

5-20-02

Final Order No. BPR-2002-03776 Date: 10-10-02
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
FLORIDA REAL ESTATE COMMISSION

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,
DIVISION OF REAL ESTATE

AT

FILED
04 JUL 15 AM 10:00
DIVISION OF
ADMINISTRATIVE
HEARINGS

Petitioner

vs.

CASE NO. 200080719
DOAH NO. 01-4384PL

LJS-CWS

JOSEPH E. STALLS, JR.

Respondent

FINAL ORDER

On July 17, 2002, pursuant to Sections 120.569 and 120.57(1) of the Florida Statutes, the Florida Real Estate Commission heard this case to issue a Final Order.

Administrative Law Judge Larry J. Sartin of the Division of Administrative Hearings presided over a formal hearing on January 23, 2002. On May 20, 2002, he issued a Recommended Order, which the Florida Real Estate Commission (FREC) adopted as to all Findings of Fact and Conclusions of Law. A copy of the Recommended Order is attached hereto as Exhibit A and made a part hereof.

Therefore, the Commission finds the Respondent violated Section 475.25(f) and (p) of the Florida Statutes, and, therefore, is guilty of having been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime which directly relates to the activities of a licensed real estate salesperson or involves moral turpitude or fraudulent or dishonest dealing and guilty of not having informed the Florida Real Estate Commission in writing within thirty (30) days of having pled guilty or having been convicted of a felony.

After completely reviewing the record and being otherwise fully advised, the Commission finds sufficient mitigation in the record to deviate from the recommended penalty. Mitigation the

record is as follows: Respondent no longer owns the orange groves or runs the business, Respondent's wife, from whom he is now divorced, was involved in the office management, and the accountant who conducted the self-audits never revealed a problem. In addition, Respondent has acknowledged responsibility for his actions and is making restitution payments.

The Commission therefore **ORDERS** the suspension of Respondent's real estate license for a period of four months.

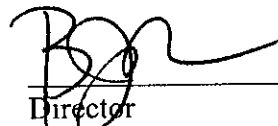
Further, the Commission **ORDERS** Respondent be placed on probation for a period of one year, subject to the following terms and conditions:

1. The licensee shall satisfactorily complete a three-hour ethics course and twenty hours of general real estate education and provide proof of completion to the Division of Real Estate.
2. The licensee shall maintain the restitution schedule required by his probation.

This Final Order shall be effective thirty days from date of filing with the Clerk of the Department of Business and Professional Regulation. However, any party affected by this Final Order has the right to seek judicial review, pursuant to Section 120.68 of the Florida Statutes, and to Section 9.110 of the Florida Rules of Appellate Procedure.

Within thirty days of the filing date of this Final Order, review proceedings may be instituted by filing a Notice of Appeal with the Clerk of the Department of Business and Professional Regulation at Suite 309, North Tower, 400 West Robinson Street, Orlando, Florida 32801. At the same time, a copy of the Notice of Appeal, with applicable filing fees, must be filed with the appropriate District Court of Appeal.

DONE AND ORDERED this 17th day of July 2002, in Orlando, Florida.



Director
Division of Real Estate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was sent by U.S. Certified Mail to: Joseph Stalls, Jr., 1165 36th Avenue, Vero Beach, Florida 32960; by U.S. regular mail to the Division of Administrative Hearings, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and a copy provided to Donna K. Ryan, Esquire, DBPR, 400 W Robinson Street #08N, Orlando, Florida 32802, this 10th day of October 2002.

Brandon M. Nichols