



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

FILED

JUN 08 2015

Docketed by MC

IN THE MATTER OF:

CASE NO.: 161502-14-AG

FRANCISCO JAVIER FINLAY, JR.
_____ /

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 May 22, 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 Francisco Javier Finlay, Jr. (the "Respondent"), license #E018980, shall conclude the administrative proceeding of Case No. 161502-14-AG before the Department.

IT IS THEREFORE ORDERED:

a) The Settlement Stipulation for Consent Order dated May 22, 2015, and attached hereto as "Exhibit A," is hereby approved and fully incorporated herein by reference.

b) The Respondent shall pay an administrative fine in the amount of five hundred dollars and no cents (\$500.00) within thirty (30) calendar days of the entry of this

Consent Order. Failure of the Respondent to pay the administrative fine within the specified time limit shall result in the immediate suspension of all of Respondent's licenses and eligibility for licensure in this state without further proceedings for a period of ninety (90) 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 the license reinstatement. However, the Respondent's license shall not be reinstated if the Department finds 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) The Respondent shall not charge on claim payments which were agreed to between the insurance company and the consumer prior to his involvement.

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

DONE and ORDERED this 3rd day of June, 2015.




Gregory Thomas
Director, Agent & Agency Services

Copies Furnished To:

Francisco Javier Finlay, Jr.
10360 SW 103rd Court
Miami, Florida 33176 North

William Terry, Esq.
5900 SW 73rd Street, Suite 303
South Miami, Florida 33143

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

Manshi Shah
Division of Legal Services
200 East Gaines Street
Tallahassee, FL 32399-0333

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, Florida 32399-6100

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

REFERENCE

NAME Francisco Javier Finlay, Jr.
ADDRESS: 10360 SW 103rd Court
CITY, STATE, ZIP: Miami, FL 33176
SS# or AGENT#: E018980
Case #: 161502-14-AG
Attorney: Manshi Shah
Source: Agent & Agency Investigations

Fine Due:	\$	500.00
Cost Due:	\$	
Total Amount Due:	\$	500.00
Amount remitted:	\$	

15 JUN 22 AM 10:55
DIV OF LEGAL SERVICES
REVENUE PROCESSING SECTION

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

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



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

IN THE MATTER OF:

FRANCISCO JAVIER FINLAY, JR.

CASE NO.: 161502-14-AG

SETTLEMENT STIPULATION FOR CONSENT ORDER

IT IS AGREED and STIPULATED by and between Francisco Javier Finlay, Jr. (the "Respondent"), and the State of Florida, Department of Financial Services (the "Department"), that:

1. Pursuant to chapter 626, Florida Statutes, the Department has jurisdiction over the Respondent's license and the business of insurance.
2. The Respondent is currently licensed as a public adjuster (3-20) in Florida with license number E018980.
3. The Department conducted an investigation of the Respondent in his capacity as a public adjuster. As a result thereof, the Department alleges, among other things, the Respondent overcharged a consumer in an adjusting transaction.
4. In order to avoid formal litigation of this matter, the Respondent has determined that it is in his best interest to enter into this Settlement Stipulation for Consent Order ("Stipulation").
5. The Respondent voluntarily waives receipt of an Administrative Complaint, pursuant to section 120.60(5), Florida Statutes.
6. The Respondent voluntarily waives the right to a hearing in this matter and voluntarily enters into this Stipulation.

EXHIBIT

A

7. By execution of this Stipulation and by the entry of the subsequent Consent Order, the Department and the Respondent intend to and do resolve all issues relating to the allegations in paragraph three above.

8. No party will appeal this Stipulation 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.

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

10. Each party to this proceeding shall bear its own costs and attorney's fees.

11. This Stipulation 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 Stipulation.

b) The Respondent shall pay an administrative fine in the amount of five hundred dollars and no cents (\$500.00) 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 fine within the specified time limit shall result in the immediate suspension of all of Respondent's licenses and eligibility for licensure in this state without further proceedings for a period of ninety (90) days.

c) If the Respondent is suspended for violating this Stipulation or the Consent Order to be entered in this case, 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 the license reinstatement. However, the Respondent's license shall not be reinstated if the

Department finds 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.

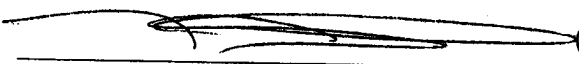
d) The Respondent shall not charge on claim payments, which were agreed to between the insurance company and the consumer prior to his involvement.

e) If the Department has good cause to believe the Respondent has violated any condition of the Consent Order to be issued in this case, the Respondent authorizes the Department to seek the immediate enforcement of the order in the Circuit Court in and for Leon County, in Tallahassee, Florida. If such an enforcement order is granted in the Circuit Court, the Respondent agrees he shall be liable to the Department for all reasonable costs and attorney's fees expended in the enforcement action.

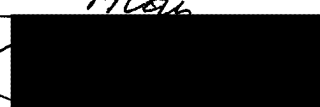
12. The Respondent certifies the address below Respondent's signature is a valid address. The Respondent further agrees the Consent Order may be sent to his representative at the e-mail address below, and he will not receive a hard copy in the mail.

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 22 day of May, 2015.


Francisco Javier Finlay, Jr.
10360 SW 103rd Court
Miami, Florida 33176y North
Respondent

William Terry, Esq.
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South Miami, Florida 33143
bill@terryproanopa.com
Respondent's Attorney


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Attorney for the Department