

4-23-02



AT

FILED

MAY 21 2002

THE TREASURER OF THE STATE OF FLORIDA
DEPARTMENT OF INSURANCE

TOM GALLAGHER

Treasurer and
Insurance Commissioner
Deputed by: [Signature]

IN THE MATTER OF:

01-4541PL
WRC-CLOS

MICHAEL SCOTT KELLY
_____ /

CASE NO: 42831-01-AG

FILED
MAY 22 PM 1:34
DIVISION OF
ADMINISTRATIVE
HEARINGS

FINAL ORDER

THIS CAUSE came on for consideration and final agency action. On September 7, 2001, an Administrative Complaint was issued by the Department of Insurance against the Respondent, Michael Scott Kelly, alleging that he failed to return collateral for a bail bond in violation of Chapter 648, Florida Statutes. Respondent timely filed a request for a proceeding pursuant to section 120.57(1), Florida Statutes. Pursuant to notice, the matter was heard before William R. Cave, Administrative Law Judge, Division of Administrative Hearings, on February 20 – 21, 2002.

After consideration of the record and argument presented at hearing, the Administrative Law Judge issued his Recommended Order on April 23, 2002. (Attached as Exhibit A). The Administrative Law Judge recommended that the Respondent be found not guilty of the violations of Chapter 648, Florida Statutes, as alleged, and that the Administrative Complaint be dismissed.

Neither party filed exceptions to the Recommended Order.

Upon careful consideration of the 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 finding Respondent not guilty of violating the provisions of Chapter 648, Florida Statutes, as alleged, and dismissing the Department's Administrative Complaint is approved and accepted as being the appropriate disposition of this case.

ACCORDINGLY, it is ORDERED, as follows:

The Administrative Complaint filed by the Department on September 7, 2001 against Michael Scott Kelly is hereby DISMISSED.

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 21st day of May, 2002.




KENNEY SHIPLEY
Deputy Insurance Commissioner

COPIES FURNISHED TO:

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