

FILED

JUN 16 2015

Docketed by MC



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

IN THE MATTER OF
FREDERICK ANTONELLI

Case No. 157408-14-AG

ORDER TO CEASE AND DESIST

THIS PROCEEDING came on for final agency action and the Chief Financial Officer, through his designee, having considered the record in this case and the Notice of Intent to Issue Cease and Desist Order and being fully advised in the premises, finds:

1. Frederick Antonelli (hereinafter referred to as the "Respondent") is not currently licensed by the Department of Financial Services (hereinafter referred to as the "Department") pursuant to the Florida Insurance Code.

2. On or about March 18, 2015, the Department issued a Notice of Intent to Issue Cease and Desist Order (hereinafter referred to the "Notice") against Respondent alleging, among other things, he engaged in the unlicensed practice of insurance. The Notice is attached to this Order to Cease and Desist (hereinafter referred to the "Order") as Exhibit A, and is fully incorporated in this Order by reference.

3. In the Notice, the Department included a Notice of Rights and an Election of Proceeding form. The Department advised Respondent that his failure to respond to the Notice, 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.

4. In accordance with section 624.310(6), the Department served the Notice on Respondent on April 10, 2015. The proof of service is attached as Exhibit B.

5. Respondent failed to respond to the Notice or request a hearing within twenty-one days of the date of service.

FINDINGS OF FACT

6. The factual allegations contained in the Notice are hereby adopted as the Department's Findings of Fact in this case.

CONCLUSIONS OF LAW

7. Based upon the Findings of Fact adopted herein, the Department concludes Respondent violated the specific statutes and rules charged in the Notice, and hereby adopts the violations charged in the Notice as the Conclusions of Law in this case.

IT IS THEREFORE ORDERED:

(a) Respondent shall cease and desist from:

(1) transacting insurance without complying with the applicable provisions of the Florida Insurance Code;

(2) adjusting claims without complying with the applicable provisions of the Florida Insurance Code;

(3) acting or operating as a public adjuster in Florida;

(4) advertising or holding himself out as a public adjuster in Florida;

(5) engaging in the business of insurance without being properly licensed;

(6) 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;

(7) soliciting consumer(s) to hire him as their public adjuster; and

(8) violating the Florida Insurance Code, including, but not limited to those provisions specifically cited in the Notice of Intent.

(b) The Department provides notice to Respondent that the Department, pursuant to section 624.310(5), Florida Statutes, shall, in addition to any other applicable penalties, impose a fine in accordance with section 624.310(5), Florida Statutes, against Respondent if he does not comply with this Cease and Desist Order.

(c) 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 16th day of June, 2015.



Gregory Thomas
Director, Division of 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.

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:

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

Frederick Antonelli
12891 45th Drive
Hollywood, Florida 33027

Manshi Shah, Assistant General Counsel
Department of Financial Services
Division of Legal Services
612 Larson Building
200 East Gaines Street
Tallahassee, Florida 32399



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

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IN THE MATTER OF:

Case No.: 157408-14-AG

FREDERICK ANTONELLI

NOTICE OF INTENT TO ISSUE CEASE AND DESIST ORDER

Frederick Antonelli
1926 Hollywood Blvd.
Suite 100
Hollywood, Florida 33020-5952

Frederick Antonelli (hereinafter referred to as "Respondent") is hereby notified that the Chief Financial Officer of the State of Florida has caused to be made an investigation of his activities, 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 business of insurance.
2. On or about September 12, 2003, the Department filed an Order of Revocation revoking Respondent's insurance licenses.
3. The Order of Revocation prohibited Respondent from engaging in or attempting or professing to engage in any transaction or business for which an insurance license or appointment is required under the Florida Insurance Code.

EXHIBIT

A

4. The Order of Revocation also prohibited Respondent from directly or indirectly owning, controlling, or being employed in any matter by an insurance agent, agency, adjuster or adjusting firm.

5. At all times relevant to the dates and occurrences referred to herein, Respondent did not hold any license issued pursuant to the Florida Insurance Code.

6. At all times pertinent to the dates and occurrences referred to herein, Respondent did not hold any appointment with any insurance company.

7. On or about September 3, 2004, the Department filed an Immediate Final Order directing Respondent to cease and desist from transacting insurance in this state, adjusting claims, or soliciting consumers.

8. From on or about June 11, 2004, to on or about February 10, 2005, Respondent was one of the managing members of Florida Claims Consultants, LLC.

9. From on or about October 25, 2007, through on or about January 31, 2008, Respondent was the managing member of Florida Claims Consultants, LLC.

COUNT I

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

11. In or around July 2013, consumer CP sustained water damage to her apartment, and contacted Florida Claims Consultants, LLC for assistance in filing a claim with her insurance company, St. John Insurance Company.

12. On or about July 22, 2013, at CP's apartment, Respondent introduced himself as a public adjuster to consumer CP, and handed her a public adjusting contract, which she signed and handed back to Respondent.

(e) Sections 626.112(1)(a) and (3), Florida Statutes, which provide 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; and 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.

(f) Section 626.9581(1), Florida Statutes, which provides, in relevant part, that if it is determined that the person charged has engaged in an unfair or deceptive act or practice or the unlawful transaction of insurance, the department or office shall issue an order requiring the violator to cease and desist from engaging in such method of competition, act, or practice or the unlawful transaction of insurance.

(g) Section 626.9571(1), Florida Statutes, which provides, among other things, that it is a violation for any person to engage in the business of insurance without being properly licensed.

(h) Section 626.641(4), Florida Statutes, which provides during the period of suspension or revocation of a license or appointment, and until the license is reinstated or, if revoked, a new license issued, the former licensee or appointee may 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 an agent, agency, adjuster, or adjusting firm.

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IT IS THEREFORE CHARGED that Respondent violated or is accountable under one or more of the following provisions of the Florida Statutes or *Florida Administrative Code*, which constitute grounds for the imposition of a cease and desist order:

(a) Section 624.10, Florida Statutes, which provides transacting insurance includes any of the following, in addition to other applicable provisions of the Florida Insurance Code: 1) solicitation or inducement; 2) preliminary negotiations; 3) effectuation of a contract of insurance; and 4) transaction of matters subsequent to effectuation of a contract of insurance and arising out of it.

(b) Section 624.11(1), Florida Statutes, which provides no person shall transact in this state, or relative to a subject of insurance resident, located, or to be performed in this state, without complying with the applicable provisions of Florida Insurance Code.

(c) Section 626.015(1), Florida Statutes, which provides an “adjuster” means a public adjuster, as defined in section 626.854, a public adjuster apprentice as defined in section 626.8541, or an all-lines adjuster as defined in section 626.8548.

(d) Section 626.854(1), Florida Statutes, which provides a “public adjuster” is any person, except a duly licensed attorney at law as exempted under s. 626.860, who, for money, commission, or any other thing of value, prepares, completes, or files an insurance claim form for an insured or third-party claimant or who, for money, commission, or any other thing of value, acts on behalf of, or aids an insured or third-party claimant in negotiating for or effecting the settlement of a claim or claims for loss or damage covered by an insurance contract or who advertises for employment as an adjuster of such claims. The term also includes any person who, for money, commission, or any other thing of value, solicits, investigates, or adjusts such claims on behalf of a public adjuster.

WHEREFORE, Respondent is hereby notified the Chief Financial Officer intends to enter an Order requiring Respondent to cease and desist, imposing a fine and other such penalties as may be provided under the provisions of sections 626.9521, 626.9571, and 626.9581, Florida Statutes, any referenced sections of the Florida Statutes as set out in this Notice, and under any other applicable sections of the Florida Insurance Code.

Respondent is further notified that any company or 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 18th day of March, 2015.



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 the General Counsel as acting Agency Clerk, at the Florida Department of Financial Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0333. 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.

YOUR FAILURE TO RESPOND IN WRITING 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. VIOLATION OF THE ORDER TO CEASE AND DESIST WILL SUBJECT YOU TO FINE UP TO \$50,000, PURSUANT TO SECTION 626.9601, FLORIDA STATUTES.

If you request a proceeding, you must provide information that complies with the requirements of Rule 28-106.201(2), *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 and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the Petitioner; the name, address, and telephone number of the Petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the Petitioner's substantial interests will be affected by the Department's determination;

(c) A statement of when and how the Petitioner received notice of the Department's decision;

(d) A statement of all disputed issues of material fact. If there are none, the Petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts the Petitioner contends warrant reversal or modification of the Department's proposed action;

(f) A statement of the specific rules or statutes the Petitioner contends require reversal or modification of the Department's proposed action, including an explanation of how

the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the Petitioner, stating precisely the action Petitioner wishes the Department to take with respect to the Department's proposed action.

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 that 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 during the time frame in which you have to request a hearing.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY 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: Frederick Antonelli, 1926 Hollywood Blvd., Suite 100, Hollywood, Florida 33020-5952, by USPS Certified Mail this 18th day of March, 2015.


Manshi Shah
Assistant General Counsel
Florida Bar No. 65520
Department of Financial Services
Division of Legal Services
612 Larson Building
200 East Gaines Street
Tallahassee, Florida 32399-0333
Phone: (850) 413-4165
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manshi.shah@myfloridacfo.com

91 7199 9991 7032 7167 7574

91 7199 9991 7032 7167 7864


91 7199 9991 7032 7167 7857

Date: April 17, 2015

melinda coleman:

The following is in response to your April 17, 2015 request for delivery information on your Certified Mail™ item number 9171999991703271677864. The delivery record shows that this item was delivered on April 10, 2015 at 3:23 pm in HOLLYWOOD, FL 33027. The scanned image of the recipient information is provided below.

Signature of Recipient :

Delivery record	
Signature	
Printed Name	12891 S

Address of Recipient :

Delivery Address

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

12891 45th Drive
Hollywood, FL 33027

