

DOCKETED
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LEGAL



REPRESENTING
CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

DIVISION OF
ADMINISTRATIVE HEARINGS

2015 OCT - 1 AM 11:42

FILED

IN THE MATTER OF:

Addition of Gulf Coast Investigative
Solutions, LLC, to the List of Surplus Trustees.

DOAH # 15-5010
DFS # 175766-15-CI

FINAL ORDER

The Department of Financial Services ("Department"), being authorized and directed to administer section 45.034, Florida Statutes (2014), issues this Final Order approving the application for certification as a surplus trustee filed by Gulf Coast Investigative Solutions, LLC.

STATEMENTS OF FACT

1. Gulf Coast Investigative Solutions, LLC ("Gulf Coast"), filed an application for certification as a surplus trustee.¹ The application package included all substantive requirements under section 45.034, Florida Statutes.
2. On August 10, 2015, the Department issued an Amended Notice of Intent to deny the application as untimely. Exhibit A.
3. Gulf Coast timely filed a petition with DOAH challenging the Amended Notice of Intent.
4. Gulf Coast maintained that the application was delivered by a courier from CourierXpress, an express hand-delivery service, on May 29, 2015. In support of its claim, Gulf Coast provided a May 29th email exchange between a principal of Gulf Coast and the courier. The

¹ The Gulf Coast application was submitted with another application, Florida Surplus Trustee, which was denied on substantive grounds in addition to being untimely. That denial was not challenged and is not affected by this Final Order.

email was insufficient to reverse the denial. Counsel for the Department contacted the courier and learned that the courier failed to obtain or request a receipt of delivery and could not identify the person to whom the package was delivered. Thus, Gulf Coast was initially unable to sufficiently establish that its completed application existed on May 29th.

5. In preparation for legal proceedings, the Department investigated the matter by, among many other things, requesting that Gulf Coast produce a tracking number for the package delivered to the courier by the United States Postal Service (“USPS”) or FedEx; interviewing potential witnesses; and submitting a Freedom of Information Act (“FOIA”) request with USPS.

6. Over a two-month span, Gulf Coast was unable to find or produce a tracking number—despite repeated requests from counsel for both Gulf Coast and the Department. In early September, the Department filed a FOIA request with USPS. The request sought all USPS tracking numbers for deliveries made to CourierXpress between the dates of May 28 and June 2 of 2015.²

7. On September 18, 2015, counsel for the Department informed counsel for Gulf Coast about the FOIA request. Approximately five hours later, counsel for Gulf Coast delivered the tracking number and an “air bill” receipt to the Department. Exhibit B. As a result, the Department finds that Gulf Coast delivered the application to the Department prior to the June 1st deadline.

8. On September 22, 2015, the parties settled the case before DOAH, entering into an agreement whereby Gulf Coast agreed to withdraw the DOAH petition and the Department agreed to certify Gulf Coast as a surplus trustee, effective immediately upon remand of the case from DOAH. Exhibit C. On September 23, 2015, Gulf Coast voluntarily dismissed the petition before DOAH. Exhibit D.

² The CourierXpress website provides 2 addresses for customers to ship packages: (1) a “FedEx” address in Tallahassee; and (2) a “USPS” address with a PO Box in Monticello, Florida.

9. Additionally, the Department finds as follows:
- a. On May 28, 2015, Gulf Coast sent its application for certification as a surplus trustee to CourierXpress via USPS. The package was delivered to the courier at approximately 9:21 a.m., on May 29, 2015. Exhibit B.
 - b. The courier stated that the package was hand-delivered at approximately 4:00 p.m., on Friday, May 29, 2015. In light of the newly discovered evidence coupled with existing factual evidence, the Department finds that Gulf Coast complied with the June 1st deadline for applications pursuant to section 45.034(4), Florida Statutes.

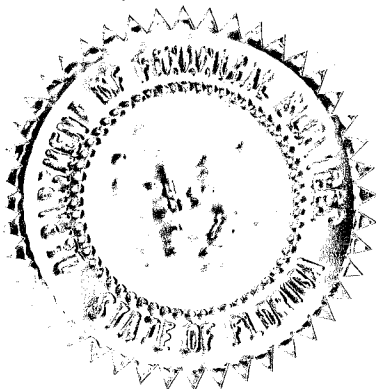
CONCLUSIONS OF LAW

10. Subsection 45.034(4), Florida Statutes, states in part:

“The Department of Financial Services shall certify any surplus trustee that applies and qualifies. Applications must be filed by June 1” (emphasis added).

11. The application for certification as a surplus trustee filed by Gulf Coast Investigative Solutions, LLC, was delivered to the Department on or before June 1, 2015, and met all other requirements under section 45.034, Florida Statutes. Therefore, Gulf Coast is entitled to certification by the Department.

BASED UPON THE FOREGOING statements of fact and conclusions of law, the Department APPROVES the application for certification as a surplus trustee filed by Gulf Coast Investigative Solutions, LLC, and CERTIFIES Gulf Coast Investigative Solutions, LLC, as a surplus trustee, effective as of the date of this order.

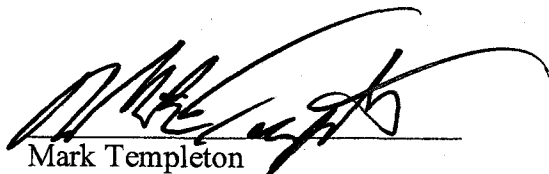



ROBERT C. KNEIP
Chief of Staff

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by
FedEx and either Email or Fax on this 30th day of September 2015, to:

Evan B. Klinek, Esq.
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Fort Lauderdale, FL 33301-1874
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cc Walter Graham
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Mary Li Creasy
Administrative Law Judge
Division of Administrative Hearings
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
Fax 850-921-6847



REPRESENTING
CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

IN THE MATTER OF:

Application for Certification as a Surplus Trustee
filed by Gulf Coast Investigative Solutions, LLC

DFS # 175766-15-CI

AMENDED NOTICE OF INTENT

The Department Financial Services ("Department"), being authorized and directed to administer section 45.034, Florida Statutes (2014), issues this amended notice of intent to enter a final order denying the application for certification as a surplus trustee filed by Gulf Coast Investigative Solutions, LLC.

STATEMENT OF FACTS

1. On June 2, 2015, the Department received an application for certification as a surplus trustee filed by Gulf Coast Investigative Solutions, LLC ("Gulf Coast").

CONCLUSIONS OF LAW

2. Subsection 45.034(4), Florida Statutes, states in part:

"The Department of Financial Services shall certify any surplus trustee that applies and qualifies. *Applications must be filed by June 1 . . .*" (emphasis added).

3. The surplus trustee application for certification as a surplus trustee of Gulf Coast Investigative Solutions, LLC, was not filed on or before June 1, 2015. Therefore, the application should be denied.

BASED UPON THE FOREGOING statement of facts and the conclusions of law, the Department DENIES the application for certification as a surplus trustee filed by Gulf Coast



Investigative Solutions, LLC, *with prejudice.*

NOTICE OF RIGHTS

NOTICE IS HEREBY given that you may request a hearing to be conducted in accordance with the provisions of §§ 120.569 and 120.57, Florida Statutes (2014). Request for a hearing must comply with the provisions of Rule 28-106.104(2), *Florida Administrative Code* and 28-106.201 or 28-106.301, *Florida Administrative Code*. Your request must be filed ***within twenty-one (21) days after receipt of this Amended Notice of Intent*** and must be filed with:

Julie Jones
DFS Agency Clerk
Department of Financial Services
612 Larson Building
200 E. Gaines Street
Tallahassee, FL 32399-0390

Failure to respond within twenty-one (21) days of receipt of this Amended Notice of Intent shall be construed as a waiver of all rights to a hearing, and a Final Order will be entered without further notice. Should you request such a hearing, you will have the right to be represented by counsel or other qualified representative to offer testimony, either written or oral, to call and cross-examine witnesses, and to have subpoenas and subpoenas duces tecum issued on your behalf.

Pursuant to § 120.573, Florida Statutes (2014), you are advised that mediation is not available.

SUBMITTED THIS 10th day of August 2015.



PHILLIP CARLTON
Assistant Bureau Chief
Bureau of Unclaimed Property
Florida Department of Financial Services

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by

FedEx on this 10th day of August 2015, to:

Evan Brett Klinek, Esq.
Greenspoon Marder, P. A.
200 E Broward Blvd Ste 1500
Fort Lauderdale, FL 33301-1874



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Telephone: 850-413-4156
Counsel for the Department

English

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Tracking Number: **EK730039874US**

On Time
Scheduled Delivery Day: **Friday, May 29, 2015, 10:30 am**
Money Back Guarantee
Signed for By: **WAIVED // TALLAHASSEE, FL 32303 // 9:21 am**

Product & Tracking Information

Postal Product: Priority Mail Express 1-Day™
Features: PO to Addressee
Up to \$100 insurance included
Restrictions Apply

Available Actions

Proof of Delivery

DATE & TIME	STATUS OF ITEM	LOCATION
May 29, 2015 , 9:21 am	Delivered, Left with individual	TALLAHASSEE, FL 32303

Your item was delivered to an individual at the address at 9:21 am on May 29, 2015 in TALLAHASSEE, FL 32303.

May 29, 2015 , 8:44 am	Arrived at Post Office	TALLAHASSEE, FL 32303
May 29, 2015 , 8:35 am	Departed USPS Facility	TALLAHASSEE, FL 32311
May 29, 2015 , 7:44 am	Arrived at USPS Origin Facility	TALLAHASSEE, FL 32311
May 28, 2015 , 7:54 pm	Arrived at USPS Facility	MIAMI, FL 33152
May 28, 2015 , 8:05 pm	Departed Post Office	HOLLYWOOD, FL 33024
May 28, 2015 , 4:57 pm	Acceptance	HOLLYWOOD, FL 33024

Track Another Package

Tracking (or receipt) number

Track It

Manage Incoming Packages

Track all your packages from a dashboard.
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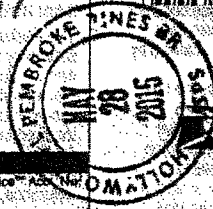
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 Rick Meyer 954-739-3989
 3521 NW 96 Ave
 Hwd, FL 33024



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UNITED STATES
 POSTAL SERVICE

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PAYMENT BY ACCOUNT (if applicable)

USPS® Corporate Acct. No. Federal Agency Acct. No. or Postal Service™ Acct. No.

DELIVERY OPTIONS (Customer Use Only)

SIGNATURE REQUIRED Note: The mailer must check the "Signature Required" box if the mailer: 1) Requires the addressee's signature; OR 2) Purchases additional insurance; OR 3) Purchases COO service; OR 4) Purchases Return Receipt service. If the box is not checked, the Postal Service will leave the item in the addressee's mail receptacle or other secure location without attempting to obtain the addressee's signature on delivery.

Delivery Options:
 No Saturday Delivery (delivered next business day)
 Sunday/Holiday Delivery Required (additional fee, where available)
 10:30 AM Delivery Required (additional fee, where available)
 *Refer to USPS.com® or local Post Office® for availability.

ORIGIN (POSTAL SERVICE USE ONLY)

<input checked="" type="checkbox"/> 1-Day	<input type="checkbox"/> 2-Day	<input type="checkbox"/> Military	<input type="checkbox"/> DPO
PO ZIP Code 33024	Scheduled Delivery Date 5/29/15	Postage \$24.99	
Date Accepted (MM/DD/YY) 5/28/15	Scheduled Delivery Time <input checked="" type="checkbox"/> 10:30 AM <input type="checkbox"/> 3:00 PM <input type="checkbox"/> 12 NOON	Insurance Fee \$	COO Fee \$
Time Accepted 1700	10:30 AM Delivery Fee \$	Return Receipt Fee \$	Live Animal Transportation Fee \$
Weight 4.0 lbs	<input type="checkbox"/> Flat Rate Sunday/Holiday Premium Fee \$	Total Postage & Fees \$24.99	

TO: (PLEASE PRINT) PHONE: (850) 997-4243
 COURIER EXPRESS (HOLD AT COUNTER)
 3401 COMMONWEALTH BLVD
 TALLAHASSEE, FL
 ZIP - # (U.S. ADDRESSES ONLY)
 32302

DELIVERY (POSTAL SERVICE USE ONLY)

Delivery Attempt (MM/DD/YY)	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Delivery Attempt (MM/DD/YY)	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature

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- \$100.00 insurance included.