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**FILED**



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DEPARTMENT OF FINANCIAL SERVICES

Docketed by: mjm

AT

DMK-CLOS

TOM GALLAGHER  
CHIEF FINANCIAL OFFICER

03 0798 PL

IN THE MATTER OF:

CLARENCE LUTHER CEPHAS, SR.,

CASE NO: 40735-01-AG

FINAL ORDER

THIS CAUSE came on for consideration and final agency action. On March 20, 2003, a Second Amended Administrative Complaint was filed by the Florida Department of Insurance, now the Department of Financial Services (hereinafter referred to as the "Department"), charging Respondent with committing various violations of the Insurance Code by employing a convicted felon in his bail bond business and failing to report a change of address to the Department. The Respondent timely filed a request for a proceeding pursuant to Section 120.57(1), Florida Statutes. Pursuant to notice, the matter was heard before Daniel M. Kilbride, Administrative Law Judge, Division of Administrative Hearings, on May 15, 2003.

After consideration of the evidence, argument and testimony presented at hearing, the Administrative Law Judge issued his Recommended Order. (Attached as Exhibit A). The Administrative Law Judge recommended that the Department enter a final order revoking Respondent's license(s) and eligibility for licensure in the State of Florida. Neither party filed exceptions to the Recommended Order. Therefore, upon careful

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

1. So as to correct a typographical error in the CONCLUSIONS OF LAW section of the Recommended Order, in Conclusion of Law #43, the citation to the Section of 648.45 regarding "lack of fitness or trustworthiness" is changed to Section 648.45(2)(e).

2. So as to correct a typographical error in the CONCLUSIONS OF LAW section of the Recommended Order, in Conclusion of Law #59, the word "which" is deleted.

3. So as to correct a typographical error in the RECOMMENDATION section of the Recommended Order, recommendation #1, the citation to the Section of 348.44(8)(b) is changed to Sections 648.44(8)(a) and (b).

4. For purposes of clarity, the hearing officer's recommendation #2 is amended to provide specific authority for the violation of which Respondent is being found guilty. The recommendation should read "Finding Respondent guilty of failing to report a change of address to the Department, violating Section 648.421, Florida Statutes.

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

6. With the exception of the correction of the typographical errors and clarification referenced above, the Conclusions of Law of the Hearing Officer are adopted in full as the Department's Conclusions of Law.

7. With the exception of the correction of the typographical error and clarification referenced above, the Administrative Law Judge's recommendation that the

Department enter a Final Order finding Respondent guilty of violating Sections 648.30, 648.44(8)(a) and (b), 648.45(2)(e) and (j), 648.45(3)(a) and (c), and 648.421, Florida Statutes, and 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, CLARENCE LUTHER CEPHAS, SR's license(s) and eligibility for licensure are hereby REVOKED effective immediately upon issuance of the Final Order. Pursuant to Section 626.651, Florida Statutes, the revocation of Respondent's license(s) and eligibility for licensure is applicable to all licenses and eligibility held by Respondent under the Florida Insurance Code. Pursuant to Sections 648.49(3) and 648.50(3), 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 be employed by any bail bond agent, have any ownership interest in any business involving bail bonds, or have any financial interest of any type in any bail bond business during the period of revocation.

#### NOTICE OF RIGHTS

Any party to these proceedings adversely affected by this Order is entitled to seek review of this Order pursuant to section 120.68, Florida Statutes, and Rule 9.110, Florida Rules of Appellate Procedure. Review proceedings must be instituted by filing a Notice of Appeal with the General Counsel, acting as the agency clerk, at 612 Larson Building, Tallahassee, Florida 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 <sup>25<sup>th</sup></sup> day of July, 2003.



*Karen Chandler*

KAREN CHANDLER  
Deputy Chief Financial Officer

COPIES FURNISHED TO:

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