



FILED

2007 JUN 22 P 2:28

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

ALEX SINK  
CHIEF FINANCIAL OFFICER  
STATE OF FLORIDA

June 20, 2007

Honorable Stuart M. Lerner  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee parkway  
Tallahassee, Florida 32399-1550

Re: DFS vs. Radcliffe H. McKenzie  
DOAH Case No.: 06-3862PL

Dear Judge Lerner:

The Final Order in this matter has been issued and a copy was sent to you this date. However, page 2 was inadvertently left off. Please replace the incomplete copy with the copy enclosed.

Sincerely,

A handwritten signature in black ink that reads "Sandra Stephens". The signature is written in a cursive style with a large, sweeping initial "S".

Sandra Stephens  
Assistant to Greg Marr

SS/  
Enclosure

SANDRA STEPHENS • STAFF ASSISTANT  
DIVISION OF LEGAL SERVICES • AGENT SECTION  
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AFFIRMATIVE ACTION • EQUAL OPPORTUNITY EMPLOYER



**FILED**

JUN 20 2007



Docketed by: SS

ALEX SINK  
CHIEF FINANCIAL OFFICER  
STATE OF FLORIDA

IN THE MATTER OF:

RADCLIFFE H. MCKENZIE

Case No. 84528-06-AG

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HEARINGS

FINAL ORDER

THIS CAUSE came on for consideration and final agency action. On August 3, 2006, the Department of Financial Services issued an 11-count Administrative Complaint against Respondent. On November 27, 2006, the Petitioner filed with DOAH an unopposed Motion to Amend Administrative Complaint, along with an Amended Administrative Complaint. The Amended Administrative Complaint charged Respondent with 13 counts of engaging in the prohibited practice of sliding by selling ancillary insurance products "without [the] informed consent" of the customer (Counts I through IX and XV through XVIII); one count of failing to "notify [Petitioner] in writing within 60 days after a change of...principle business address" (Count X); and six counts of selling a surplus lines insurance product without "mak[ing] a diligent effort to place the desired coverage with an insurer authorized to transact that type of insurance in this state" (Counts XI through XIV, XIX, and XX).

The 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

Stuart M. Lerner of the Division of Administrative Hearings on February 7, 2007, by video teleconference at sites in Lauderdale Lakes and Tallahassee, Florida.

Both parties filed Proposed Recommended Orders. After consideration of the evidence, argument, and testimony presented at the hearing, the Administrative Law Judge issued his Recommended Order on March 29, 2007. A true and correct copy of the Recommended Order is attached hereto as Exhibit "A". In his Recommended Order the ALJ concluded that the Department of Financial Services should enter a final order finding Respondent guilty of committing the violation of Section 626.551, Florida Statutes, alleged in Count X of the Amended Administrative Complaint, fining him \$250.00 for such violation, and dismissing the remaining counts of the Amended Administrative Complaint. No exceptions were filed.

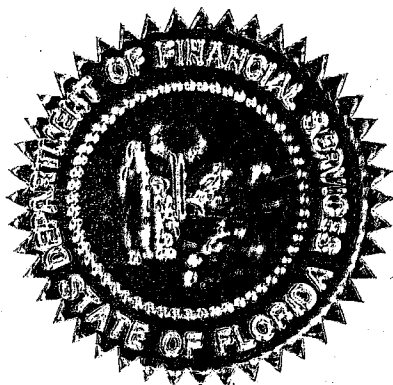
IT IS HEREBY ORDERED that the Findings of Fact and Conclusions of Law set forth in the Recommended Order are adopted as the Findings of Fact and Conclusions of Law of the Department of Financial Services in this matter.

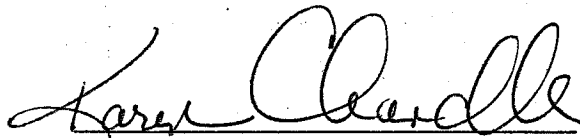
ACCORDINGLY, it is ORDERED that Respondent, RADCLIFFE H. MCKENZIE, is found guilty of committing the violation of Section 626.551, Florida Statutes, alleged in Count X of the Amended Administrative Complaint, fining him \$250.00 for such violation, and the remaining counts of the Amended Administrative Complaint are dismissed. The \$250.00 fine is to be paid within thirty (30) days from the date thereof. Failure to remit that amount will result in a suspension of Respondent's licensures and eligibility for licensure for a minimum of sixty (60) days, and until paid thereafter.

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 20th day of June, 2007.



  
KAREN CHANDLER  
Deputy Chief Financial Officer

COPIES FURNISHED TO:

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Gregg Marr, Esquire  
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