

12-22-04



FLORIDA
DEPARTMENT OF
FINANCIAL SERVICES



TOM GALLAGHER
CHIEF FINANCIAL OFFICER
STATE OF FLORIDA

FILED

FEB 11 2005

04-2662

JVL
CWS

THE MATTER OF:

CASE NO: 76467-04-EM

BC & ABC FIRE EXTINGUISHER
MAINTENANCE AND RICARDO
CABRERA, QUALIFIER

Docketed by: *[Signature]*

AT

REC'D FEB 15 A 11:07

FILED

FINAL ORDER

THIS CAUSE came on for consideration and final agency action. On or about June 29, 2004, the Department of Financial Services filed an Administrative Complaint alleging that Respondents, BC & ABC Fire Extinguisher Maintenance and Ricardo Cabrera, had failed to timely renew required liability insurance coverage and failed to provide proof of such coverage in the proper manner.

Respondent replied in writing to the allegations of the Administrative Complaint and timely requested a formal hearing pursuant to Section 120.57(1), Florida Statutes. Pursuant to notice the matter was heard before Administrative Law Judge John G. Van Laningham of the Division of Administrative Hearings on October 1, 2004, via video teleconference at sites in Miami, Florida and in Miami, Florida.

After consideration of the evidence, argument and testimony presented at the hearing, the Administrative Law Judge issued his Recommended Order on December 22, 2004. A true and correct copy of the Recommended Order is attached hereto as Exhibit "A". The Administrative Law Judge recommended that a Final Order be entered finding Respondent guilty of failing to

continuously maintain in force the required CGL insurance coverage and recommending a that Mr. Cabrera pay an administrative fine of \$1000 and be placed on a one (1) year probation, on reasonable terms and conditions as the Department may specify in its final order. No post-hearing exceptions were filed.

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

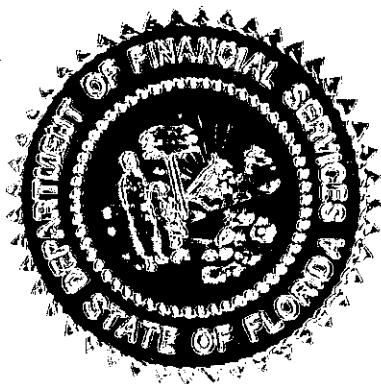
1. The Findings of Fact and the Ultimate Factual Determinations of the Administrative Law Judge are adopted in full as the Department's Findings of Fact.
2. The Conclusions of Law of the Administrative Law Judge are adopted in full as the Department's Conclusions of Law.
3. The Administrative Law Judge's recommendation that the Department enter a Final Order ordering the Mr. Cabrera to pay an administrative fine of \$1000 and be placed on probation for a period of one (1) year is approved and accepted as being the appropriate disposition of this case. Respondents shall provide proof of all future certificates of insurance by mailing them via certified mail and shall fully comply with all the provisions of Rule 69A-21.114(1), Florida Administrative Code, by providing "evidence of current and subsisting insurance coverage meeting the requirements of Section 633.061, Florida Statutes, to the Regulatory Licensing Section on Form DI4-28, Insurance Certificate Fire Equipment Dealer, revised and dated 10/99".


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 11th day of February, 2005.




Karen Chandler
Deputy Chief Financial Officer

COPIES FURNISHED TO:

John G. Van Laningham
Administrative Law Judge
Division of Administrative Hearings
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Attorney for the Department of Financial Services