day of August, 2014.



Jessica Harmsen
Division of Legal Services
612 Larson Building
Tallahassee, FL 32399-0333
Tel.: (850) 413-4236
Attorney for the Department
Fla. Bar No. 92433

STATE OF FLORIDA
DEPARTMENT OF FINANCIAL SERVICES
DIVISION OF LEGAL SERVICES

IN THE MATTER OF:

RONALD LEGALL

CASE NO.: 145796-13-AG

ELECTION OF PROCEEDING

I have received and have read the Notice of Intent to Issue 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 Notice of Intent to Issue Cease and Desist Order 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 NOTICE OF INTENT TO ISSUE CEASE AND DESIST ORDER. 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 NOTICE OF INTENT TO ISSUE CEASE AND DESIST ORDER.

The address for filing is: Julie Jones, Agency Clerk, Florida Department of Financial Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0333.

Signature

Date: _____

Date Notice of
Intent 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: _____



DAILY BUSINESS REVIEW.COM

DAILY BUSINESS REVIEW
MIAMI - BROWARD - PALM BEACH
MIAMI (305) 377-3721
BROWARD (954) 468-2600
PALM BEACH (561) 820-2060

Please Remit To:

Daily Business Review
P.O. Box 862882
Orlando FL 32886-2882

Miami Daily Business Review
Legal Advertising

FL. DEPT. OF FINANCIAL SERVICES
Attention to: JESSICA HARMSSEN
DIVISION OF LEGAL SERVICES
200 EAST GAINES STREET
TALLAHASSEE FL 32399

Customer #: 48350
Case / P.O. #: 145796-13-AG
Invoice #: 0238267503
Invoice Date: 01/05/2015
Due Date: Due Upon Receipt
AMOUNT DUE: \$135.75

PLEASE RETURN THIS SECTION WITH PAYMENT.

Amount Remitted

Miami Daily Business Review

TEAR HERE

None

Invoice #: 0238267503 Invoice Date: 01/05/2015 Customer #: 48350 Case / P.O. #: 145796-13-AG

Order #	Description	Ad Tag Line	Ad Size	Amount
0238267503	NOTICE OF INTENT TO ISSUE CEASE AND DESIST ORDERTO: RONALD A. BORGE LEGALL			
	Misc		2/2.43	133.75
	Run Date(s)			
	12/15/2014			
	12/22/2014	PROOF FEE		2.00
	12/29/2014			
	01/05/2015			

April H. H. H. certify that
I am the Contract Manager and the provided information
is true and correct; the goods and services have been
satisfactorily received and payment is now due. I
understand that the office of the State Financial Officer
reserves the right to require additional documentation
and/or to conduct periodic post-audits of any
agreements.

Signature

1/12/15
Date

Subtotal: 135.75

Total Amount Due: \$135.75

Payment by Credit Card	() Visa () MC () Amex
Account #: _____	Exp. Date: ____ / ____ Security Code: _____
Card Holder Name: _____	Signature: _____

For billing questions, please call:

305-347-6616

Fax: 305-371-4913

PAST DUE BALANCES WILL BE CHARGED

SERVICE CHARGE (18% PER ANNUM).

EXHIBIT

B