

12-10-02

AT

Final Order No. BPR-2003-00080 Date: 1-8-03  
FILED

Department of Business and Professional Regulation  
AGENCY CLERK

Sarah Wachman, Agency Clerk

By: Brandon M. Nichols

03 JAN 10 PM 4:45  
FILED  
ADMINISTRATIVE  
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.: 02-2273 FSR-CL05  
DOCKET NO.: MH2002-029

EDMUND C. VALENTINE,

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 1, 2002, the Division issued a Notice To Show Cause, which alleged that the Respondent, Edmund C. Valentine (Valentine), violated sections 723.031(5)(b) and 723.037(1), Florida Statutes, by assessing an improper pass-through charge to the

mobile home owners in Palm Paradise Park, a mobile home park. The Notice advised Valentine of his right to request a hearing pursuant to chapter 120, Florida Statutes.

Valentine timely requested a hearing, which took place on September 4 and October 9, 2002 before an Administrative Law Judge (ALJ) in Vero Beach, Florida. The procedural history of the proceedings before the Division of Administrative Hearings are set out by the ALJ in the Recommended Order, which is adopted in full and incorporated in this Final Order. The Recommended Order is attached as exhibit A.

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 is **DISMISSED**.

**DONE** and **ORDERED** in Tallahassee, Leon County, Florida, this 7<sup>th</sup> day of

January, 2002.



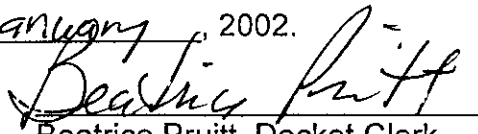
*[Signature]*  
ROSS FLEETWOOD, Director  
Division of Florida Land Sales,  
Condominiums, and Mobile Homes  
Department of Business and  
Professional Regulation  
40 North Monroe Street  
Tallahassee, Florida 32399-1030

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 Bradley W. Rossway, Esquire, Rossway, Moore &  
Taylor, The Oak Point Professional Center, 5070 North Highway A1A, Suite 200, Vero  
Beach, Florida 32399-2202, this 8<sup>th</sup> day of January, 2002.

  
Beatrice Pruitt, Docket Clerk

Copies furnished to:

✓ Division of Administrative Hearings  
Janis Sue Richardson, Office of the General Counsel  
Michael Cochran, Chief, Bureau of Compliance