



CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

**FILED**

MAY 19 2015

Docketed by KZ

IN THE MATTER OF:

CASE NO.: 168757-15-AG

ROBERT T. MITCHELL  
\_\_\_\_\_ /

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 April 27, 2015, 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 Robert T. Mitchell (the "Respondent"), license #P105871, shall conclude the administrative proceeding of Case No. 168757-15-AG before the Department.

IT IS THEREFORE ORDERED:

(a) The Settlement Stipulation for Consent Order dated April 27, 2015, and attached hereto as "Exhibit A," is hereby approved and fully incorporated herein by reference.

(b) All licenses and eligibility for licensure and appointment of the Respondent are hereby surrendered to the Department. Said surrender shall become effective

upon the date of issuance of this Consent Order. The Respondent shall return 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 Consent Order, all licenses issued to the Respondent pursuant to the Florida Insurance Code.

(c) The Respondent shall not engage 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 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 a new license is issued.

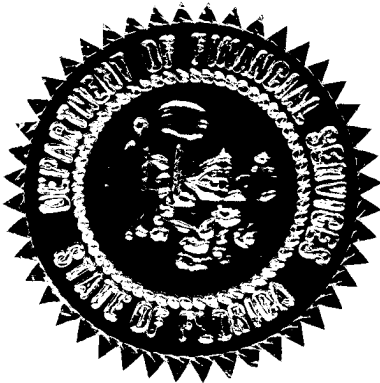
(d) The Respondent shall not have the right to apply to the Department for another license under the Florida Insurance Code for five (5) years from the effective date of surrender. The Department shall only grant a new license if it finds that the circumstance or circumstances for which the license was surrendered no longer exist and are not likely to recur, and if the Respondent meets all other licensing requirements. In the future, if the Respondent makes application to the Department for licensure, in addition to all other licensing requirements, the Respondent shall have the burden of establishing that the same circumstances that caused the surrender no longer exist and are not likely to recur.


(e) 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 in and for Leon County, Tallahassee, Florida. If such an enforcement order is granted in the Circuit Court, then the Respondent agrees that he shall be liable to the Department for all reasonable costs and attorneys fees

expended in the enforcement action. Further, if this order is enforced in the Circuit Court, then the Respondent shall be subject to contempt sanctions for violating any enforcement order.

(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 19<sup>th</sup> day of MAY, 2015.



  
Gregory Thomas  
Director, Agent & Agency Services

Copies Furnished To:

rtn4550@yahoo.com

Robert T. Mitchell  
3710 Chinaberry Road  
Bradenton, Florida 34208

Greg Thomas, Director  
Division of Agent & Agency Services  
200 East Gaines Street  
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:

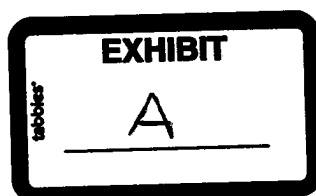
CASE NO.: 168757-15-AG

ROBERT T. MITCHELL  
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SETTLEMENT STIPULATION FOR CONSENT ORDER

IT IS HEREBY AGREED and STIPULATED by and between Robert T. Mitchell (the "Respondent") and the State of Florida, Department of Financial Services (the "Department") that:

1. The Respondent is currently licensed as a life including variable annuity and health agent. At all times relevant to the dates and occurrences referred to herein, the Respondent was licensed in this state as a life including variable annuity and health agent.
2. Pursuant to chapter 626, Florida Statutes, the Department has jurisdiction over the Respondent and the subject matter in this case.
3. The Department conducted an investigation of the Respondent in his capacity as a life including variable annuity and health agent. As a result thereof, the Department alleges that the Respondent allegedly pled nolo contendere to a felony while licensed as a Florida insurance agent.



4. The Respondent voluntarily waives receipt of any notice or charges other than this Settlement Stipulation for Consent Order.

5. The Respondent voluntarily waives the right to a hearing in this matter and voluntarily enters into 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 penalties to be imposed against the Respondent based on the allegations in paragraph three 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 attorney's fees.

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) All licenses and eligibility for licensure and appointment of the Respondent are hereby surrendered to the Department. Said surrender shall become effective upon the date of issuance of the Consent Order. The Respondent shall return 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 Consent Order, all licenses issued to the Respondent pursuant to the Florida Insurance Code.

(c) The Respondent shall not engage 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 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 a new license is issued.

(d) The Respondent shall not have the right to apply to the Department for another license under the Florida Insurance Code for five (5) years from the effective date of surrender. The Department shall only grant a new license if it finds that the circumstance or circumstances for which the license was surrendered no longer exist and are not likely to recur, and if the Respondent meets all other licensing requirements. In the future, if the Respondent makes application to the Department for licensure, in addition to all other licensing requirements, the Respondent shall have the burden of establishing that the same circumstances that caused the surrender no longer exist and are not likely to recur.

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

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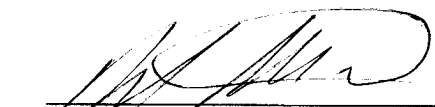
(f) Any person who knowingly transacts insurance or otherwise engages in insurance activities in this state without a license, or while the license is suspended or revoked, commits a felony of the third degree.

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 and that Respondent will not receive a hard copy in the mail.


WHEREFORE, the undersigned parties hereby acknowledge and agree to the terms and conditions of the foregoing Settlement Stipulation for Consent Order, subject to final approval by the Chief Financial Officer, or his designee, by written consent on the last date executed below.

DATED and SIGNED this 27<sup>th</sup> day of APRIL, 2015

  
Robert T. Mitchell  
3710 Chinaberry Road  
Bradenton, Florida 34208

rtm4550@yahoo.com

Respondent

  
Leah L. Marino  
Managing Attorney  
Department of Financial Services  
Division of Legal Services  
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200 East Gaines Street  
Tallahassee, Florida 32399-0333  
(850) 413-4227

For the Department