

6-20-02



AT FILED

THE TREASURER OF THE STATE OF FLORIDA
DEPARTMENT OF INSURANCE

TOM GALLAGHER

02 JUL 11 PM 1:20
FILED
DIVISION OF
ADMINISTRATIVE
HEARINGS
JUL 10 2002
TREASURER AND
INSURANCE COMMISSIONER
Docketed by: *[Signature]*

IN THE MATTER OF:

01-2790PL

OSCAR GERARD MARTINEZ, JR.
_____ /

CASE NO: 22864-97-A

CA-C Used

FINAL ORDER

THIS CAUSE came on for consideration and final agency action. On April 18, 2001, an Administrative Complaint was issued by the Department of Insurance against the Respondent, Oscar Gerard Martinez, Jr., alleging that he engaged in fraudulent activity in the use of his public adjuster's license by having a financial interest in the adjusting transactions of several consumers, aided and abetted unlicensed contractors in the adjusting transactions and failed to notify the Department of a change in his business address. On or about November 5, 2001, the Department filed a First Amended Administrative Complaint against the Respondent, which alleged substantially the same violations as in the original Administrative Complaint. Respondent timely filed a request for a proceeding pursuant to Section 120.57(1), Florida Statutes. Pursuant to notice, the matter was heard before Claude B. Arrington, Administrative Law Judge, Division of Administrative Hearings, on January 14 and 15, 2002.

After consideration of the record and argument presented at hearing, the Administrative Law Judge issued his Recommended Order on June 20, 2002. (Attached as Exhibit A). The Administrative Law Judge recommended that the Department enter a final order revoking Respondent's license and eligibility for licensure as a public adjuster in the State of Florida.

Neither party filed exceptions to the Recommended Order.

Therefore, upon careful consideration of the entire record, the submissions of the parties, and being otherwise fully advised in the premises, it is ORDERED:

1. The Findings of Fact of the Administrative Law Judge are adopted in full as the Department's Findings of Fact.

2. The Conclusions of Law of the Administrative Law Judge are adopted in full as the Department's Conclusions of Law.

3. The Administrative Law Judge's recommendation that the Department enter a Final Order revoking Respondent's license(s) and eligibility for licensure in the State of Florida is approved and accepted as being the appropriate disposition of this case.

ACCORDINGLY, it is ORDERED that Respondent's, OSCAR GERARD MARTINEZ, JR.'s, license(s) and eligibility for licensure are hereby REVOKED effective immediately upon issuance of this Final Order. Pursuant to Section 626.651, Florida Statutes, the revocation of Respondent's license(s) and eligibility is applicable to all licenses and eligibility held by Respondent under the Florida Insurance Code.

Pursuant to Section 626.641(4), Florida Statutes, the Respondent shall not engage in or attempt or profess to engage in any transaction or business for which a license or appointment is required under the 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.

NOTICE OF RIGHTS

Any party to these proceedings adversely affected by this Order is entitled to seek review of the Order pursuant to Section 120.68, Florida Statutes, and Rule 9.110, Fla.R.App.P. Review proceedings must be instituted by filing a petition or Notice of Appeal with the General Counsel,

acting as the agency clerk, at 200 East Gaines Street, Tallahassee, FL 32399-0333, and a copy of the same and the filing fee with the appropriate District Court of Appeal within thirty (30) days of the rendition of this Order.

DONE and ORDERED this 10th day of July, 2002.



K. Shipley
KENNEY SHIPLEY
Deputy Insurance Commissioner

COPIES FURNISHED TO:

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