



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

FILED
JUN 24 2015
Docketed by LO

IN THE MATTER OF:

Case No.: 168793-15-AG

DORIAN A. MAGARINO
_____ /

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 March 12, 2015, and being fully advised in the premises, finds that:

1. Dorian A. Magarino is currently licensed by the Department of Financial Services (the "Department"), pursuant to the Florida Insurance Code, as a limited surety (bail) agent. However, Dorian A. Magarino's license is currently suspended.

2. On March 12, 2015, the Department issued an Administrative Complaint, attached hereto as "Exhibit A," against Dorian A. Magarino, alleging that on February 10, 2015, Dorian A. Magarion was adjudicated guilty of one count of Bank Fraud, a felony.

3. The Department notified Dorian A. Magarino in the Administrative Complaint of the right to request a proceeding in accordance with sections 120.569 and 120.57, Florida Statutes, and that failure to answer the Administrative Complaint or request a proceeding within twenty-one (21) days would result in the imposition of a penalty.

4. In accordance with section 624.310(6), Florida Statutes, after attempts at service via certified mail were unsuccessful, the Department served the Administrative Complaint upon Dorian A. Magarino by e-mail at the e-mail address on record with the Department, with the required delivery receipt received on April 29, 2015. The e-mail, e-mail attachment (Administrative Complaint), and delivery receipt are attached hereto as "Exhibit B," and are fully incorporated herein by reference.

5. Dorian A. Magarino failed to answer the Administrative Complaint or request a proceeding in accordance with sections 120.569 and 120.57, Florida Statutes.

FINDINGS OF FACT

6. The factual allegations contained in the Administrative Complaint dated March 12, 2015, which is attached hereto as "Exhibit A," and fully incorporated herein by reference, are hereby adopted as the Department's Findings of Fact in this case.

7. On March 12, 2015, a Notice of Temporary Suspension, attached hereto as "Exhibit C," was filed against Dorian A. Magarino suspending his license as a limited surety (bail bond) agent.

CONCLUSIONS OF LAW

8. Based upon the Findings of Fact adopted herein, the Department concludes that Dorian A. Magarino violated the specific statutes and rules charged in each count of the Administrative Complaint, attached hereto as "Exhibit A," and hereby adopts the violations charged in each count of the Administrative Complaint as the Conclusions of Law in this case.

PENALTY IMPOSED

9. The failure of Dorian A. Magarino to answer the Administrative Complaint 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 revoke the licenses of Dorian A. Magarino.

IT IS THEREFORE ORDERED that:

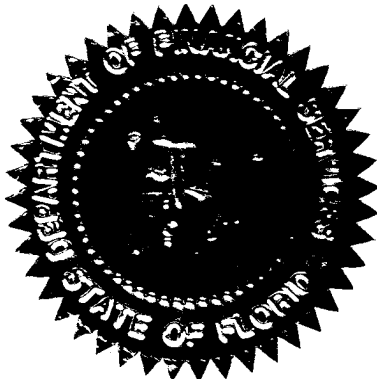
(a) All licenses, appointments and eligibility for licensure heretofore issued to Dorian A. Magarino, within the purview of the Department, are hereby revoked.

(b) Pursuant to section 648.49(2), Florida Statutes, Dorian A. Magarino does not have the right to apply for another license or appointment under chapter 648, Florida Statutes.

(c) During the period of revocation of the license the former licensee may not engage in or attempt to profess to engage in any transaction or business for which a license or appointment is required under chapter 648, Florida Statutes.

(d) 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 24th day of June, 2015.



Gregory Thomas
Director, 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:

dorianmagarino@gmail.com

Dorian A. Magarino
16111 Southwest 42nd Terrace
Miami, Florida 33185

Dorian A. Magarino
4471 Northwest 36th Street
Suite 223
Miami Springs, Florida 33166

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

Complaint & Settlement
Division of Legal Services
200 East Gaines Street
Tallahassee, Florida 32399-0333



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

FILED

MAR 12 2015

Docketed by ELL

IN THE MATTER OF:

Case No.: 168793-15-AG

DORIAN A. MAGARINO

ADMINISTRATIVE COMPLAINT

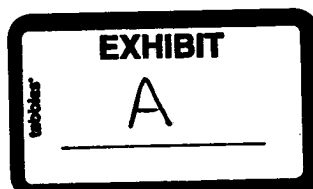
Dorian A. Magarino
4471 Northwest 36th Street, Suite 223
Miami Springs, Florida 33166

Dorian A. Magarino
16111 Southwest 42nd Terrace
Miami, Florida 33185

Dorian A. Magarino, license #D085773, is hereby notified that the Chief Financial Officer of the State of Florida has caused to be made an investigation of his activities while licensed as a limited surety (bail bond) agent in this state, as a result of which it is alleged:

GENERAL ALLEGATIONS

1. Pursuant to chapter 648, Florida Statutes, Dorian A. Magarino is licensed in this state as a limited surety (bail bond) agent. Dorian A. Magarino's license is currently suspended.
2. On the same date of filing as this Administrative Complaint, a Notice of Temporary Suspension was filed against Dorian A. Magarino suspending his license as a limited surety (bail bond) agent.



3. Pursuant to chapter 648, Florida Statutes, the Florida Department of Financial Services (the "Department") has jurisdiction over Dorian A. Magarino's license and eligibility for licensure as a limited surety (bail bond) agent.

COUNT I

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

5. On September 29, 2014, Dorian A. Magarino was charged in the United States District Court for the Southern District of Florida, Case No. 14-cr-20718, with one count of Bank Fraud, a felony.

6. On February 10, 2015, in the United States District Court for the Southern District of Florida, Case No. 14-cr-20718, Dorian A. Magarino was adjudicated guilty of the aforementioned charge, sentenced to two (2) years of supervised release, and ordered to pay restitution in the amount of two hundred thousand seven hundred and eighty-two dollars (\$200,782.00).

IT IS THEREFORE CHARGED that DORIAN A. MAGARINO has violated one or more of the following provisions of the Florida Statutes and/or the Florida Administrative Code, which constitutes sufficient grounds for the suspension or revocation of his license or appointment as a limited surety (bail bond) agent in this state:

(a) Section 648.45(2)(a), Florida Statutes, which provides that the Department shall deny, suspend, revoke, or refuse to renew any license issued under chapter 648, Florida Statutes, or the Insurance Code, if it finds that the licensee lacks one or more of the qualifications for the license or appointment as specified in chapter 648, Florida Statutes.

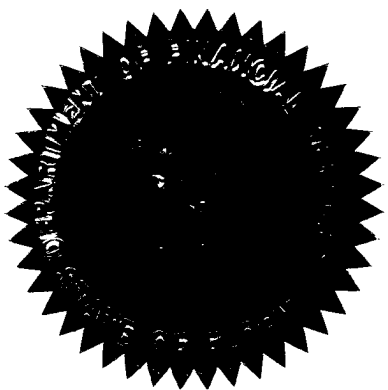
(b) Section 648.34(2)(e), Florida Statutes, which requires a person to be of high character and approved integrity and to have not been convicted of or pleaded guilty or no contest to a felony, a crime involving moral turpitude, or a crime punishable by imprisonment of 1 year or more under the law of any state, territory, or country, whether or not a judgment or conviction has been entered, in order to qualify for licensure as a limited surety (bail bond) agent.


(c) Section 648.45(2)(e), Florida Statutes, which provides that the Department shall deny, suspend, revoke, or refuse to renew any license issued under chapter 648, Florida Statutes, or the Insurance Code if the licensee had exhibited a demonstrable lack of fitness or trustworthiness to engage in the limited surety (bail bond) agent business.

(d) Section 648.45(2)(k), Florida Statutes, which provides that the Department shall deny, suspend, revoke, or refuse to renew any license issued under chapter 648, Florida Statutes, or the Insurance Code if the licensee has been found guilty of, or has pleaded guilty or no contest to a felony, a crime involving moral turpitude, or a crime punishable by imprisonment of one (1) year or more under the law of any state, territory, or country, whether or not a judgment or conviction has been entered.

WHEREFORE, Dorian A. Magarino is hereby notified that the Chief Financial Officer, through his designee, intends to enter an Order suspending or revoking his license and appointments or to impose such penalties as may be provided under the provisions of sections 648.45, 648.46, 648.49, 648.50, 648.51, 648.52, 648.525, and 648.53, Florida Statutes, and under the other referenced sections of the Florida Statutes as set out in this Administrative Complaint.

DATED and SIGNED this 12th 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 chapter 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 a petition for administrative hearing are required. 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*. Specifically, your response must contain:

(a) The name, address, 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, and 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.

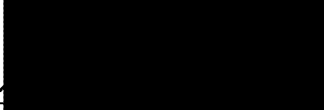
However, if you dispute material facts which are the basis for the Department's action, you must request an adversarial proceeding pursuant to sections 120.569 and 120.57(1), Florida Statutes. These proceedings are held before an administrative law judge of the State of Florida Division of Administrative 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 before 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 that a true and correct copy of the foregoing Administrative Complaint and Election of Proceeding has been furnished to: Dorian A. Magarino, 4471 Northwest 36th Street, Suite 223, Miami Springs, Florida 33166; Dorian A. Magarino, 16111 Southwest 42nd Terrace, Miami, Florida 33185; by Certified Mail this 12th day of march, 2015.


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

91 7199 9991 7032 7167 7475

91 7199 9991 7032 7167 7482 R

STATE OF FLORIDA
DEPARTMENT OF FINANCIAL SERVICES
DIVISION OF LEGAL SERVICES

IN THE MATTER OF:

CASE NO.: 168793-15-AG

DORIAN A. MAGARINO

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 _____

Opsahl, Logan

To: dorianmagarino@gmail.com
Subject: 168793-15-AG MAGARINO, Dorian A.:
Attachments: AC-2.pdf
Importance: High

Dear Agent:

The Department of Financial Services has filed the attached Administrative Complaint (Complaint) against you.

If you would like to waive formal service of the Complaint and accept service via this email, please respond to this email confirming your acceptance of service. An email confirmation should include a statement that you are waiving formal service and accepting service of the Complaint that was delivered via email.

Failure to promptly accept service by email will result in the Department proceeding with formal service of the Complaint by certified mail, process server, and/or publication.

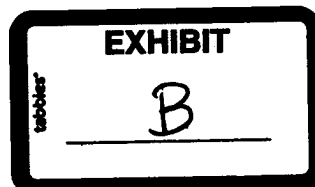
If requesting a hearing, return of the Election of Proceedings form is required within twenty-one days.

Failure to promptly respond to the Administrative Complaint will result in the suspension or revocation of your license.

Thank you for your cooperation.

If you have any questions, please contact me at the e-mail address or telephone number listed below.

Kerry Edgil
Legal Assistant
Division of Legal Services
200 East Gaines Street
Tallahassee, Florida 32399-0333
(850) 413-4227
(850) 488-0697 Fax
kerry.edgil@myfloridacfo.com



Opsahl, Logan

From: Microsoft Outlook
To: 'dorianmagarino@gmail.com'
Sent: Wednesday, April 29, 2015 1:17 PM
Subject: Relayed: 168793-15-AG MAGARINO, Dorian A.:

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

'dorianmagarino@gmail.com' (dorianmagarino@gmail.com) <<mailto:dorianmagarino@gmail.com>>

Subject: 168793-15-AG MAGARINO, Dorian A.: