

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

DEPARTMENT OF BUSINESS AND)
PROFESSIONAL REGULATION,)
DIVISION OF HOTELS AND)
RESTAURANTS,)

Petitioner,)

vs.)

FOUNTAIN VIEW HOTEL,)

Respondent.)

Case No. 00-2949

DEPARTMENT OF BUSINESS AND)
PROFESSIONAL REGULATION,)
DIVISION OF HOTELS AND)
RESTAURANTS,)

Petitioner,)

vs.)

LAMPLIGHTER HOTEL & APARTMENTS,)

Respondent.)

Case No. 00-2950

DEPARTMENT OF BUSINESS AND)
PROFESSIONAL REGULATION,)
DIVISION OF HOTELS AND)
RESTAURANTS,)

Petitioner,)

vs.)

JOSEPH SANSALONE, d/b/a)
FOUNTAIN VIEW HOTEL,)

Respondent.)

Case No. 00-3040

RECOMMENDED ORDER

Pursuant to notice, a final hearing was conducted in these cases on October 10, 2000, at Fort Lauderdale, Florida, before Administrative Law Judge Michael M. Parrish of the Division of Administrative Hearings.

APPEARANCES

For Petitioner: Charles F. Tunnickliff, Esquire
Department of Business and
Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-0792

For Respondent: No appearance.

STATEMENT OF THE ISSUES

This is a license discipline proceeding in which the Petitioner seeks to take disciplinary action against the licenses of two public lodging establishments and against an individual alleged to have operated a public lodging establishment without a license, on the basis of allegations set forth in three separate Administrative Complaints.

PRELIMINARY STATEMENT

By written notice to all parties, the final hearing in these three consolidated cases was scheduled to begin at 8:45 a.m. on October 10, 2000, at a location specified in the Notice of Hearing. At the appointed time and place, the Administrative Law Judge was present and representatives of the Petitioner were present, but there was no appearance on behalf of any of the

Respondents. Commencement of the final hearing was postponed for thirty minutes to afford the Respondents an opportunity to appear. There was no appearance on behalf of any of the Respondents during that postponement.

The hearing was called to order at approximately 9:15 a.m., at which time the Petitioner was afforded an opportunity to present evidence. The Petitioner presented the testimony of two witnesses and offered seven exhibits, all of which were received. At the request of the Petitioner, official recognition was taken of various regulatory and statutory provisions identified by the Petitioner. At the conclusion of the hearing, the Petitioner requested, and was granted, ten days from the filing of the transcript within which to file its proposed recommended order. There was no appearance on behalf of any of the Respondents at any time during the course of the hearing.

The transcript of the final hearing was filed with the Division of Administrative Hearings on November 15, 2000. Thereafter, the Petitioner filed a Proposed Recommended Order containing proposed findings of fact and conclusions of law.¹ The Petitioner's proposals have been carefully considered during the preparation of this Recommended Order.²

FINDINGS OF FACT

1. At all times material hereto, the Respondent Fountain View Hotel (Fountain View) was a public lodging establishment,

license number 60-00163-H, located at 5617 44th Street, West Palm Beach, Florida.

2. Lawrence Joseph Vavala (Inspector Vavala) was at all material times employed by the Department of Business and Professional Regulation, Division of Hotels and Restaurants, as a Sanitation and Safety Specialist (Inspector).

3. Catherine Driscoll (Supervisor Driscoll) was at all material times employed by the Department of Business and Professional Regulation, Division of Hotels and Restaurants, as a Sanitation and Safety Supervisor.

4. On April 17, 2000, Inspector Vavala inspected the Fountain View and found numerous violations of public lodging service rules, all of which he marked on his lodging service inspection report of April 17, 2000.

5. On April 17, 2000, when Inspector Vavala performed an inspection on Fountain View, he observed that the smoke detectors were inoperable in Apartments 3 and 4 in the front building. This violation is a critical violation because it endangers the life and safety of individuals living in the public lodging establishment.

6. On April 17, 2000, during his inspection of the premises, Inspector Vavala observed that there were no portable fire extinguishers installed in the back building on either landing on either floor. Further, there was no fire extinguisher

on the first floor, bottom landing, in the front building. In public lodging establishments, fire extinguishers are required to be within 75 feet of potential fire hazards. There was a fire extinguisher in the hallway on the second floor, but it had not been inspected since September 1994. Fire extinguishers are required to be inspected annually. These violations are critical in that they endanger the lives and safety of individuals residing in the public lodging establishment.

7. On April 17, 2000, during his inspection of the premises, Inspector Vavala observed evidence of rodent droppings in the water heater room on the south side of the building and cockroaches in the kitchen cabinets of Apartment 4. These are critical violations in that disease is spread in this manner which endangers the health and safety of individuals residing in the public lodging establishment.

8. During his inspection of the premises, Inspector Vavala observed electrical wiring in disrepair in Apartments 3 and 4. Wires were hung through a window out to the back porch, simply hanging by cord and socket. These are critical violations in that someone could be injured by the wiring. Further, in being exposed to the outside elements, it could cause shortage and fire. These are critical violations in that they endanger the safety and lives of individuals residing in the public lodging establishment.

9. On April 17, 2000, during his inspection of the premises, Inspector Vavala observed that the cooking stove was inoperable in Apartment 4 and the air conditioning units were inoperable in Apartments 3 and 4. This is a critical violation because tenants may bring in propane or charcoal stoves to prepare food which would be a fire hazard and could endanger the safety and lives of individuals residing in the public lodging establishment. Inspector Vavala also observed that the air conditioning units were inoperable in Apartments 3 and 4.

10. On April 17, 2000, during his inspection of the premises, Inspector Vavala observed the locks were inoperable on the kitchen door to the outside stairway in Apartment 3. This is a critical violation in that if the door could not be locked, an intruder could enter the premises and take property or physically harm an individual inside the apartment.

11. On April 17, 2000, during his inspection of the premises, Inspector Vavala observed a broken window at the front door of the front apartment; the ceiling on top of the stairwell in the front of the building had a hole through the roof; a hole was in the stucco on the west side of the front building; a window was in disrepair on the west side of the front building; windows were boarded up on the west side of the building; stucco was missing on the south side of the front building; a window was broken on the lower floor of the front building on the south

side; a window was in disrepair, and one window was broken on the lower floor of the front building on the east side; stucco was cracked on the north side of the exterior wall of the back building; the door frame was rotting at Apartment 6 in the back building; a window was broken on the north side of the back building at Apartment 6; there were holes in the wall and ceiling of the water heater room on the south side of the back building; a window was broken on the south side of the back building on the second floor; and the cross face on the west side of the front building and on the east side of the front building was not enclosed. Further, he observed excessive debris outside apartments around the building, a broken soda machine on the north side of the back building was falling over, and the refrigeration units in it could contaminate the ground water; he observed a rusting LP gas tank from a barbecue which, when left outside, will rust through the tank and release the gas in the air, which would endanger the health and welfare of persons in the area; there were cars lying around and the oil from those could contaminate the ground water.

12. On April 17, 2000, in Apartment 4, Inspector Vavala observed kitchen cabinets in disrepair; tile was chipped, broken, and missing on the kitchen floor; there was a hole in the wall of the living area; the window operating assembly was in disrepair allowing the windows to either remain in a stuck open or stuck

closed position; the clamps no longer worked on the window; the wood framing around a window air conditioner was rotting and had a hole below it; the plaster was cracked and chipping in the bathroom; there was a hole in the wall above the tub in the shower stall; a hole was in the wall behind the toilet in the bathroom; and the carpet was stained and unclean in the living area. The poor condition of the kitchen cabinets, the holes in the wall of the living room and bathroom, and the broken, chipped and missing tile could harbor rodents and bugs and nesting vermin. The rotting frame and hole in the wall underneath could allow the air conditioner, which was located on the second floor, to fall and endanger lives of persons beneath the window. Further, the hole in the wall allowed pests and vermin to enter the apartment. The window operating assembly which would not allow the windows to open was dangerous should there be a fire or other disaster blocking other exits to the apartment. The window operating assembly, which would not allow the windows to close, allows the outside elements to enter the apartment during inclement weather causing further deterioration to the apartments and personal belongings of tenants. The cracked and chipped plaster in the bathroom would not allow adequate cleaning which contributes to poor sanitation. The dirty carpet in the living area could be harboring insects, mold and mildew. The violations

observed in Apartment 4 affect the health and safety of its tenants.

13. On April 17, 2000, in Apartment 3, Inspector Vavala observed the ceiling stained in the back bedroom, reflecting leaking water damage; the ceiling plaster cracked in the back bedroom; broken and missing tiles in the kitchen, exposing plywood; kitchen cabinets that were in disrepair; an inoperative assembly in a shower stall window; all the window operating assemblies in the middle bedroom in disrepair; a closet door in disrepair in the middle bedroom; a sink was falling off the wall in the bathroom; there was a hole in the wall under the toilet in the bathroom; and backflow prevention was not provided on exterior hose bins. The violations observed in Apartment 4 endangered the health and safety of its tenants.

14. On April 17, 2000, Inspector Vavala observed that the establishment was operating without a new license in 1998, 1999, and 2000.

15. On May 2, 2000, an Administrative Complaint was issued against the Respondent Fountain View Hotel which was docketed as Case No. 2-00-185 before the Division of Hotels and Restaurants, and as Case No. 00-2949 before the Division of Administrative Hearings.

16. On April 8, 1999, one year prior to the violations enumerated in paragraphs 5 through 15 above, Supervisor Driscoll

and Inspector Paul Landmann, inspected the same Fountain View Hotel described above. Numerous violations observed during the April 8, 1999, inspection were still not corrected on April 17, 2000.

17. On February 23, 2000, Supervisor Driscoll made a follow-up inspection of the same Fountain View and found numerous violations of public lodging service rules, all of which she marked on the lodging service inspection report of February 23, 2000.

18. On April 8, 1999, the Petitioner issued an Administrative Complaint against Respondent Joseph Sansalone d/b/a Fountain View Hotel (Sansalone) which was docketed as Case No. 2-99-79 before the Division of Hotels and Restaurants, and as Case No. 00-3040 before the Division of Administrative Hearings.

19. At all times material hereto, Respondent Lamplighter Hotel & Apartments (Lamplighter) was a public lodging establishment, license number 60-00167-H, located at 433 40th Street, West Palm Beach, Florida.

20. On April 17, 2000, during his inspection of the Lamplighter, Inspector Vavala, observed that there were no fire extinguishers located anywhere on the premises. This violation is a critical violation because it endangers the life and safety of individuals living in the public lodging establishment.

21. On April 17, 2000, during his inspection of the Lamplighter, Inspector Vavala observed rodent droppings in an upstairs apartment in the back building and in the storage shed adjacent to the back building. This is a critical violation in that disease is spread in this manner which endangers the health and safety of individuals residing in the public lodging establishment.

22. On April 17, 2000, during his inspection of the Lamplighter, Inspector Vavala observed that there was no cover on the wall socket at the top of the stairs in the front building, and that cover plates were missing on the electrical sockets on the outside receptacle on the outside of the front area. This violation is critical because the health and safety of children are endangered because children could stick their fingers in the outlets and be electrocuted. Further Inspector Vavala observed a soda machine plugged into an outlet on the outside which was exposed to the elements, which could also be a potential danger to the health and welfare of persons in the vicinity.

23. On April 17, 2000, during his inspection of the Lamplighter, Inspector Vavala observed that the stairway in the rear of the building and the back building on the east side was in disrepair. These are critical violations because it would not be safe to evacuate the rear building from the stairwells, in case of fire or other emergency.

24. On April 17, 2000, during his inspection of the Lamplighter, Inspector Vavala observed windows broken on the first and second floors of the front building on the south side; broken windows on the first and second floor of the front building on the east side; a broken window on the lower floor of the front building on the north side; a broken window on the door to the downstairs apartment in the back building; and a broken window on the east side of the back building on the second floor. These are violations because there is sharp glass exposed and no protection from the outside against vermin or the elements. He also observed stucco falling off the exterior wall of the front building on the north side; doors falling off the storage shed at the back of the building, adjacent to the living establishment, which harbored vermin; and a hole in the roof of the storage shed attached to the back of the building. The crawl space under the front building on the south side and under the front building on the north side was not enclosed; screens were ripped on the north side of the front building on the first floor and on the west side of the front building, which would allow insects to enter the establishment.

25. On April 17, 2000, during his inspection, Inspector Vavala observed a second floor hurricane shutter broken in the down position. This broken shutter would not allow evacuation through the window in case of fire or other emergency.

26. On April 17, 2000, during his inspection, Inspector Vavala observed a door missing at the upstairs apartment on the back building, and the ceiling was falling in the kitchen and family room in an upstairs back apartment. The apartment appeared to be unoccupied; however, it would endanger the health and welfare of the tenants if it was occupied. Further, the missing door would allow children playing in the area to enter the apartment where the ceiling is falling, which could result in serious injury to a child.

27. On April 17, 2000, during his inspection, Inspector Vavala observed an excessive amount of debris in and around the premises, including a refrigerator in an unused condition that still had the door attached which could be a hazard to children that lived in the establishment.

28. On April 17, 2000, during his inspection, Inspector Vavala observed inoperable kitchen appliances located in the upstairs back building. These are critical violations because individuals may bring in propane or charcoal stoves to prepare food which would be a fire hazard and could endanger the safety and lives of individuals residing in the public lodging establishment.

29. On April 17, 2000, during his inspection, Inspector Vavala observed that lighting was not provided in the hallway staircase in the front building. This is a critical violation

because the unlighted area endangers the health and safety of tenants of the establishment.

30. On April 17, 2000, Inspector Vavala also observed that the establishment was operating without a new license in 1998, 1999, and 2000.

31. On May 2, 2000, the Division issued an Administrative Complaint against Respondent, Lamplighter Hotel & Apartments, which was docketed as Case No. 2-00-186 before the Division of Hotels and Restaurants, and as Case No. 00-2950 before the Division of Administrative Hearings.

32. The Lamplighter Hotel & Apartments, located at 433 40th Street, West Palm Beach, Florida, and the Fountain View Hotel, located at 516 44th Street, West Palm Beach, Florida, are owned by Americorp Mortgage Co., Inc., whose president is Joseph D. Sansalone.

CONCLUSIONS OF LAW

33. The Division of Administrative Hearings has jurisdiction over the parties to and the subject matter of these proceedings. Section 120.57(1), Florida Statutes.

34. The Petitioner, Department of Business and Professional Regulation, Division of Hotels and Restaurants, is the agency charged with licensure and inspection of public lodging service establishments in the State of Florida, pursuant to Chapter 509, Florida Statutes.

35. Each of the Respondents is a public lodging service establishment, as defined in Section 509.013, Florida Statutes, and is licensed by and subject to the regulatory authority of Petitioner.

36. The Department of Business and Professional Regulation, pursuant to Sections 509.032(2)(d)1 and 509.032(3)(a), Florida Statutes, is authorized to adopt rules prescribing sanitary standards which shall be enforced in public lodging service establishments. Under the authority outlined in those sections the Department of Business and Professional Regulation promulgated Rule 61C-4.010(6), Florida Administrative Code, incorporating by reference Chapter 4, U.S. Public Health Lodging Code, and Rule 61C-1.004(1), Florida Administrative Code, incorporating by reference Chapter 5 of the U.S. Public Health Lodging Code.

37. Rule 61C-1.004(9)(a), Florida Administrative Code, states:

Fire Extinguisher Installation -Fire extinguishers shall be installed in accordance with NFPA 10, Standard for Portable Fire Extinguishers.

NFPA 10, 1-5.1 [Low hazard . . . locations . . . include guest room areas of hotels/motels, etc.

NFPA 10, 3-5 [These locations shall be protected by the installation of portable fire extinguishers with a minimum rating of] 2-A; 10-B:C provided for each 3000 square

feet of floor space on each level and installed so that the travel distance to any extinguisher shall not exceed 75 feet.

NFPA 10, 3-1.4 On each floor level, the area protected and the travel distances shall be based on fire extinguishers installed in accordance with Tables 3-2.1 and 3-2.1.

NFPA 10, 4-4.1, Fire extinguishers shall be subjected to maintenance not more than one year apart. . . .

38. Petitioner has carried its burden of proving by clear and convincing evidence that the Respondents Fountain View and Lamplighter violated Rule 61C-1.004(9)(a), Florida Administrative Code, by failing to have a sufficient number of properly maintained fire extinguishers on the premises.

39. Rule 61C-1.004(5), Florida Administrative Code, states:

All fire safety, protection and prevention equipment must be installed, approved, maintained and used in accordance with Chapter 509, FS, and the National Fire Protection Association Life Safety Code Chapter 101, as adopted by the Division of State Fire Marshal in Chapter 4A-3, FAC.

40. Petitioner has carried its burden of proving by clear and convincing evidence that the Respondent Fountain View violated Rule 61C-1.004(5), Florida Administrative Code, by failing to repair or replace the inoperable smoke detectors in Apartments 3 and 4 of the front building.

41. Rule 61C-1.004(11), Florida Administrative Code, states:

Electrical wiring - To prevent fire or injury, defective electrical wiring shall be replaced and wiring shall be kept in good repair. . . .

42. Petitioner has carried its burden of proving by clear and convincing evidence that the Respondent Fountain View violated Rule 61C-1.004(11), Florida Administrative Code, by failing to repair or replace the electrical wiring in disrepair in Apartments 3 and 4, and that Respondent Lamplighter Hotel & Apartments violated the same rule provision by failing to repair or replace the cover plates missing from several wall sockets.

43. Rule 61C-3.001(9), Florida Administrative Code, states:

Kitchen appliances and refrigeration equipment shall be kept clean and free from odors and in good repair. Refrigerators shall be properly drained.

44. Petitioner has carried its burden of proving by clear and convincing evidence that the Respondents Fountain View and Lamplighter violated Rule 61C-3.001(9), Florida Administrative Code, by failing to repair or replace inoperable kitchen appliances and inoperable air conditioning units.

45. Rule 61C-1.004(6), Florida Administrative Code, states:

All building structural components, attachments and fixtures shall be kept in good repair clean and free of obstructions.

46. Petitioner has carried its burden of proving by clear and convincing evidence that the Respondents Fountain View and Lamplighter violated Rule 61C-1.004(6), Florida Administrative

Code, by failing to repair or replace the many broken, damaged, or deteriorated portions of the buildings as described above in the findings of fact.

47. Rule 61C-1.004(2)(a), Florida Administrative Code, provides, in pertinent part, that bathroom facilities shall be kept in good repair.

48. Petitioner has carried its burden of proving by clear and convincing evidence that the Respondent Fountain View violated Rule 61C-1.004(2)(a), Florida Administrative Code, by failing to repair or replace the cracked and chipping plaster on the bathroom wall in Apartment 4; the hole in the wall above the tub in the shower stall in Apartment 4; the hole in the wall behind the toilet in the bathroom in Apartment 4; the sink that was falling off the wall in the bathroom in Apartment 3; and the hole in the wall under the toilet in the bathroom in Apartment 3.

49. Rule 61C-3.001(10), Florida Administrative Code, states:

Locks -- An approved locking device for the purposes of section 509.211, FS, is a locking device that meets the requirements of National Fire Protection Association 101 (NFPA 101), Life Safety Code. Public lodging establishments as defined in rule 61C-1.002(4)(a), FAC, shall have at least one approved locking device which does not include a "sliding chain" or "hook and eye" type device, on all outside and connecting doors which cannot be opened by a non-master guest room key.

50. Petitioner has carried its burden of proving by clear and convincing evidence that the Respondent Fountain View violated Rule 61C-3.001(10), Florida Administrative Code, by failing to replace or repair the locks in disrepair on the kitchen door to the outside stairway in Apartment 3.

51. Rule 61C-3.001(5), Florida Administrative Code, states in pertinent part:

. . . All rugs and floor coverings must be kept clean and in good condition, free from holes and rips. . . .

52. Petitioner has carried its burden of proving by clear and convincing evidence that the Respondent Fountain View violated Rule 61C-3.001(5), Florida Administrative Code, by failing to replace, clean or repair the carpet that was stained and unclean in the living area of Apartment 4.

53. Chapter 5-203.14, Food Code, states:

Backflow Prevention Device, When Required.*
A PLUMBING SYSTEM shall be installed to preclude backflow of a solid, liquid, or gas contaminant into the water supply system at each point of use at the ... [public lodging establishment], including on a hose bibb if a hose is attached or on a hose bibb if a hose is not attached and backflow prevention is required by LAW, by:

(A) Providing an air gap as specified under § 5-202.13; or

(B) Installing an APPROVED backflow prevention device as specified under § 5-202.14.

54. Petitioner has carried its burden of proving by clear and convincing evidence that the Respondent Fountain View violated Chapter 5-203.14, Food Code by failing to provide backflow prevention device on the exterior hose bib.

55. Section 509.221(7), Florida Statutes, states:

(7) The operator of any establishment licensed under this chapter shall take effective measures to protect the establishment against the entrance and the breeding on the premises of all vermin. Any room in such establishment infested with such vermin shall be fumigated, disinfected, renovated, or other corrective action taken until the vermin are exterminated

56. Petitioner has carried its burden of proving by clear and convincing evidence that the Respondents Fountain View and Lamplighter violated Section 509.221.(7), Florida Statutes, by failing to exterminate rodents, failing to exterminate insects, and by failing to take steps to prevent the entry of rodents and insects.

57. Rule 61C-3.001(7), Florida Administrative Code, states:

Premises -- The yards, alleys, driveways, sidewalks, and other exterior portions of the licensed premises shall be kept clean, free of debris, free of objectionable odors, and properly drained, maintained and mowed. All unused and discarded equipment and materials shall be removed from the premises, except when placed in a designated storage area.

58. Petitioner has carried its burden of proving by clear and convincing evidence that the Respondents Fountain View and

Lamplighter violated Rule 61C-3.001(5), Florida Administrative Code, by failing to remove excessive trash and debris on property outside of their respective buildings.

59. Section 509.241(1), Florida Statutes, states in pertinent part:

LICENSES; ANNUAL RENEWALS.--Each public lodging establishment and public food service establishment shall obtain a license from the division. Such license may not be transferred from one place or individual to another . . . Licenses shall be renewed annually. . . .

60. Section 509.241(2), Florida Statutes, states in pertinent part:

APPLICATION FOR LICENSE.--Each person who plans to open a public lodging establishment or a public food service establishment shall apply for and receive a license from the division prior to the commencement of operation.

61. Rule 61C-1.002(6), Florida Administrative Code, states in pertinent part:

It is the responsibility of the licensee to renew the license prior to the expiration date... Any public lodging... establishment operating on an expired license is deemed to be operating without a license, and subject to the penalties provided for this offense in law and rule.

62. Petitioner has carried its burden of proving by clear and convincing evidence that the Respondents Fountain View and Lamplighter violated Section 509.241(1) and 509.241(2), Florida Statutes and Rule 61C-1.002(6), Florida Administrative Code, in

April of 2000 by failing to renew their respective licenses in a timely manner.

63. Petitioner has carried its burden of proving by clear and convincing evidence that the Respondent Sansalone violated Sections 509.241(1) and 509.241(2), Florida Statutes, and Rule 61C-1.002(6), Florida Administrative Code, in April of 1999 by failing to renew the licenses for operation of public lodging establishments at the Fountain View and Lamplighter locations.

64. Section 509.211(2), Florida Statutes, provides that the Department of Business and Professional Regulation may impose administrative sanctions for violations of rules promulgated under Chapter 633, Florida Statutes.

65. Chapter 509.261(1)(a), Florida Statutes, authorizes the Department of Business and Professional Regulation, Division of Hotels and Restaurants, to suspend or revoke a license, or to impose administrative fines, not to exceed \$1,000.00 for each offense, for violations of Chapter 509 or the cited rules.

RECOMMENDATION

On the basis of all of the foregoing, it is RECOMMENDED that the Division of Hotels and Restaurants issue a final order to the following effect:

(1) Concluding that the Respondent Fountain View Hotel is guilty of the violations observed during the inspection of its premises on April 17, 2000, as described in the foregoing

Findings of Fact and Conclusions of Law, and imposing a penalty on the Respondent Fountain View Hotel consisting of an administrative fine in the amount of \$5,000.00 and the revocation of its license.

(2) Concluding that the Respondent Lamplighter Hotel & Apartments is guilty of the violations observed during the inspection of its premises on April 17, 2000, as described in the foregoing Findings of Fact and Conclusions of Law, and imposing a penalty on the Respondent Lamplighter Hotel & Apartments consisting of an administrative fine in the amount of \$5,000.00 and the revocation of its license.

(3) Concluding that the Respondent Joseph Sansalone is guilty of operating a public lodging establishment at the premises of the Fountain View Hotel during April of 1999 without a then-current license for that establishment, and imposing a penalty on the Respondent Joseph Sansalone consisting of an administrative fine in the amount of \$1,000.00.

DONE AND ENTERED this 18th day of January, 2001, in
Tallahassee, Leon County, Florida.

MICHAEL M. PARRISH
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675 SUNCOM 278-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 18th day of January, 2001.

ENDNOTES

- 1/ The Respondents have not filed any post-hearing documents.
- 2/ Substantial portions of the Petitioner's findings and conclusions have been incorporated into the text of this Recommended Order.

COPIES FURNISHED:

Charles F. Tunnickliff, Esquire
Department of Business and
Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-2202

Joseph D. Sansalone, President
Americorp Mortgage Company
1444 North State Road 7
Margate, Florida 33063

Susan R. McKinley, Director
Division of Hotels and Restaurants
Department of Business and
Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-0792

Barbara D. Auger, General Counsel
Department of Business and
Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-0792

NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.