

**FILED**

APR 24 2015

**Docketed by** ALJ



CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

IN THE MATTER OF:

JAMMA SHIRLETTE MOORE

CASE NO.: 163953-14-AG

ORDER DISMISSING PETITION WITH PREJUDICE and  
IMPOSING DISCIPLINARY PENALTY

THIS PROCEEDING CAME on for final agency action and the Chief Financial Officer, having considered the record, including the Administrative Complaint filed on December 11, 2014, and the Order Dismissing Petition for Section 120.57(1), Florida Statutes, Proceeding Without Prejudice ("Order to Dismiss Without Prejudice"), and being fully advised in the premises, finds that:

1. On December 11, 2014, the Department of Financial Services (the "Department") filed an Administrative Complaint against Jamma Shirlette Moore (the "Respondent"). The Administrative Complaint is attached as Exhibit A to the Order to Dismiss Without Prejudice, which is attached hereto as Exhibit AA and is fully incorporated herein by reference.

2. In compliance with section 624.310(6), Florida Statutes, on or about December 22, 2014, the Department served the Respondent with the Administrative Complaint, including a Notice of Rights and Election of Proceeding form.

3. On or about January 6, 2015, the Respondent filed an Election of Proceeding form ("Petition"), Exhibit B to Exhibit AA, with the Department wherein the Respondent petitioned

for a proceeding pursuant to section 120.57(1), Florida Statutes, to be held before the Division of Administrative Hearings. As required by sections 120.54(5)(b) and 120.569(2), Florida Statutes, the Department carefully reviewed the Petition to determine if it was in substantial compliance with Rule 28-106.2015, *Florida Administrative Code*.

4. Rule 28-106.2015, *Florida Administrative Code*, requires that the Respondent's Petition contain certain information, including a statement requesting an administrative hearing identifying those material facts that are in dispute.

5. After a careful review, the Department found that the Respondent's Petition was not in substantial compliance with Rule 28-106.2015, *Florida Administrative Code*, in that the Petition filed by the Respondent did not identify those material facts in the Administrative Complaint that are in dispute.

6. On February 6, 2015, through an Order to Dismiss Without Prejudice, the Department dismissed the Respondent's Petition without prejudice, and allowed the Respondent until February 27, 2015, to file an amended petition curing the cited defect.

7. The Order to Dismiss Without Prejudice was filed on February 6, 2015.

8. The Respondent failed to timely file an amended petition in response to the Order to Dismiss Without Prejudice. In fact, the Respondent did not file anything at all.

9. The Department has jurisdiction over this matter pursuant to chapter 626, Florida Statutes.

10. By failing to timely file an amended petition in response to the Order to Dismiss Without Prejudice, the Respondent has failed to comply with the Order to Dismiss Without Prejudice.

### DISMISSAL of PETITION

11. The Respondent's failure to file an amended Petition for hearing which substantially complies with Rule 28-106.2015, *Florida Administrative Code*, constitutes grounds to dismiss the Respondent's Petition with prejudice. § 120.569(2)(c), Fla. Stat.; Fla. Admin. Code R. 28-106.111(4).

### FINDINGS OF FACT

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

### CONCLUSION OF LAW

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

IT IS THEREFORE ORDERED that:

(a) The Respondent's Petition for an administrative proceeding is hereby DISMISSED WITH PREJUDICE.

(b) All licenses, appointments and eligibility for licensure heretofore issued to the Respondent, within the purview of the Department, are hereby REVOKED.

(c) The Respondent does not have the right to apply for another license or appointment under the Florida Insurance Code within two (2) years from the date of this Order

Dismissing Petition With Prejudice and Imposing Disciplinary Penalty (“Order”). The Department shall not grant the Respondent a new license or appointment or reinstate eligibility to hold such license or appointment if it finds that the circumstance or circumstances for which the license was revoked still exist or are likely to recur, or if the Respondent is not otherwise eligible for licensure.

(d) During the period of revocation, and until a new license is issued, the Respondent shall not engage in or attempt or profess to engage in any transaction of 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.

(e) 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 Order, all licenses issued to the Respondent pursuant to the Florida Insurance Code.

(f) 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 24<sup>th</sup> day of April, 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 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.

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Order Dismissing Petition With Prejudice and Imposing Disciplinary Penalty has been furnished to: William N. Gambert, Esq., Attorney for the Respondent, 428 N. Halifax Ave., Daytona Beach, Florida 32118 by US Mail this 24<sup>th</sup> day of April, 2015.



Robert Alan Fox  
Senior Attorney  
Department of Financial Services  
Division of Legal Services  
612 Larson Building  
200 East Gaines Street  
Tallahassee, Florida 32399-0333

Copies to:

Jamma Shirlette Moore  
Jamie1300@yahoo.com  
1300 Antrim Circle  
Ormond Beach , FL 32174-2834

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

Robert Alan Fox  
Division of Legal Services  
200 East Gaines Street  
Tallahassee, Florida 32399-0333



CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

**FILED**

FEB 06 2015

Docketed by MC

IN THE MATTER OF:

**JAMMA SHIRLETTE MOORE**  
\_\_\_\_\_

CASE NO.: 163953-14-AG

**ORDER DISMISSING PETITION FOR SECTION 120.57(1), FLORIDA STATUTES,  
PROCEEDING WITHOUT PREJUDICE**

The State of Florida, Department of Financial Services (the "Department"), pursuant to sections 120.54(5)(b) and 120.569(2), Florida Statutes, and Rule 28-106.2015, *Florida Administrative Code*, enters this Order Dismissing Petition for section 120.57(1), Florida Statutes, Proceeding without Prejudice, and as grounds therefor states:

**FINDINGS OF FACT**

1. On December 11, 2014, the Department filed an Administrative Complaint against Jamma Shirlette Moore (the "Respondent"). The Administrative Complaint, which included a Notice of Rights and Election of Proceeding form, is attached hereto as Exhibit A and is fully incorporated herein by reference.

2. In compliance with section 624.310, Florida Statutes, on or about December 22, 2014, the Department served the Respondent with the Administrative Complaint.

3. On or about January 6, 2014, the Respondent filed an Election of Proceeding form (the "Petition"), which is attached hereto as Exhibit B and fully incorporated herein by reference, with the Department wherein the Respondent petitioned for a proceeding pursuant to section 120.57(1), Florida Statutes, to be held before the Division of Administrative Hearings. Pursuant



to sections 120.54(5)(b) and 120.569(2), Florida Statutes, the Department carefully reviewed the Petition to determine if it was in substantial compliance with Rule 28-106.2015, *Florida Administrative Code*.

4. Rule 28-106.2015(5), *Florida Administrative Code*, requires that the Respondent's Petition contain the following:

a. The name, address, and telephone number, and facsimile number (if any) of 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 the Administrative Complaint.

e. A statement including the file number to the Administrative Complaint.

5. The Petition filed by the Respondent does not contain a statement requesting an administrative hearing identifying those material facts that are in dispute. The Department's Administrative Complaint does not allege that Respondent was convicted of the crime of burglary of a structure. Rather, the Administrative Complaint alleges that the Respondent "pled nolo contendere to one count of Burglary of a Structure" and that "[a]djudication of guilt was withheld."

#### CONCLUSIONS OF LAW

6. The Department has jurisdiction over this matter pursuant to chapter 626, Florida Statutes.



7. Section 120.569(2)(c), Florida Statutes, provides that upon receipt of a petition or request for hearing, the agency shall carefully review the petition to determine if it contains all information required by Rule 28-106.2015(5), *Florida Administrative Code*. A petition shall be dismissed if it is not in substantial compliance with the requirements of Rule 28-106.2015(5), *Florida Administrative Code*. Dismissal of a petition shall, at least once, be without prejudice to the Respondent's filing a timely amended petition curing the defect.

8. A petition that does not contain a statement identifying those material facts that are in dispute is not in substantial compliance with Rule 28-106.2015, *Florida Administrative Code*.

9. The Respondent has failed to substantially comply with all of the requirements of Rule 28-106.2015, *Florida Administrative Code*, in that the Respondent's Petition does not contain a statement identifying those material facts that are in dispute.

IT IS THEREFORE ORDERED that the Petition for a section 120.57(1), Florida Statutes, proceeding filed by the Respondent is DISMISSED WITHOUT PREJUDICE.

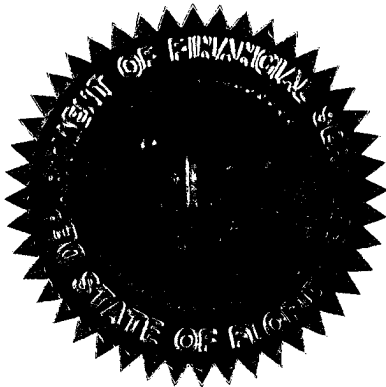
The Respondent is granted twenty-one (21) days from the date of this Order in which to file an amended petition curing the cited defects above by providing a petition that contains a statement requesting an administrative hearing and which identifies those material facts in the Administrative Complaint that are in dispute.


In the alternative, the Respondent is granted twenty-one (21) days from the date of this Order in which to submit a written request for a section 120.57(2), Florida Statutes, proceeding before the Department. This is a proceeding that is available in those instances where there are no material facts in dispute. If such a proceeding is requested, the Respondent may choose to submit written statements and documentary evidence in lieu of a hearing. The Respondent may also choose to personally attend a hearing conducted by a Department Hearing Officer in

Tallahassee. Lastly, if the Respondent requests a proceeding pursuant to section 120.57(2), Florida Statutes, the Respondent may choose to attend the proceeding by way of a conference call.

The failure to respond within twenty-one (21) days from the date of this Order will result in the issuance of a Final Order dismissing the Petition with prejudice, pursuant to section 120.569(2)(c), Florida Statutes, and the Administrative Complaint shall continue to remain in effect.


DATED and SIGNED this 6<sup>th</sup> day of February, 2015.



  
Gregory Thomas  
Director, Agent & Agency Services

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to: William N. Gambert, Esq., Attorney for the Respondent, 428 N. Halifax Ave., Daytona Beach, Florida 32118 by US Mail this 6<sup>th</sup> day of February, 2015.

  
Robert Alan Fox  
Senior Attorney  
Department of Financial Services  
Division of Legal Services  
612 Larson Building  
200 East Gaines Street  
Tallahassee, Florida 32399-0333

FILED

DEC 11 2014



CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

Docketed by AM

IN THE MATTER OF:

Case No.: 163953-14-AG

JAMMA SHIRLETTE MOORE  
\_\_\_\_\_

ADMINISTRATIVE COMPLAINT

Jamma Shirlette Moore  
1300 Antrim Circle  
Ormond Beach, Florida 32174-2834

Jamma Shirlette Moore, License #A183312, is hereby notified that the Chief Financial Officer of the State of Florida has caused to be made an investigation of her activities while licensed as an insurance agent in this state, as a result of which it is alleged:

GENERAL ALLEGATIONS

1. Pursuant to chapter 626, Florida Statutes, Jamma Shirlette Moore is currently licensed in this state as a life and health agent, a general lines agent, and an all lines adjuster.
2. At all times pertinent to the dates and occurrences referred to herein, Jamma Shirlette Moore was licensed in this state as a life and health agent, a general lines agent, and an all lines adjuster.
3. Pursuant to chapter 626, Florida Statutes, the Florida Department of Financial Services (the "Department") has jurisdiction over Jamma Shirlette Moore's insurance license and appointments.



## COUNT I

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

5. On September 15, 2014, in the Circuit Court for the Seventh Judicial Circuit, in and for Volusia County, Florida, Case No. 2013-305459-CFDB, Jamma Shirlette Moore pled nolo contendere to one count of Burglary of a Structure, a felony. Adjudication of guilt was withheld.

IT IS THEREFORE CHARGED that Jamma Shirlette Moore has violated one or more of the following provisions of the Florida Statutes or *Florida Administrative Code*, which constitute grounds for the suspension or revocation of her licenses as a life and health agent, a general lines agent, and an all lines adjuster in this state:


(a) Section 626.611(1)(n), Florida Statutes, which provides that it is a violation for any applicant, agent, title agency, adjuster, customer representative, service representative, or managing general agent to be found guilty of or to enter a plea of guilty or nolo contendere to a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or of any state thereof or under the law of any other country which involves moral turpitude, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

(b) Section 626.621(8), Florida Statutes, which provides that it is a violation to be found guilty of or to plea guilty or nolo contendere to a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or of any state thereof or under the law of any other country, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

WHEREFORE, Jamma Shirlette Moore is hereby notified that the Chief Financial Officer intends to enter an Order suspending or revoking her licenses and appointments as an insurance agent or to impose such penalties as may be provided under the provisions of sections 626.611, 626.621, 626.641, 626.681, 626.691, and 626.9521, Florida Statutes, and chapter 69B-231, *Florida Administrative Code*, including, but not limited to, Rule 69B-231.150, *Florida Administrative Code*, and under the other referenced sections of the Florida Statutes as set out in this Administrative Complaint.

DATED and SIGNED this 11<sup>th</sup> day of December, 2014.



  
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: Jamma Shirlette Moore, at 1300 Antrim Circle, Ormond Beach, Florida 32174-2834; by Certified Mail this 11<sup>th</sup> day of December, 2014.



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

STATE OF FLORIDA  
DEPARTMENT OF FINANCIAL SERVICES  
DIVISION OF LEGAL SERVICES

IN THE MATTER OF:

JAMMA SHIRLETTE MOORE  
\_\_\_\_\_

CASE NO.: 163953-14-AG

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 \_\_\_\_\_

STATE OF FLORIDA  
DEPARTMENT OF FINANCIAL SERVICES

IN THE MATTER OF

Case Number: 163953-14-AG

JAMMA SHIRLETTE MOORE

\_\_\_\_\_ /

**PETITION FOR ADMINISTRATIVE HEARING**

COMES NOW, JAMMA SHIRLETTE MOORE, by and through her undersigned attorney and files this Petition stating as follow:

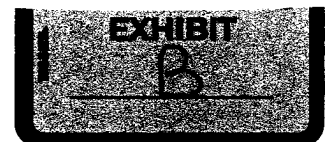
1. The name and address of the Agency affected is the Department of Financial Services, Division of Legal Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0333. The specific file number for the Agency is not known at this time.

2. The name, address and phone number of the person asking for the Hearing is JAMMA SHIRLETTE MOORE, 1300 Antrim Circle, Ormond Beach, FL 32174, phone number (386) 673-6504.

3. The representative for JAMMA SHIRLETTE MOORE is William N. Gambert, Esquire, 428 N. Halifax Avenue, Daytona Beach, Florida 32118, phone number (386) 257-9873.

4. That JAMMA SHIRLETTE MOORE interest will be affected in that she will lose her license as a life and health agent and an all lines adjuster.

5. That JAMMA SHIRLETTE MOORE received information via a Certified mail dated December 11, 2014. This information was picked up at the post office by JAMMA SHIRLETTE MOORE on December 22, 2014.



6. That the Respondent disputes the facts as outlined in the Administrative Complaint. Specifically, she would state that she was not convicted of the crime of burglary of a structure.

7. That JAMMA SHIRLETTE MOORE would request that the Agency in question reverse the suspension and reinstate license as otherwise qualified under Florida Statute 626 or allow her to receive probation as set forth in Florida Statute 629.91.

**WHEREFORE**, JAMMA SHIRLETTE MOORE would request this Honorable Court grant an Administrative Hearing in this matter.

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by U.S. Mail this 5<sup>th</sup> day of January, 2015 to Leah L. Marino, Managing Attorney, Department of Financial Services, Division of Legal Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0333.



**WILLIAM N. GAMBERT, ESQUIRE**

**Attorney for Jamma Shirlette Moore**

428 N. Halifax Avenue

Daytona Beach, Florida 32118

(386) 257-9873

Florida Bar No.: 218642

E-mail: [wsrjg@aol.com](mailto:wsrjg@aol.com)