



REPRESENTING
ALEX SINK
CHIEF FINANCIAL OFFICER
STATE OF FLORIDA

DOCKETED

JMK 4-6-2010

LEGAL

IN THE MATTER OF:

Claim for Unclaimed Property
by LeRoy H. Merkle, Jr., Esq.

CASE No. 107119-09-CI

FINAL ORDER

On October 15, 2009, the Department of Financial Services ("Department") issued a Notice of Intent to enter a final order denying claim number C2782114 filed by LeRoy H. Merkle, Jr., ("Mr. Merkle"), for funds held in the state treasury in the name of Anne (a/k/a Anna) Marie Clegg (the "Reported Owner"), pursuant to Chapter 717, Florida Statutes (the "Disposition of Unclaimed Property Act" or the "Act"). In order to take final agency action concerning the claim, the Chief Financial Officer has considered the record in this matter, and makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. On October 15, 2009, the Department issued a Notice of Intent to enter a final order denying claim number C2782114 on the grounds that Mr. Merkle failed to submit the recovery agreements with the claim, and that he was not a registered claimants' representative. *See Exhibit A.* The Notice of Intent was served on Mr. Merkle by Certified Mail™ Service on October 21, 2009. *See Exhibit B.*
2. On December 22, 2009, Mr. Merkle requested a hearing. *See Exhibit C.* On January 4, 2010, the Department referred the matter to the Division of Administrative Hearings

for formal proceedings pursuant to sections 120.569 and 120.57(1), Florida Statutes. *See* Exhibit D. The Division of Administrative Hearings ("DOAH") assigned the case number 10-0005.

3. On February 26, 2010, the Department moved the administrative law judge to relinquish jurisdiction to the agency based on a lack of material facts in dispute. *See* Exhibit E.

4. On March 4, 2010, the administrative law judge entered an order relinquishing jurisdiction to the agency for final agency action. *See* Exhibit F. No exceptions to the recommended order were filed.

5. The factual allegations contained in the Notice of Intent, incorporated herein by reference, are adopted as findings of fact in this case.

CONCLUSIONS OF LAW

6. The legal conclusions in the Notice of Intent are adopted as the Department's conclusions of law. Mr. Merkle failed to register as a claimants' representative as required by section 717.1400, Florida Statutes, and failed to submit the recovery agreements as required by section 717.124, Florida Statutes. Consequently, Mr. Merkle failed to meet the burden codified in section 717.126, Florida Statutes, with respect to the funds.

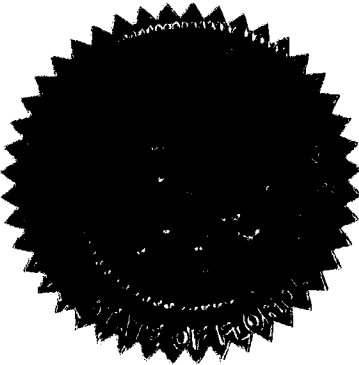
DISPOSITION OF CLAIM

IT IS HEREBY ORDERED that claim number C2782114, filed by LeRoy H. Merkle, Jr., is DENIED with prejudice.

NOTICE OF RIGHT TO APPEAL

Any person adversely affected by this Order is entitled to seek review of this Order pursuant to Section 120.68, Florida Statutes, and Florida Rule of Appellate Procedure 9.110. Review proceedings must be instituted by filing a notice of appeal with DFS Agency Clerk Julie Jones, CP, FRP, Florida Department of Financial Services, 200 E. Gaines Street, Tallahassee, FL 32399-0390, Telephone (850) 413-4177, Julie.Jones@MyFloridaCFO.com, and a copy of the same accompanied by the required filing fee with the appropriate District Court of Appeal within thirty (30) days of rendition of this Order.

DONE and ORDERED this 6th day of April, 2010.





TAMMY TESTON
Chief of Staff

CERTIFICATE OF SERVICE

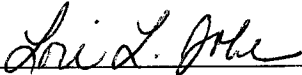
I CERTIFY that a copy hereof has been furnished by Certified Mail™ Service and facsimile as indicated, this 6th day of April, 2010, to:

LeRoy H. Merkle, Jr., Esquire
800 West Platt Street, Suite 4
Tampa, Florida 33606
91 7108 2133 3935 2318 0810
(article number)

and facsimile: 813-251-3377

Mark W. Brunner
2950 South Holly Avenue
Amelia, Ohio 45102
91 7108 2133 3935 2318 0827
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