

FILED

AUG 4 2014

OFFICE OF
INSURANCE REGULATION

Docketed by:

SPB



OFFICE OF INSURANCE REGULATION

KEVIN M. MCCARTY
COMMISSIONER

IN THE MATTER OF:

**Scottsdale Property and Casualty Insurance, Inc;
Payless Insurance; C.I.S.; Colony Insurance;
George Garcia; Dayami Quetgles**

CASE NO.: 147394-14

FINAL ORDER TO CEASE AND DESIST

THIS MATTER came on before the undersigned Insurance Commissioner of the State of Florida for consideration and final agency action, who having considered the record in this case and being fully advised of the premises, finds and orders as follows:

1. On April 14, 2014, an Order to Cease and Desist (hereinafter the "Order") was issued by the OFFICE OF INSURANCE REGULATION (hereinafter "OFFICE") notifying Scottsdale Property and Casualty Insurance, Inc. (hereinafter "SCOTTSDALE"); Payless Insurance (hereinafter "PAYLESS"); C.I.S.; Colony Insurance (hereinafter "COLONY"); George Garcia (hereinafter "GARCIA"); and Dayami Quetgles (hereinafter "QUETGLES") that they were engaging in the business of insurance in the state of Florida, without holding a certificate of authority.
2. Service of the Order was attempted by U.S. Certified Mail to the parties' last known addresses. All certified mail notices were returned undelivered.
3. Pursuant to Section 120.60(5), Florida Statutes, notice was published in the county of the parties' last known addresses once each week for four consecutive weeks.

4. There has been no request for a proceeding to challenge or contest the action taken by the Office.

5. The Office has jurisdiction over SCOTTSDALE, PAYLESS, C.I.S., COLONY, GARCIA and QUETGLES for purposes of this action.

IT IS HEREBY ORDERED:

6. The findings of fact and conclusions of law contained in the April 14, 2014 Order are hereby **ADOPTED** and **INCORPORATED** into this Final Order to Cease and Desist.

7. SCOTTSDALE, PAYLESS, C.I.S., COLONY, GARCIA and QUETGLES, whether acting in the State of Florida as an insurer, or otherwise engaging in insurance business, either directly or indirectly through named or unnamed persons, successor companies, entities or agents, shall forthwith **CEASE AND DESIST** from engaging in insurance in the State of Florida or with Florida consumers, including individuals, businesses, and state or local government agencies. However, regardless of the ongoing prohibition against engaging in insurance business in the State of Florida, SCOTTSDALE, PAYLESS, C.I.S., COLONY, GARCIA and QUETGLES shall pay any and all valid claims or otherwise fully service any and all policies executed in the State of Florida or issued to any Florida consumer.

DONE AND ORDERED this 4TH day of AUGUST, 2014.





KEVIN M. MCCARTY
Commissioner
Office of Insurance Regulation

NOTICE OF RIGHTS

Any party to these proceedings adversely affected by this Order is entitled to seek review of this 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, for the OFFICE of Insurance Regulation, acting as the Agency Clerk, at 612 Larson Building, Tallahassee, Florida, 32399 and filing a copy of the same with the appropriate District Court of Appeal within thirty (30) days of rendition of this Order.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order to Cease and Desist has been sent by Certified Mail this 21 day of August, 2014, to:

SCOTTSDALE PROPERTY AND CASUALTY INSURANCE, INC.
8530 SW 124th Avenue, Suite 103
Miami, FL 33183

GEORGE GARCIA
DAYAMI QUETGLES and
PAYLESS INSURANCE
18821 SW 74TH Court
Cutler Bay, Fl 33157

C.I.S.
8530 SW 124th Ave. STE 103
Miami, FL 33183

COLONY INSURANCE
8530 SW 124th Ave. STE 103
Miami, FL 33183



Monica T. Ross
Fla. Bar No.: 0056988
Assistant General Counsel
Office of Insurance Regulation
200 East Gaines Street
Tallahassee, Florida 32399-4206
Telephone: 850-413-4159
Fax: 850-922-2543



OFFICE OF INSURANCE REGULATION

KEVIN M. McCARTY
COMMISSIONER

FILED

APR 14 2014

OFFICE OF
INSURANCE REGULATION
Docketed by: SPB

IN THE MATTER OF:

Scottsdale Property and Casualty Insurance, Inc.;
Payless Insurance; C.I.S.; Colony Insurance;
George Garcia; Dayami Quetgles

CASE NO.: 147394-14

ORDER TO CEASE AND DESIST

TO:

SCOTTSDALE PROPERTY AND CASUALTY INSURANCE, INC.
8530 SW 124th Avenue, Suite 103
Miami, FL 33183

PAYLESS INSURANCE
18821 SW 74th Court
Cutler Bay, Fl 33157

C.I.S.
8530 SW 124th Ave. STE 103
Miami, FL 33183

COLONY INSURANCE
8530 SW 124th Ave. STE 103
Miami, FL 33183

GEORGE GARCIA
18821 SW 74th Court
Cutler Bay, Fl 33157

Dayami Quetgles
18821 SW 74th Court
Culter Bay, Fl 33157

YOU ARE HEREBY NOTIFIED that pursuant to the Florida Insurance Code, including Sections 624.307, 624.317, and 626.901(6), Florida Statutes, the State of Florida Office of

Insurance Regulation (hereinafter "OFFICE"), has caused an investigation to be made of the insurance-related activities of SCOTTSDALE PROPERTY AND CASUALTY INSURANCE, INC. (hereinafter "SCOTTSDALE"); PAYLESS INSURANCE (hereinafter "PAYLESS"); C.I.S.; COLONY INSURANCE (hereinafter "COLONY"); GEORGE GARCIA (hereinafter "GARCIA"); and DAYAMI QUETGLES (hereinafter "QUETGLES"). The OFFICE has information that the aforementioned companies and persons have engaged in the business of insurance in the state of Florida, without holding a certificate of authority. Accordingly, the OFFICE intends to enter an Order requiring the aforementioned parties to cease and desist from engaging in the business of insurance in the state of Florida. As a result of its investigation and as grounds for entry of this order, the OFFICE hereby finds and alleges as follows:

1. The OFFICE has jurisdiction over the parties and the subject matter herein.
2. SCOTTSDALE registered with the Florida Department of State as a Florida corporation on September 18, 2012. Its principal place of business was listed as 6619 S. Dixie Highway #278, Miami, Fl 33143. Christina Hutchinson was listed as president of SCOTTSDALE.
3. According to the Florida Department of State records, the company was administratively dissolved for failure to file an annual report.
4. SCOTTSDALE's mailing address is 8530 SW 124th Avenue, Suite 103, Miami, Fl 33183.
5. SCOTTSDALE is not related to or associated with Scottsdale Indemnity Company, an authorized property and casualty insurance company, or Scottsdale Insurance Company, a registered surplus lines carrier and accredited reinsurer.

6. PAYLESS is a Florida company that is not registered with the Florida Department of State. Its mailing address is 18821 SW 74th Court, Cutler Bay, Fl, 33157.

7. C.I.S. is a Florida company that is not registered with the Florida Department of State. Its mailing address is 8530 SW 124th Avenue, Suite 103, Miami, Fl 33183.

8. COLONY is a Florida company that is not registered with the Florida Department of State. Its mailing address is 14121 S. Dixie Highway, Miami, Fl 33176.

9. On information and belief, GARCIA and QUETGLES own, control, and/or operate SCOTTSDALE, PAYLESS, C.I.S., and COLONY.

10. QUETGLES was formerly licensed by the Department of Financial Services as an insurance agent (#A213355).

11. The aforementioned parties have never been granted a certificate of authority to transact insurance in the state of Florida.

12. The OFFICE has received documentation indicating that PAYLESS, C.I.S., and COLONY have issued property insurance to Florida consumers, indicating that SCOTTSDALE was the insurer.

13. The OFFICE has also received documentation that SCOTTSDALE has opened bank accounts in which it has deposited premium payments from Florida consumers and/or related to property located in the state of Florida.

14. Section 624.11, Florida Statutes, provides, in pertinent part:

No person shall transact insurance in this state, or relative to a subject of insurance resident, located, or to be performed in this state, without complying with the applicable provisions of this code.

15. Section 624.401(1), Florida Statutes, provides, in pertinent part:

No person shall act as an insurer, and no insurer or its agents, attorneys, subscribers, or representatives shall directly or indirectly transact

insurance in this state except as authorized by a subsisting certificate of authority issued to the insurer by the office, except as to such transactions as are expressly otherwise provided for in this code.

16. Despite the absence of a certificate of authority to transact insurance in the state of Florida, SCOTTSDALE engages in the unauthorized business of insurance in this state.

17. SCOTTSDALE is not subject to any exception (State or Federal) to the requirements of the Florida Insurance Code, including the exceptions outlined in Section 624.402, Florida Statutes.

18. Section 626.901, Florida Statutes, provides, in pertinent part:

(1) No person shall, from offices or by personnel or facilities located in this state, or in any other state or country, directly or indirectly act as agent for, or otherwise represent or aid on behalf of another, any insurer not then authorized to transact such insurance in this state in:

- (a) The solicitation, negotiation, procurement, or effectuation of insurance or annuity contracts, or renewals thereof;
- (b) The dissemination of information as to coverage or rates;
- (c) The forwarding of applications;
- (d) The delivery of policies or contracts;
- (e) The inspection of risks;
- (f) The fixing of rates;
- (g) The investigation or adjustment of claims or losses; or
- (h) The collection or forwarding of premiums;

or in any other manner represent or assist such an insurer in the transaction of insurance with respect to subjects of insurance resident, located, or to be performed in this state. If the property or risk is located in any other state, then, subject to the provisions of subsection (4), insurance may only be written with or placed in an insurer authorized to do such business in such state or in an insurer with which a licensed insurance broker of such state may lawfully place such insurance.

(2) If an unauthorized insurer fails to pay in full or in part any claim or loss within the provisions of any insurance contract which is entered into in violation of this section, any person who knew or reasonably should have known that such contract was entered into in violation of this section and who solicited, negotiated, took application for, or effectuated such insurance contract is liable to the insured for the full amount of the claim or loss not paid.

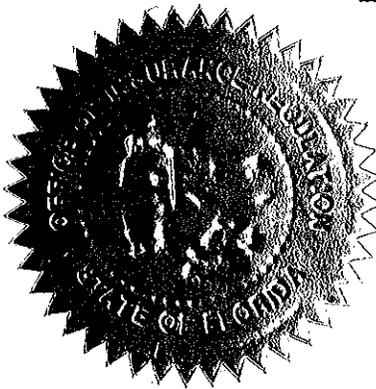
(3) No insurance contract entered into in violation of this section shall be deemed to have been rendered invalid thereby.

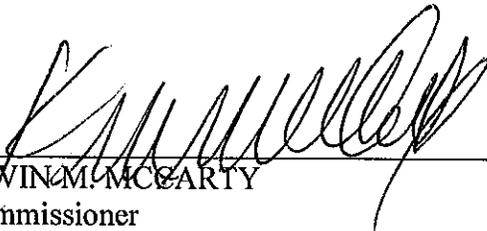
19. PAYLESS, C.I.S., and COLONY, by offering, procuring, collecting and forwarding premiums, or otherwise assisting SCOTTSDALE in conducting business in the state of Florida, represented and aided SCOTTSDALE in the unauthorized transaction of insurance.

20. GARCIA and QUETGLES, in their capacity as owners, managers, and/or operators of SCOTTSDALE, PAYLESS, C.I.S., and COLONY, represented and aided SCOTTSDALE in the unauthorized transaction of insurance.

WHEREFORE, because SCOTTSDALE, PAYLESS, C.I.S., COLONY, GARCIA and QUETGLES have been transacting insurance without a certificate of authority and/or representing and aiding an unauthorized insurer in the state of Florida, they are in violation of Sections 624.401 and 626.901, Florida Statutes, thus entitling the OFFICE to issue an Order to Cease and Desist pursuant to Sections 626.901, 626.909 and 626.9581, Florida Statutes.

DONE AND ORDERED this 14TH day of APRIL, 2014.





KEVIN M. MCCARTY
Commissioner
Office of Insurance Regulation

NOTICE OF RIGHTS

Pursuant to Sections 120.569 and 120.57, Florida Statutes and Rule Chapter 28-106, Florida Administrative Code (F.A.C.), you may have a right to request a proceeding to contest this action by the Office of Insurance Regulation (hereinafter the "Office"). You may request a proceeding by filing a Petition. Your Petition for a proceeding must be in writing and must be filed with the General Counsel acting as the Agency Clerk, Office of Insurance Regulation. If served by U.S. Mail the Petition should be addressed to the Florida Office of Insurance Regulation at 612 Larson Building, Tallahassee, Florida 32399-4206. If Express Mail or hand-delivery is utilized, the Petition should be delivered to 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0300. The written Petition must be received by, and filed in the Office no later than 5:00 p.m. on the twenty-first (21) day after your receipt of this notice. Unless your Petition challenging this action is received by the Office within twenty-one (21) days from the date of the receipt of this notice, the right to a proceeding shall be deemed waived. Mailing the response on the twenty-first day will not preserve your right to a hearing.

If a proceeding is requested and there is no dispute of material fact the provisions of Section 120.57(2), Florida Statutes may apply. In this regard you may submit oral or written evidence in opposition to the action taken by this agency or a written statement challenging the grounds upon which the agency has relied. While a hearing is normally not required in the absence of a dispute of fact, if you feel that a hearing is necessary one may be conducted in Tallahassee, Florida or by telephonic conference call upon your request.

If you dispute material facts which are the basis for this agency's action you may request a formal adversarial proceeding pursuant to Sections 120.569 and 120.57(1), Florida Statutes. If you request this type of proceeding, the request must comply with all of the requirements of Rule Chapter 28-106.2015, F.A.C., including but not limited to:

- a) A statement requesting an administrative hearing identifying those material facts that are in dispute. If there are none, the petition must so state; and
- b) A statement of when the respondent received notice of the agency's action.

These proceedings are held before a State Administrative Law Judge of the Division of Administrative Hearings. Unless the majority of witnesses are located elsewhere, the Office will request that the hearing be conducted in Tallahassee.

In some instances, you may have additional statutory rights than the ones described herein.

Failure to follow the procedure outlined with regard to your response to this notice may result in the request being denied. Any request for administrative proceeding received prior to the date of this notice shall be deemed abandoned unless timely renewed in compliance with the guidelines as set out above.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order to Cease and

Desist has been furnished this 14 day of April 2014 by certified mail to:

SCOTTSDALE PROPERTY AND CASUALTY INSURANCE, INC.
8530 SW 124th Avenue, Suite 103
Miami, FL 33183

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6619 S. Dixie Highway, #278
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