

3-1-01

Final Order No. BPR-2001-01414 Date: 4-9-01

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
DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES

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

AT

04 JUL 15 AM 9:46
ADMINISTRATIVE
HEARINGS

Petitioner,

vs.

DOAH Case No.: 00-2941
DOCKET NO.: YS 2000-094

FSR-CW5

JUSTO LAMAR,

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 May 10, 2000, the Division issued a Notice To Show Cause, which alleged that the Respondent, Justo Lamar (Lamar), violated Florida Administrative Code Rule 61B-60.006(2), by failing to immediately deliver a \$150,000 deposit to the broker under whom he is a licensed salesman. The Notice advised Lamar that the agency could take

action against his license by entering a cease and desist order, suspending or revoking his 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 Lamar of his right to request a formal hearing or an informal proceeding pursuant to chapter 120, Florida Statutes. Lamar 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 March 1, 2001 the ALJ entered a Recommended Order finding that Lamar had not violated the rule [Recommended Order at 13] The ALJ recommended that the agency dismiss the Notice to Show Cause against Lamar. [Recommended Order at 13]

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.

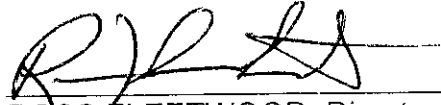
CONCLUSIONS OF LAW

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 9th 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 Richard L. Lapidus, Attorney for Respondent, City National Bank Building, Suite 711, 25 West Flagler Street, Miami, Florida 33130, this _____ day of _____, 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