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DIVISION OF
ADMINISTRATIVE
HEARINGS
OF APPEAL

IN THE DISTRICT COURT
OF FLORIDA
THIRD DISTRICT
JANUARY TERM, A.D. 2002

00-3778PL

JVL-CWS

GEORGE JESUS GONZALEZ, **
Appellant, **
vs. ** CASE NO. 3D01-2700
DEPARTMENT OF INSURANCE, **
Appellee. ** LOWER
TRIBUNAL NO. 35423-00AG

Opinion filed May 1, 2002.

An appeal from the Department of Insurance.

Ignacio Siberio, for appellant.

Anoush A. Arakalian (Tallahassee), for appellee.

Before COPE, GODERICH and FLETCHER, JJ. ,

COPE, J.

We reverse the agency order and remand for further proceedings.

The Department of Insurance brought disciplinary proceedings against George Gonzalez for falsifying an application for insurance, a charge which Gonzalez denied.

law judge drew an adverse inference against Gonzalez because he had failed to produce any corroborating evidence.

To add insult to injury, when Gonzalez' counsel tried to cross-examine the witnesses about whether Exhibit 9 related to a 1998 transaction, the administrative law judge sustained objections that this was not relevant. But of course (given the finding quoted above) it was relevant.

We reverse the agency order and remand for further proceedings. If the same administrative law judge is available, the administrative law judge shall either reopen proceedings with respect to the issues outlined earlier in this opinion, or if the administrative law judge deems it more efficient, conduct a new hearing. If the original administrative law judge is no longer available, then the appellant is entitled to a new hearing.

Reversed and remanded for further proceedings consistent herewith.