



**FILED**

OCT 23 2024

INSURANCE REGULATION  
Docketed by: *AM*

## OFFICE OF INSURANCE REGULATION

**MICHAEL YAWORSKY**  
COMMISSIONER

Index: OIR 2024-139

Case No.: 307133-23

IN THE MATTER OF:  
LIFETIME HOME WARRANTY, LLC

### FINAL ORDER

TO: LIFETIME HOME WARRANTY, LLC  
c/o Legalinc Corporate Services, Inc.  
651 North Broad Street, Suite 201  
Middletown, DE 19709

c/o Legalinc Corporate Services, Inc.  
131 Continental Drive, Suite 305  
Newark, DE 19713

The STATE OF FLORIDA, OFFICE OF INSURANCE REGULATION (the "OFFICE"), being authorized and directed to administer and enforce the Florida Insurance Code, hereby enters this Final Order, pursuant to the Florida Insurance Code and chapter 120, Florida Statutes, against LIFETIME HOME WARRANTY, LLC ("LIFETIME"), a Delaware limited liability company.

### **FINDINGS OF FACT**

#### The OFFICE Issued an Order to Cease and Desist against LIFETIME.

1. On January 5, 2023, the OFFICE opened an investigation based on an allegation from a consumer complainant that LIFETIME was providing service warranties to residents of Florida. The OFFICE's investigation found that LIFETIME offered and provided home warranties to Florida consumers via a website without a license, in violation of section 634.403(1), Florida Statutes.

2. On April 27, 2023, the OFFICE issued an Order to Cease and Desist against LIFETIME ordering it to stop offering and providing home warranties without a license in the state of Florida, which are violations of section 634.303(1), Florida Statutes. *See* Exhibit 1. The Order to Cease and Desist contained a Notice of Rights, pursuant to sections 120.569 and 120.57, Florida Statutes, and Rule chapter 28-106, *Florida Administrative Code*, which advised the company of its right to request a hearing within 21 days of service. *Id.*

3. On April 27, 2023, the OFFICE mailed the Order to Cease and Desist via USPS Certified Mail to LIFETIME at (1) 200 Continental Drive, Suite 401, Newark, DE 19713, which was the address listed on LIFETIME's correspondence with consumers, and (2) 651 North Broad Street, Suite 201, Middletown, DE 19709, which was the address of LIFETIME's then-current registered agent, Legalinc Corporate Services, LLC. *See* Exhibit 2.

LIFETIME did not Request a Hearing.

4. On September 22, 2023, the OFFICE received the USPS delivery receipt, which confirmed that service of process was achieved on LIFETIME's registered agent. *See* Exhibit 3. The agent signed the delivery receipt, but she did not include a delivery date. *See id.*

5. Assuming that service was made on or before September 22, 2023, LIFETIME had twenty-one (21) days, or until October 13, 2023, to file a petition to request a hearing with the OFFICE. *See* §§ 120.569, .57, Fla. Stat.; *see also* Fla. Admin. Code. R. 28-106.11.

6. As of the date of this Final Order, LIFETIME has failed to file a petition for hearing with the OFFICE in response to the Order to Cease and Desist. Because LIFETIME failed to request a hearing within twenty-one days, LIFETIME waived its right to a hearing.

7. The alleged facts that form the basis for the OFFICE's Order to Cease and Desist, being uncontested by LIFETIME, are incorporated herein by reference and are adopted as Findings of Fact for the purposes of this Final Order.

### CONCLUSIONS OF LAW

#### The OFFICE has Jurisdiction to Issue this Final Order against LIFETIME.

8. Section 20.121(3)(a)1., Florida Statutes, provides that the OFFICE shall be responsible for all activities concerning insurers and other risk bearing entities, including, *inter alia*, licensing, rates, policy forms, market conduct, and claims.

9. Section 624.01, Florida Statutes, provides that chapters 624-632, 634-636, 641-642, 648, and 651 constitute the "Florida Insurance Code."

10. The OFFICE is responsible for the administration and enforcement of the Florida Insurance Code and has jurisdiction over LIFETIME pursuant to section 20.121(3)(a)1. and the Florida Insurance Code.

11. Chapter 28-106, *Florida Administrative Code*, applies in all proceedings in which the substantial interests of a party are determined by an agency and shall be construed to secure the just, speedy, and inexpensive determination of every proceeding.

12. Chapter 28-106 applies to all proceedings under chapter 120, Florida Statutes, with only three exceptions: (i) where the agency has adopted rules covering the subject matter pursuant to section 120.54(5)(a)2, Florida Statutes; (ii) agency investigations or determinations of probable cause preliminary to agency action; or, (iii) mediation conducted pursuant to section 120.273, Florida Statutes. *See Fla. Admin. Code. R. 28-106.101.*

13. The OFFICE finds that this proceeding does not qualify for one of the exceptions listed in Rule 28-106.101, *Florida Administrative Code*.

14. Section 120.52(10), Florida Statutes, defines a “license” as a franchise, permit, certification, registration, charter, or similar form of authorization required by law, but it does not include a license required primarily for revenue purposes when issuance of the license is merely a ministerial act.

15. Section 634.303(1), Florida Statutes, provides that no person in this state shall provide or offer to provide home warranties to residents of this state unless authorized under a license issued by the OFFICE.

16. LIFETIME has provided or has offered to provide home warranties to the residents of Florida without a license in violation of section 634.303(1), Florida Statutes.

17. LIFETIME’s activities do not fall within the exceptions, exclusions, or exemptions provided in chapter 634, part III, Florida Statutes, or any other provision of the Florida Statutes or federal law.

18. Accordingly, the OFFICE is authorized to enter an order requiring LIFETIME to cease and desist from providing home warranties, pursuant to sections 634.303(1) and 634.339, Florida Statutes.

LIFETIME Waived its Right to an Administrative Hearing.

19. Rule 28-106.2015(1), *Florida Administrative Code*, provides that prior to entry of a final order to suspend, revoke, or withdraw a license, to impose administrative fines, or to take other enforcement or disciplinary action against a licensee or person or entity subject to the agency’s jurisdiction, the agency shall serve upon the licensee an administrative complaint. For purposes of this rule, an agency pleading or communication that seeks to exercise an agency’s enforcement authority and to take any kind of disciplinary action against a licensee or other person shall be deemed an administrative complaint.

20. Rule 28-106.2015(3), *Florida Administrative Code*, provides that the agency's administrative complaint shall be considered the petition, and service of the administrative complaint on the respondent shall be deemed the initiation of proceedings.

21. The OFFICE finds that the April 27, 2023, Order to Cease and Desist, attached hereto as Exhibit 1, constitutes an administrative complaint pursuant to chapter 120, Florida Statutes, and Rule chapter 28-106, *Florida Administrative Code*.

22. Rule 28-106.110, *Florida Administrative Code*, provides that unless the presiding officer otherwise orders, every pleading and every other paper filed in a proceeding, except applications for witness subpoenas, shall be served on each party or the party's representative at the last address of record.

23. The OFFICE served the Order to Cease and Desist on the registered agent of LIFETIME on or before September 22, 2023.

24. The OFFICE finds that LIFETIME's deadline to file a petition for hearing in this matter was October 13, 2023. *See Fla. Admin. Code. R. 28-106.111.*

25. As of the date of this Final Order, LIFETIME has failed to file a petition for hearing with the OFFICE in response to the Order to Cease and Desist.

26. LIFETIME has not submitted any other evidence or made any allegations that would support the application of the doctrine of equitable tolling. *See Machules v. Dept't of Admin.*, 523 So. 2d 1132, 1134 (Fla. 1988) (finding that equitable tolling generally applies when a party has been misled or lulled into inaction, has in some extraordinary way been prevented from asserting rights, or has asserted rights timely but mistakenly in the wrong forum).

27. The OFFICE finds that LIFETIME's failure to file a petition for hearing or to file any other document in compliance with Rules 28-106.2015 or 28-106.301, *Florida Administrative*

*Code*, constitutes a waiver of LIFETIME's right to an administrative hearing in this matter. *See Fla. Admin. Code. R. 28-106.111(4); see also Giordano v. Dep't of Banking and Fin.*, 596 So. 2d 712 (Fla. 1st DCA 1992) (upholding the entry of a final order imposing penalties where the complaint informed the appellant that failure to request timely an administrative hearing constituted a waiver of the right to do so).

28. The legal conclusions that form the basis for the OFFICE's Order to Cease and Desist, being uncontested by LIFETIME, are accepted as true and correct and are adopted by the OFFICE as Conclusions of Law for purposes of this Final Order.

*(The order continues on the next page.)*

**ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby **ORDERED**:

29. LIFETIME shall cease and desist providing any new home warranties within the State of Florida.

30. LIFETIME shall, however, continue to honor its obligations under existing home warranties within the State of Florida until the terms of those home warranties expire.

31. LIFETIME shall not offer to renew any existing home warranties within the State of Florida.

32. LIFETIME is further notified that any violation of this order may be penalized by a fine of \$25,000.00 and the revocation of LIFETIME's eligibility to hold a license, pursuant to section 634.341, Florida Statutes.

DONE and ORDERED this 23<sup>RD</sup> day of OCTOBER, 2024.



  
Michael Yaworsky, 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, Florida Rules of Appellate Procedure. Review proceedings must be instituted by filing a Petition or Notice of Appeal with the General Counsel, acting as the agency clerk, at 200 East Gaines Street, Tallahassee, FL 32399-4206, and a copy of the same and filing fee with the appropriate District Court of Appeal within thirty (30) days of the rendition of this Order.

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Final Order was sent by USPS Certified Mail to the following address on this 29 day of October, 2024:

LIFETIME HOME WARRANTY, LLC  
c/o Legalinc Corporate Services, Inc.  
651 North Broad Street, Suite 201  
Middletown, DE 19709

and

c/o Legalinc Corporate Services, Inc.  
131 Continental Drive, Suite 305  
Newark, DE 19713



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Christopher Wildermuth  
Florida Bar Number 1037808  
Assistant General Counsel  
Office of Insurance Regulation  
200 East Gaines Street  
Tallahassee, Florida 32399  
(850) 413-5147  
Christopher.Wildermuth@floir.com

Exhibit 1

FILED

APR 27 2023

INSURANCE REGULATION

Docketed by: 



OFFICE OF INSURANCE REGULATION

MICHAEL YAWORSKY  
COMMISSIONER

IN THE MATTER OF:

LIFETIME HOME WARRANTY, LLC

CASE NO.: 307133-23

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**ORDER TO CEASE AND DESIST**

TO: LIFETIME HOME WARRANTY, LLC  
c/o Legalinc Corporate Services, Inc., Registered Agent  
651 N. Broad St., Suite 201  
Middletown, DE 19709

**YOU ARE HEREBY NOTIFIED** that pursuant to the Florida Insurance Code, including but not limited to Sections 624.307, 624.317, and 634.303, Florida Statutes, the FLORIDA OFFICE OF INSURANCE REGULATION (hereinafter referred to as "OFFICE") has caused an investigation to be made of the activities of LIFETIME HOME WARRANTY, LLC (hereinafter referred to as "LIFETIME") with respect to its home warranty activities. Pursuant to Section 634.339, Florida Statutes, the OFFICE intends to enter a Final Order requiring LIFETIME to cease and desist from engaging in the unauthorized and unlicensed business of a home warranty association in the state of Florida. As grounds therefore, the OFFICE alleges that:

# Exhibit 1

## Jurisdiction

1. Section 20.121(3)(a)1., Florida Statutes, provides, in part, that the OFFICE shall be responsible for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, and claims.

2. Section 624.01, Florida Statutes, provides that Chapters 624-632, 634, 635, 636, 641, 648, and 651 constitute the “Florida Insurance Code.”

3. The OFFICE has jurisdiction over the subject matter hereof and parties to this proceeding.

## Findings of Fact

4. LIFETIME’s principal place of business is located at 200 Continental Dr., Ste 401, Newark, DE 19713.

5. LIFETIME’s registered agent is Legalinc Corporate Services, LLC (“Legalinc”). Legalinc’s address is 651 N. Broad St., Suite 201, Middletown DE 19709.

6. LIFETIME is not licensed as a home warranty association in the state of Florida.

7. LIFETIME is not an authorized insurer in the state of Florida.

8. LIFETIME has provided or has offered to provide home warranties to the residents of Florida without a license during an unknown timeframe.

9. LIFETIME’s website is located at [www.LifeTimeHomeWarranty.com](http://www.LifeTimeHomeWarranty.com). [Noreply@lifetimedomewarranty.com](mailto:Noreply@lifetimedomewarranty.com) is an email address for LIFETIME.

10. On or about May 25, 2022, P.J., a Florida resident, contacted LIFETIME to obtain a home warranty policy. The contract start date was June 29, 2022, and cost a total of approximately \$1199.00.

# Exhibit 1

11. On or about August 12, 2022, P.J. called LIFETIME for service for her air conditioner, which was covered under the policy with LIFETIME. The claim was denied by LIFETIME. P.J. tried to cancel her policy only to be told by LIFETIME that the contract was non-cancellable.

12. On or about February 22, 2023, an examiner for the OFFICE submitted contact information through LIFETIME's website, which included the address as 200 E Gaines Street, Tallahassee, Florida 32399, to receive a free quote. The examiner selected LIFETIME's Total Plan and submitted it to LIFETIME.

13. On February 22, 2023, PCMR@flor.com, an email account owned by the OFFICE, received an email from LIFETIME offering to provide home warranties due to the information submitted by the examiner.

## Conclusions of Law.

14. Section 634.303(1), Florida Statutes provides, in part, that no person in this state shall provide or offer to provide home warranties to residents of this state unless authorized therefor under a subsisting license issued by the Office.

15. Section 634.339, Florida Statutes, provides, in part, if it is determined that the person charged has engaged in an unfair or deceptive act or practice or the unlawful transaction of home warranty business, the Office shall issue an order requiring the violator to cease and desist from engaging in such method of competition, act, or practice or the unlawful transaction of home warranty business.

16. LIFETIME has provided or has offered to provide home warranties to the residents of Florida without a license in violation of Section 634.303(1), Florida Statutes.

Exhibit 1

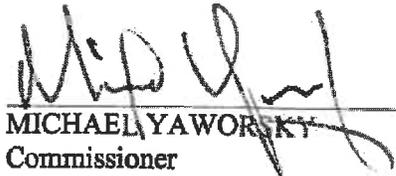
17. LIFETIME’s activities do not fall within the exceptions, exclusions or exemptions provided in Chapter 634, Part III, Florida Statutes, or any other provision of the Florida Statutes or federal law.

**Proposed Agency Action**

18. Notice is hereby provided that the Office will enter a Final Order in this matter, subject only to the Notice of Rights herein. In its Final Order, the OFFICE shall order LIFETIME HOME WARRANTY, LLC to cease and desist from transacting or engaging in home warranty business within the state of Florida without a license. Also, in its Final Order, the OFFICE shall order LIFETIME HOME WARRANTY, LLC to administer all its existing home warranty agreements within the state of Florida until the term of the home warranty agreements expires.

DONE and ORDERED this 27<sup>th</sup> day of April, 2023.



  
MICHAEL YAWORSKY  
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.

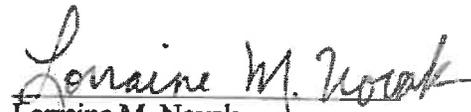
Failure to follow the procedure outlined regarding your response to this notice may result in the request being denied. Any request for administrative proceeding received prior to the date of this notice shall be deemed abandoned unless timely renewed in compliance with the guidelines as set out above.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Order to Cease and Desist has been sent by U.S. Certified Mail this 27<sup>th</sup> day of April, 2023, to:

LIFETIME HOME WARRANTY, LLC  
c/o Legalinc Corporate Services, Inc., Registered Agent  
651 N. Broad St., Suite 201  
Middletown, DE 19709

LIFETIME HOME WARRANTY, LLC  
200 Continental Dr., Ste 401  
Newark, DE 19713



Lorraine M. Novak  
Fla. Bar No. 0023851  
Assistant General Counsel  
Office of Insurance Regulation  
200 East Gaines Street, Suite 646C  
Tallahassee, Florida 32399-4206  
Phone: (850) 413-4292  
Fax: (850) 922-2543

U.S. Postal Service®  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

USPS® ARTICLE NUMBER  
9414 7266 9904 2160 3569 03

Certified Mail Fee	\$ 3.75
Return Receipt Fee	\$ 0.53
<b>Certified Article Number</b> 9414 7266 9904 2160 3569 03	
<b>SENDER'S RECORD</b>	Postmark Here
Total Postage and Fees	\$ 7.33

Sent to: LIFETIME HOME WARRANTY, LLC  
200 Continental Dr., Ste 401  
Newark, DE 19713

Reference Information  
4/27/23  
# 307133-23

PS Form 3800, Facsimile, July 2013

U.S. Postal Service®  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

USPS® ARTICLE NUMBER  
9414 7266 9904 2160 3568 97

Certified Mail Fee	\$ 3.75
Return Receipt Fee	\$ 0.53
<b>Certified Article Number</b> 9414 7266 9904 2160 3568 97	
<b>SENDER'S RECORD</b>	Postmark Here
Total Postage and Fees	\$ 7.33

Sent to: LIFETIME HOME WARRANTY, LLC  
c/o Legalinc Corporate Services, Inc.  
651 N. Broad St., Suite 201  
Middletown, DE 19709

Reference Information  
4/27/23  
# 307133-23

PS Form 3800, Facsimile, July 2013

Return Receipt (Form 3811) Barcode



9590 9266 9904 2160 3588 90

1. Article Addressed to:

LIFETIME HOME WARRANTY, LLC  
c/o Legalinc Corporate Services, Inc.  
651 N. Broad St., Suite 201  
Middletown, DE 19709

2. Certified Mail (Form 3800) Article Number

9424 7266 9904 2160 3588 97

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent  
*x Dave H Gibbs*  Addressee  
B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type:  
 Certified Mail  
 Certified Mail Restricted Delivery

Reference Information

4/27/23 #307133-23