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DIVISION OF ADMINISTRATIVE HEARINGS

ALEX SINK
CHIEF FINANCIAL OFFICER
STATE OF FLORIDA

Docketed by:

IN THE MATTER OF:

KELLY MARIE MISTRETTA

CASE NO. 83876-05-AG

DOATH CASE NO: 05-4357

FINAL ORDER

On October 13, 2005, the Florida Department of Financial Services issued an Notice of Denial, denying the application of Petitioner, Kelly Marie Mistretta, for licensure as a resident personal lines insurance agent, pursuant to Chapter 626, Florida Statutes, because of her prior criminal history and failure to disclose it. In the Notice of Denial, Petitioner was provided with a point of entry pursuant to Sections 120.569 and 120.57, Florida Statutes.

The Petitioner requested a hearing pursuant to Sections 120.569 and 120.57(1), Florida Statutes. The case was referred to the Division of Administrative Hearings for a formal proceeding and assigned to Daniel Manry, Administrative Law Judge. A formal hearing was held on March 31, 2006. On May 17, 2006, the Administrative Law Judge filed a Recommended Order approving the Petitioner's application. Subsequently, the Respondent filed a Writ of Certiorari to the First District Court of Appeal prior to entry of the Final Order. On December 27, 2006, that Court issued an Order quashing the aforementioned Recommended Order and remanded the matter to the Division of Administrative Hearings for further proceedings consistent with that Order. The Administrative Law Judge issued a Notice of Hearing scheduling a hearing on March 20, 2007. However, prior to hearing and upon receipt of the Petitioner's letter stating that she no longer wanted to contest the case, the hearing was

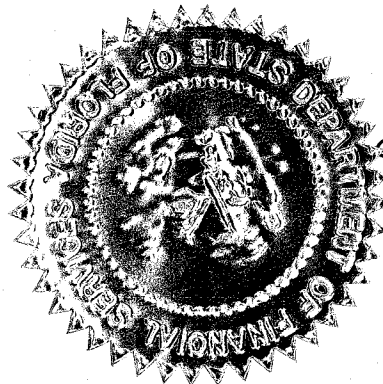
canceled. An Order Closing File was issued on March 15, 2007, in which the Administrative Law Judge noted that the Petitioner had requested dismissal of the case, canceled the administrative hearing, and closed the Division of Administrative Hearings' file.

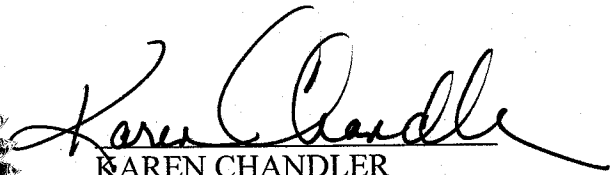
ACCORDINGLY, the Notice of Denial dated October 13, 2005, to Kelly Marie Mistretta is AFFIRMED, and the Petitioner's application for licensure as a resident personal lines insurance agent is DENIED.

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 and Rule 9.110, FlaR.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 612 Larson Building, Tallahassee, Florida 32399-0333 and a copy of the same with the appropriate district court of appeal within thirty (30) days of rendition of this Order.

DONE and ORDERED this 6th day of April, 2007.




KAREN CHANDLER
Deputy Chief Financial Officer

COPIES FURNISHED TO:

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