

12-22 03



**FILED**

JAN 20 2004

DEPARTMENT OF FINANCIAL SERVICES

Docketed by SD

TOM GALLAGHER  
CHIEF FINANCIAL OFFICER

AT

IN THE MATTER OF:

**FILED**  
JAN 20 PM 3:59  
DIVISION OF ADMINISTRATIVE HEARINGS

DAVID N. WEIKER, SR.

03-2708 JBC-CLG

CASE NO: 62503-02-AG

FINAL ORDER

THIS CAUSE came on for consideration and final agency action. On August 29, 2002, a Denial Letter was issued by the Florida Department of Financial Services, (hereinafter referred to as "the Department"), denying Petitioner's application for licensure as a life, variable annuity and health insurance agent because he failed to meet the fitness and trustworthiness standards required to engage in the business of insurance. The Petitioner timely filed a request for a proceeding pursuant to Section 120.57(1), Florida Statutes. On October 7, 2003, the Department filed an Amended Denial Letter. Pursuant to notice, the matter was heard before Jeff B. Clark, Administrative Law Judge, Division of Administrative Hearings, on October 21, 2003.

After consideration of the record and argument 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 denying David N. Weiker, Sr.'s application for licensure as a life, variable annuity and health insurance agent. Therefore, upon careful consideration of the record, the submissions of the parties and being otherwise fully advised in the premises, it is ORDERED:

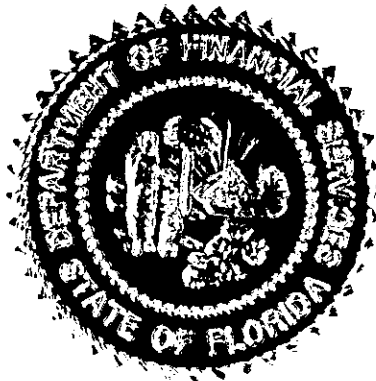
1. The Findings of Fact of the Administrative Law Judge are adopted in full as the Department's Findings of Fact.
2. The Conclusions of Law of the Administrative Law Judge are adopted in full as the Department's Conclusions of Law
3. The Administrative Law Judge's recommendation that the Petitioner's application for licensure as a life, variable annuity and health insurance agent be denied is approved and accepted as being the appropriate disposition of this case.


ACCORDINGLY, it is ORDERED that the application for licensure of the Petitioner, DAVID N. WEIKER, SR., as a life, variable annuity and health insurance agent is hereby DENIED.

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 20<sup>th</sup> day of January, 2004.



  
KAREN CHANDLER  
Deputy Chief Financial Officer

COPIES FURNISHED TO:

Jeff B. Clark  
Administrative Law Judge  
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