

2-6-01

AT

Final Order No. BPR-2001-01469

Date:

4-18-01

PH 2:43

FILED

Department of Business and Professional Regulation

AGENCY CLERK

Sarah Wachman, Agency Clerk

By: Brandon M. Nichols

FILED
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APR
HEARINGS

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND 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,

vs.

DOAH Case No.: 00-1415
DOCKET NO.: YS 2000-024

GIOVANNA GALLOTTINI,

Respondent.

FINAL ORDER

The Director of the Division of Florida Land Sales, Condominiums, and Mobile Homes (Division) enters this Final Order in the above referenced matter.

PRELIMINARY STATEMENT

On January 26, 2000, the Division issued a Notice To Show Cause, which alleged that the Respondent, Giovanna T. Gallottini (Gallottini), violated Florida Administrative Code Rule 61B-60.008(3)(a), by failing to exercise professional care in the performance of brokerage services in holding up a closing by not providing a

financial institution with a sufficient power of attorney as requested, threatening to hold up a closing due to a dispute regarding the amount of a commission, and demanding payment of the disputed commission prior to closing. The Notice advised Gallottini that the agency could take action against her license by entering a cease and desist order, suspending or revoking her license, imposing a civil penalty of up to \$10,000, and taking any other affirmative action necessary to carry out chapter 326, Florida Statutes. The Notice advised Gallottini of her right to request a formal hearing or an informal proceeding pursuant to chapter 120, Florida Statutes. Gallottini timely requested a formal hearing. The procedural history of the proceedings before the Division of Administrative Hearings (DOAH) are set out by the Administrative Law Judge (ALJ) in the Recommended Order, which is adopted in full and incorporated in this Final Order. The Recommended Order is attached as exhibit A.

On February 6, 2001 the ALJ entered a Recommended Order finding that Gallottini had not violated the rule. [Recommended Order at 10] The ALJ recommended that the agency enter a final order dismissing the Notice to Show Cause against Gallottini. [Recommended Order at 10]

Neither party filed exceptions to the Recommended Order.

FINDINGS OF FACT

1. The Division adopts and incorporates by reference the Findings of Fact set forth in the Recommended Order.

CONCLUSIONS OF LAW

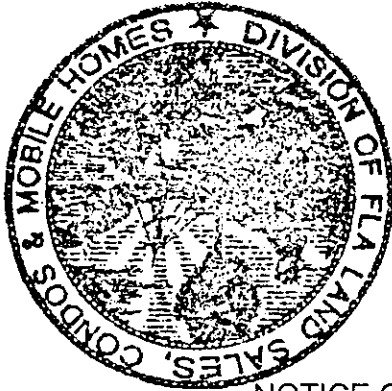
2. The Division adopts and incorporates by reference the Conclusions of Law set forth in the Recommended Order.

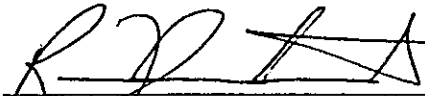
ORDER

Based on the foregoing findings of fact and conclusions of law, it is ORDERED that the Notice to Show Cause against Respondent be and is hereby DISMISSED.

DONE and ORDERED in Tallahassee, Leon County, Florida, this 17th day of

April, 2001.




ROSS FLEETWOOD, Director
Division of Florida Land Sales,
Condominiums, and Mobile Homes
Department of Business and
Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-1030

NOTICE OF RIGHT OF APPEAL

THIS FINAL ORDER CONSTITUTES FINAL AGENCY ACTION AND MAY BE
APPEALED BY ANY PARTY SUBSTANTIALLY AFFECTED BY THIS FINAL ORDER
PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND RULE 9.110, FLORIDA
RULES OF APPELLATE PROCEDURE, BY FILING A NOTICE OF APPEAL
CONFORMING TO THE REQUIREMENTS OF RULE 9.110(d), FLORIDA RULES OF
APPELLATE PROCEDURE, BOTH WITH THE APPROPRIATE DISTRICT COURT OF
APPEAL, ACCOMPANIED BY THE APPROPRIATE FILING FEE, AND WITH THE
AGENCY CLERK, DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION, AT 1940 NORTH MONROE STREET, TALLAHASSEE, FLORIDA
32399-1007 WITHIN THIRTY (30) DAYS OF THE RENDITION OF THIS ORDER.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Certified Mail to Giovanna T. Gallottini, Yachting Consultants, Inc., 1050 Marina Drive, Hollywood, Florida 33019, this 19th day of April, 2001.


BEATRICE PRUITT, Docket Clerk

Copies furnished to:

Division of Administrative Hearings
Janis Sue Richardson, Office of the General Counsel
Peter Butler, Chief, Bureau of Compliance