

DOCKETED
CMT 2/24/17
LEGAL



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

DEPARTMENT OF FINANCIAL SERVICES

Petitioner,

CASE NO.: 16-3242

vs.

MICHELANGELO MORTELLARO, GINA
SINADINOS, AND MORTELLARO AND
SINADINOS, PLLC,

Respondent.

_____ /

FINAL ORDER

THIS CAUSE came on for consideration of and for final agency action on the Recommended Order issued on November 21, 2016. The recommended order finds respondents violated chapter 717, Florida Statutes, by retaining certain funds disbursed to them from the State's unclaimed property accounts to which they were not entitled. The ALJ also found respondents' violations were not "willful," and did not demonstrate "reckless disregard" or "deliberate ignorance" of respondents' obligations under chapter 717, and so recommended a one-month suspension of respondents' locator registration as provided by Department rule. The Department timely filed exceptions to the recommended order, only one of which requires discussion.

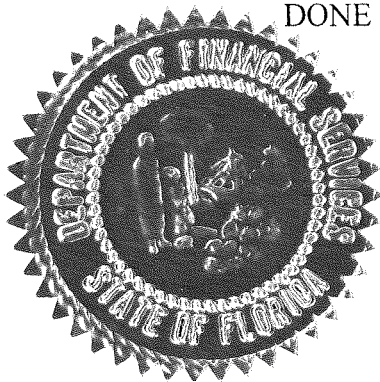
To the extent the first two sentences of recommended order paragraph 35 suggest a claim submitted for unclaimed property is "complete" within the meaning of section 717.1241(3),


Florida Statutes, only upon rendition of a final order establishing entitlement to the property, they are rejected. Section 717.1241, read as a whole, clearly addresses the order of submission of competing claims, not their resolution. This modification does not affect the outcome of this proceeding.

The Recommended Order, with the above modification, is approved and adopted.

Accordingly, Michelangelo Mortellaro's, Gino Sinadinos' and Mortellaro and Sinadinos, PLLC's locator license, number 103423042, is hereby suspended for one month, commencing March 1, 2017.

DONE and ORDERED this 24 day of February, 2017.





Walter Graham, Director
Division of Unclaimed Property

NOTICE OF RIGHT TO APPEAL

A party adversely affected by this final order may seek judicial review as provided in section 120.68, Florida Statutes, and Florida Rule of Appellate Procedure 9.190. Judicial review is initiated by filing a notice of appeal with the Agency Clerk, and a copy of the notice of appeal, accompanied by the filing fee, with the appropriate district court of appeal. The notice of appeal must conform to the requirements of Florida Rule of Appellate Procedure 9.110(d), and must be filed (i.e., received by the Agency Clerk) within thirty days of rendition of this final order.

Filing with the Department's Agency Clerk may be accomplished via U.S. Mail, express overnight delivery, hand delivery, facsimile transmission, or electronic mail. The address for overnight delivery or hand delivery is Julie Jones, DFS Agency Clerk, Department of Financial Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0390. The facsimile number is (850) 488-0697. The email address is Julie.Jones@myfloridacfo.com.

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Linzie F. Bogan, Administrative Law Judge
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