



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

FILED

APR 19 2012

Docketed by

IN THE MATTER OF:

CASE NO.: 115256-11-AG

DAVID BRIAN RUTSTEIN
_____ /

CONSENT ORDER

THIS CAUSE came on for consideration and final agency action. Upon consideration of the record, including the Settlement Stipulation for Consent Order dated March 29, 2012, and being otherwise fully advised in the premises, the Chief Financial Officer finds:

1. The Chief Financial Officer, as agency head of the Florida Department of Financial Services (“Department”), has jurisdiction over the subject matter of this case and the parties.

2. The entry of this Consent Order and compliance herewith by DAVID BRIAN RUTSTEIN (“Respondent”), License I.D. #A229037, shall conclude the administrative proceeding of Case No. 115256-11-AG before the Department.

IT IS THEREFORE ORDERED:

(a) The Settlement Stipulation for Consent Order dated March 29, 2012, and attached hereto as “Exhibit A”, is hereby approved and fully incorporated herein by reference.

(b) Respondent shall be immediately and permanently removed, pursuant to Section 624.310, Florida Statutes, from all of his positions with, and shall otherwise be

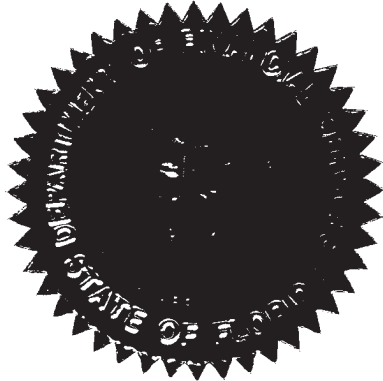
immediately and permanently removed and permanently barred from any and all direct or indirect participation in and/or affiliation with, any entity which is licensed or regulated under the Florida Insurance Code, and any individual or entity which is otherwise involved in the business or transaction of insurance. Respondent shall not engage in or attempt or profess to engage in any transaction or business for which a license or appointment is required under this code or directly or indirectly own, control, or be employed in any manner by any insurance agent or agency or adjuster or adjusting firm.


(c) Following the issuance of the Consent Order, Respondent shall not make application to the Department for any license or permit issued under the authority of the Department, and Respondent shall be permanently ineligible to receive from the Department any license or permit issued under the authority of the Department.

(d) If the Department has good cause to believe that the Respondent has violated any condition of this Consent Order, Respondent authorizes the Department to seek the immediate enforcement of this order in the circuit court of the State of Florida. If such an enforcement order is granted in the circuit court, Respondent agrees that he or she shall be liable to the Department for all costs and attorneys fees expended in the enforcement action. Further, if this order is enforced in the circuit court, Respondent shall be subject to contempt sanctions for violating any such enforcement order.

(e) Any person who knowingly transacts insurance or otherwise engages in insurance activities in this state without a license, or while the license(s) is suspended or revoked, commits a felony of the third degree.

DONE and ORDERED this 19th day of April, 2012.





Gregory Thomas
Director, Agent & Agency Services

Copies Furnished To:

DAVID BRIAN RUTSTEIN
insurancewebsite@inbox.com

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CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

IN THE MATTER OF:

Case No: 115256-11-AG

DAVID BRIAN RUTSTEIN _____ /

SETTLEMENT STIPULATION FOR CONSENT ORDER

IT IS HEREBY AGREED and STIPULATED by and between DAVID BRIAN RUTSTEIN ("Respondent") and the State of Florida, Department of Financial Services ("Department"), that:

1. Respondent is currently licensed as a a life agent, a health agent, and a life and health agent. At all times relevant to the dates and occurrences referred to herein, Respondent was so licensed in this state. His license ID number is a229037.

2. Pursuant to Chapter 626, Florida Statutes, the Department has jurisdiction over Respondent's licensure and eligibility for licensure and appointment in this state and the subject matter of this proceeding.

3. On February 14, 2012, the Department issued an Administrative Complaint alleging that Respondent aided or represented an unauthorized insurer in transacting business and that he misappropriated approximately \$200,000 in consumer funds in the form of commissions received for nonexistent insurance products. In order to avoid formal litigation of this matter, Respondent has determined that it is in his best interests to enter into this Settlement Stipulation for Consent Order.



[Handwritten signature]

4. Respondent voluntarily waives the right to a hearing in this matter and voluntarily enters into this Settlement Stipulation for Consent Order.

5. By entering into this Settlement Stipulation for Consent Order and by the filing of a Consent Order in this case, the Respondent and the Department intend to and do resolve all issues pertaining to the license disciplinary administrative penalties to be imposed against the Respondent based on the allegations in paragraph 3 above.

6. No party will appeal this Settlement Stipulation for Consent Order or the Consent Order to be issued in this case, and the parties specifically waive notice of the right to appeal as required by Section 120.569(1), Florida Statutes.

7. This document is a public record and contains information which is routinely published by the Department.

8. Each party to this proceeding shall bear its own costs and attorneys fees, unless otherwise provided herein.

9. This Settlement Stipulation for Consent Order is subject to the approval of the Chief Financial Officer or his designee. Upon his approval, and without further notice, the Chief Financial Officer or his designee may issue a Consent Order providing for the following:

(a) Incorporation by reference of all the terms and conditions of this Settlement Stipulation for Consent Order.

(b) All license(s) and eligibility for licensure and appointment of the Respondent are hereby surrendered to the Department. Said surrender shall become effective upon the date of issuance of the Consent Order. Respondent shall return to the Department of Financial Services, Bureau of Licensing, 200 East Gaines Street, Tallahassee, Florida 32399-0319, within ten (10) calendar days of the issuance of this Consent Order, all license(s) issued to the Respondent pursuant to the Florida Insurance Code.

A handwritten signature in black ink, consisting of a stylized, cursive script that appears to be the initials 'JL' or similar, followed by a long horizontal stroke extending to the right.

(c) Respondent shall be immediately and permanently removed, pursuant to Section 624.310, Florida Statutes, from all of his positions with, and shall otherwise be immediately and permanently removed and permanently barred from any and all direct or indirect participation in and/or affiliation with, any entity which is licensed or regulated under the Florida Insurance Code, and any individual or entity which is otherwise involved in the business or transaction of insurance. Respondent shall not engage in or attempt or profess to engage in any transaction or business for which a license or appointment is required under this code or directly or indirectly own, control, or be employed in any manner by any insurance agent or agency or adjuster or adjusting firm.

(d) Following the issuance of the Consent Order, Respondent shall not make application to the Department for any license or permit issued under the authority of the Department, and Respondent shall be permanently ineligible to receive from the Department any license or permit issued under the authority of the Department.

(e) If the Department has good cause to believe that the Respondent has violated any condition of this Consent Order, Respondent authorizes the Department to seek the immediate enforcement of this order in the circuit court of the State of Florida. If such an enforcement order is granted in the circuit court, Respondent agrees that he or she shall be liable to the Department for all costs and attorneys fees expended in the enforcement action. Further, if this order is enforced in the circuit court, Respondent shall be subject to contempt sanctions for violating any such enforcement order.

(f) Any person who knowingly transacts insurance or otherwise engages in insurance activities in this state without a license, or while the license(s) is suspended or revoked, commits a felony of the third degree.

10. Respondent certifies that the address and e-mail address below Respondent's signature are valid addresses.

11. The Respondent agrees that the Consent Order may be sent to the Respondent via the e-mail address below Respondent's signature and to Respondent's counsel.

DATED and SIGNED this March 29, 2012
day of _____, 2012



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Respondent



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For the Department

