



REPRESENTING
ALEX SINK
CHIEF FINANCIAL OFFICER
STATE OF FLORIDA

FILED

MAY 17 2010

Docketed by SS

IN THE MATTER OF:

EILEEN P. SUAREZ

CASE : 104001-09-AG

FILED
2010 MAY 18 AM 11:19
ADMINISTRATIVE
HEARINGS

FINAL ORDER

THIS CAUSE came on before Alex Sink, as Chief Financial Officer, for consideration of and final agency action on the Recommended Order, submitted on February 16, 2010 by Administrative Law Judge Eleanor M. Hunter, pursuant to a formal hearing conducted under the authority of and pursuant to Section 120.57(1), Florida Statutes, on December 4, 2009, at video teleconference sites in Miami and Tallahassee, Florida. One exception was filed by Eileen P. Suarez ("Respondent") on February 19, 2009.

The Recommended Order (a copy of which is attached as Exhibit A), the exhibits admitted into evidence, the record testimony, the exceptions and applicable law were all considered during the promulgation of the Final Order.

RULINGS ON THE RESPONDENT'S EXCEPTION

Respondent's exception is to the parts of the Recommended Order where the Administrative Law Judge ("ALJ") stated that restitution had not been made. Respondent alleges that she made restitution to John Vila and that the Recommended Order should be amended to reflect this. However, Respondent did not present any evidence of this restitution prior to the record being closed. The Final Order may not amend the Recommended Order based

on material outside of the record. Section 120.57(1)(j), Fla. Stat. (findings of fact shall be based exclusively on the evidence of record and on matters officially recognized). However, any receipts submitted to the Department by Respondent should be treated as evidence of Respondent's compliance with the Recommended Order. Accordingly, Respondent's exception is rejected.

CONCLUSION

Therefore, after a complete review of the record and being otherwise fully apprised in all material premises,

IT IS HEREBY ORDERED AND ADJUDGED that the Findings of Fact made by the ALJ are adopted as the Department's Findings of Fact, and that the Conclusions of Law reached by the ALJ are adopted as the Department's Conclusions of Law.

IT IS HEREBY FURTHER ORDERED AND ADJUDGED that the Recommendation made by the ALJ finding Respondent guilty of violating Subsections 626.611(7), (8) and (10); Subsection 626.561(1); and Subsections 626.621(2) and (6), Florida Statutes, as charged in Count I of the Administrative Complaint, is adopted by the Department.

IT IS HEREBY FURTHER ORDERED AND ADJUDGED that the Recommendation made by the ALJ finding Respondent guilty of violating Subsections 626.611(7) and (8); Subsection 626.621(6); and Subsection 626.9541 (1)(e)1., Florida Statutes, as charged in Count II of the Administrative Complaint, is adopted by the Department.

IT IS HEREBY FURTHER ORDERED AND ADJUDGED that the Recommendation made by the ALJ finding Respondent guilty of violating Subsections 626.611(7), (8) and (10); Subsection 626.561(1); and Subsections 626.621(2) and (6), Florida Statutes, as charged in Count III of the Amended Complaint, is adopted by the Department.

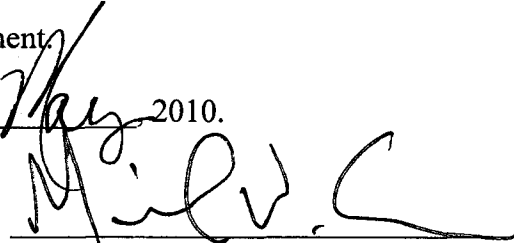
IT IS HEREBY FURTHER ORDERED AND ADJUDGED that the Recommendation made by the ALJ REVOKING Respondent's licenses and appointments issued or granted under or pursuant to the Florida Insurance Code, is adopted by the Department.

IT IS HEREBY FURTHER ORDERED AND ADJUDGED that the Recommendation made by the ALJ ordering Respondent to make restitution to John Vila in the amount of \$5,164.38, is adopted by the Department.

IT IS HEREBY FURTHER ORDERED AND ADJUDGED that the Recommendation made by the ALJ ordering Respondent to make restitution to Shelly Middlebrooks & O'Leary in the amount of \$8,335.60, is adopted by the Department.

DONE and ORDERED this 17th day of May 2010.




MICHAEL W. CARLSON
Deputy Chief Financial Officer

COPIES FURNISHED TO:

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The Honorable Eleanor M. Hunter
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