

6-16-99

Final Order No. BPR-99-04663 Date 8-11-99

FILED

Department of Business and Professional Regulation
AGENCY CLERK

Sarah Wachman, Agency Clerk

By:

Branden M. Nichols

**STATE OF FLORIDA
DEPARTMENT OF BUSINESS & PROFESSIONAL REGULATION
DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS AND MOBILE HOMES**

**DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,
DIVISION OF FLORIDA LAND SALES,
CONDOMINIUMS, AND MOBILE HOMES,**

Petitioner,

v.

**GEORGE LEMPENAU, PRESIDENT,
FOUR MARNAN, INC., ARCADIA PEACE
RIVER CAMPGROUND,
Respondent.**

AT

99-0780

WRC-CLOS

Docket No. MH1999023

04 JUL 15 AM 9:46
DIVISION OF
ADMINISTRATIVE
HEARINGS

FINAL ORDER

The Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes ("Division"), pursuant to Section 120.57(1), Florida Statutes (Supp. 1998), enters this Final Order in the above-captioned matter. Upon consideration of the Recommended Order from the Administrative Law Judge (a copy of which is attached as Exhibit A), review of the complete record, and being otherwise duly advised in the premises, the Division makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

The Findings of Fact set forth in the Recommended Order are approved, adopted in full and incorporated herein by reference.

CONCLUSIONS OF LAW

1. The Division has jurisdiction to enter this Final Order pursuant to Sections 723.002 and 723.006, Florida Statutes.
2. The Conclusions of Law set forth in the Recommended Order are approved, adopted in full, and incorporated herein by reference.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is

ORDERED AND ADJUDGED, as follows:

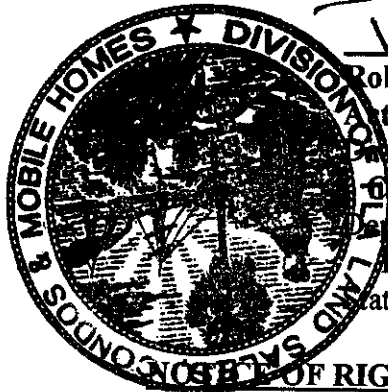
1. Respondent shall pay a total civil penalty of Five Hundred and No/100 Dollars (\$500.00) to the Division, remitting a certified check or money order made payable to Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund in the amount of Five Hundred and No/100 Dollars (\$500.00), within thirty (30) days from the date of this Final Order.
2. Respondent shall refund to each of the following individuals the listed amounts representing (1) the \$30.00 monthly lot rental increase for each month beginning January 1, 1997 through March 21, 1998, and (2) the \$15.00 monthly lot rental increase for each month beginning January 1, 1998 through March 21, 1998, for a total refund of \$3,465.00:

	<u>Name</u>	(1)	(2)	<u>Total refund</u>
a.	Charles Collins	\$450.00	\$45.00	\$495.00
b.	Arthur P. McCrae	\$450.00	\$45.00	\$495.00
c.	Harold Martin	\$450.00	\$45.00	\$495.00
d.	Maurice W. Jackson	\$450.00	\$45.00	\$495.00
e.	Robert F. Martin	\$450.00	\$45.00	\$495.00
f.	Irene K. Apps	\$450.00	\$45.00	\$495.00
g.	Reba Conner	<u>\$450.00</u>	<u>\$45.00</u>	<u>\$495.00</u>
Grand Totals		\$3,150.00	\$315.00	\$3,465.00

The refunds required above shall be made no later than ninety (90) days from the date of this Final Order. Respondent shall provide the Bureau of Mobile Homes with a copy of each

refund check and accompanying cover letter to each of the named refund recipients no later than one hundred twenty (120) days from the date of this Final Order.

DONE AND ORDERED this 5th day of August, 1999, in Tallahassee, Florida.



Robin L. Suarez
Robin L. Suarez,
Acting Division Director

Division of Florida Land Sales,
Condominiums and Mobile Homes
Department of Business &
Professional Regulation
State of Florida

NOTICE OF RIGHT TO APPEAL

Pursuant to Section 120.68, Florida Statutes, and Rule 9.110, Florida Rules of Appellate Procedure, any substantially affected party may appeal this Final Order by filing a Notice of Appeal with the clerk of this agency and the appropriate District Court of Appeal, accompanied by the appropriate filing fees within 30 days of the date of this Final Order.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been served via Certified U.S. Mail, Return Receipt Requested, to George Lempenau, President, Four Marnan, Inc., 2998 NW Highway 70, Arcadia, Florida 34266, this ____ day of August, 1999.

KRISTIE HARRIS, DOCKET CLERK

Copies furnished to:

Eric H. Miller, Assistant General Counsel
Jim Norred, Chief, Bureau of Mobile Homes