

4-21-99

Final Order No. BPR-99-02980 Date 5-25-99

FILED

Department of Business and Professional Regulation
AGENCY CLERK

Sarah Wachman, Agency Clerk

By: Brandon M. Nichols

STATE OF FLORIDA

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

FILED
04 JUL 15 AM 10:15
DIVISION OF
ADMINISTRATIVE
HEARINGS

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

DBPR Case No. 98-21464
DOAH Case No. 98-5408

WJK-CLB

vs.

HASNAIN MEHDI HANIF,

Respondent.

FINAL ORDER

This matter came on before the Department of Business and Professional Regulation, ("Department") in Tallahassee, Florida, pursuant to Section 120.57(1)(j), Florida Statutes, for consideration of the Recommended Order issued April 21, 1999 in this case (a copy of which is attached and incorporated herein by reference) and the Respondent's exceptions thereto filed April 28, 1999.

Upon consideration of the Administrative Law Judge's Recommended Order and the Respondent's exceptions, and after review of the complete record in this matter, the Department makes the following findings of fact and conclusion of law:

FINDINGS OF FACT

1. The Administrative Law Judge's Findings of Fact are hereby adopted in toto and

incorporated herein by reference.

2. There is competent, substantial evidence to support the Administrative Law Judge's Findings of Fact.

CONCLUSIONS OF LAW

1. Petitioner is the state agency charged with regulating the practice of community association management pursuant to Part I of Chapter 455 and Part VIII of Chapter 468, Florida Statutes, and has jurisdiction over the parties substantially affected by this Final Order.

2. The Division of Administrative Hearings has jurisdiction over the parties hereto and the subject matter hereof, pursuant to Section 120.569 and Section 120.57(1), Florida Statutes.

3. At the final hearing in this matter, Petitioner proved by clear and convincing evidence that Respondent violated Section 455.227(1)(h), Florida Statutes (1995) and Section 468.436(1)(b)2., 3., and 4., Florida Statutes (Supp. 1996).

THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

1. The Recommended Order is hereby approved and adopted in its entirety and incorporated herein by reference, and the Respondent's exceptions are hereby rejected as failing to raise a substantial issue of fact or law.

2. Respondent shall pay an administrative fine in the amount of Five Thousand Dollars (\$5,000.00), payable to the Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0784, within thirty (30) calendar days of the effective date of this Order.

3. The Respondent's community association manager license number CAM 0020664 is revoked.

4. Respondent shall pay costs of this investigation and prosecution, excluding attorney's

fees, in the amount of One Thousand Three Hundred Forty-four Dollars and Ninety-four Cents (\$1,344.94), payable to the Department of Business and Professional Regulation, within thirty (30) calendar days of the effective date of this Order.

This Order shall become effective on the date of filing with the Agency Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 25th day of May 1999, in Tallahassee, Florida.



THOMAS G. THOMAS
CHIEF ATTORNEY
Department of Business
and Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-0750

NOTICE OF RIGHT TO APPEAL

Any party substantially affected by this Final Order may seek judicial review by filing an original notice of appeal with the agency clerk of the Department of Business and Professional Regulation, and a copy of the notice, accompanied by the filing fees prescribed by law, with the clerk of the appropriate District Court of Appeal, within thirty (30) days of rendition of this Order, in accordance with Rule 9.110, Fla. R. App. P., and Section 120.68, Florida Statutes.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing FINAL ORDER has been provided via Certified U.S. Mail Restricted Delivery to HASNAIN MEHDI HANIF, 420 N.E. 76th Street, #7, Miami, Florida 33138, this _____ day of _____, 1999.

Theodore R. Gay
Prosecutor for the Department

TRG/sb
5/4/99