Document Name: 3141-B-2/93

Commerce Bank of Tampa

DBF B 1993-220 DOCKETED 5/12/93

STATE OF FLORIDA
DEPARTMENT OF BANKING AND FINANCE
DIVISION OF BANKING

IN RE:

ROSE HALL, Administrative Proceeding
No. 3141-B-2/93
Respondent.

DEFAULT FINAL ORDER
REGARDING ROSE HALL

The State of Florida Department of Banking and Finance,

Division of Banking, (hereinafter the "Department"), hereby

enters
this Default Final Order based upon the following:

FINDING OF FACT

I. On April 5, 1993, the Department issued to Rose Hall

(hereinafter the "Respondent"), the Administrative Complaint For

Removal and **Prohibition** With Notice of Rights (hereinafter the

"Complaint"), alleging violations of Chapter 655, Florida

Statutes, (hereinafter the "Act"), and notifying Respondent that

the Department intended to issue an order removing and

prohibiting
Respondent from future participation in the affairs

of any state-chartered financial institution pursuant to Section

655.037,

Florida Statutes.

2. Respondent received a copy of the Complaint by certified

mail on April S, 1993. The Complaint fairly and adequately

stated
the grounds upon which the Department based its proposed

action and
further advised the Respondent that she had twenty-one

(21) days
after receipt thereof within which to petition the

Department for
an administrative hearing concerning the

allegations set forth in
said Complaint and that failure to do so

would constitute a waiver
of such right. On April 27, 1993,

Respondent corresponded with the
Department but specifically

stated that she did not desire either
a formal or informal

hearing. As of the date hereof, Respondent has
not petitioned the

Department for an administrative hearing in
accordance with Rule

3-7.002, Florida Administrative Code.

3. The factual allegations set forth in the Complaint are

incorporated herein by reference and made apart thereof. Being

uncontested, said Findings of Fact are accepted as true and

correct
and are adopted by the Department as the findings of fact

of this

Default Final Order.

CONCLUSIONS OF LAW

4. The Department has jurisdiction over the Respondent and this proceeding and is empowered to enforce the provisions of Chapter 655, Florida Statutes, pursuant to Sections 655.001 and 655.012, Florida Statutes.

5. Respondent having failed to file a Petition for hearing or any other document complying with the Rules of the Florida Administrative Code, has waived her right to an administrative hearing pursuant to Rule 28-5.111(l), Florida Administrative Code.

6. The conclusions of law set forth in the Complaint are incorporated herein by reference and made a part hereof. Said Conclusions of Law being uncontested are therefore accepted as true and correct and are adopted by the Department as the Conclusions of Law of this Default Final Order.

7. Based on the foregoing Findings of Fact the Department concludes as a matter of law that Respondent violated Section 655.037, Florida Statutes, by engaging in conduct which is evidence of a willful and continuing disregard for the safety and soundness of the financial institution and constitutes a breach of her fiduciary duty to the institution.

8. Pursuant to Section 655.037(3), Florida Statutes, the Department may issue an Order removing or prohibiting an officer, director, committee member, employee, or other person from participation in the affairs of the institution or any other financial institution upon finding that the Respondent violated Section 655.037(l), Florida Statutes.

FINAL ORDER

Base upon the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that Respondent, ROSE HALL be hereby prohibited from participating in the affairs of any financial institution and deemed ineligible for election to any official position in or employment by any financial institution in this state except with prior written consent of the Department.

DONE AND ORDERED in Tallahassee, Florida, this 12th day of May, ,1993.

/S/_____
GERALD LEWIS, as Comptroller of the
State of Florida and Head of the
Department of Banking and Finance

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK AND A SECOND COPY,

ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT

COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY

RESIDES.
THE NOTICE OF APPEAL MUST BE FILED WITHIN 30 DAYS OF

RENDITION OF
THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing

Default Final Order Regarding Rose Hall has been furnished by

U.S.
Mail to Rose Hall at 2954 Jeanette Cove, Oviedo, Florida

32765,
this 12th day of May, 1993.

/S/_____
H. Richard Bisbee
Deputy General Counsel
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