

5-6-03

STATE OF FLORIDA
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

DEPARTMENT OF AGRICULTURE AND
CONSUMER SERVICES, DIVISION OF
LICENSING,

Petitioner,

AP

V.

INTERNATIONAL INVESTIGATIONS INC.,
JORGE L. BARO,
Respondent.

FILED

AUG 07 2003

Cynthia Borden
Clerk

Division of Licensing
Department of Agriculture
and Consumer Services

02-4241 FSR-clws

CASE NO.: CD2002-0527
XA2200013
2200950

FINAL ORDER

This cause came before the Department of Agriculture and Consumer Services, Division of Licensing, for consideration and final agency action. A formal administrative hearing was conducted pursuant to Section 120.569 and 120.57(1), Florida Statutes, on March 17, 2003, before Florence Snyder Rivas, a duly assigned Administrative Law Judge of the Division of Administrative Hearings. The Administrative Law Judge submitted a Recommended Order on May 6, 2003, a copy of which is attached.

FINDINGS OF FACT

The Division hereby adopts and incorporates by reference the Findings of Fact in the Recommended Order.

CONCLUSIONS OF LAW

The Division hereby adopts and incorporates by herein by reference the Conclusions of Law in the Recommended Order with the exception of Conclusion of Law 18, which is rejected, in part, as an incorrect Conclusion of Law. The Administrative Law Judge's Conclusion of Law 18 is incorrect in that whether the Division's Legal Opinion number 93-37 has the force and effect of law is irrelevant in the determination of whether Respondent conducted the business of a private investigative agency without a valid Class "A" Private Investigative Agency License in violation of section 493.6118(1)(g), Florida Statutes.

WHEREFORE, based on the foregoing, and a complete review of the record, it is hereby ORDERED that:

1. As to Counts I, III, IV, of the Third Amended Administrative Complaint, Respondent is fined \$1,500. The administrative fine must be paid by cashier's check or money order to the Department of Agriculture and Consumer Services, Division of Licensing, within 30 days. Failure to make timely payment shall result in the automatic suspension of any licenses issued to Respondent or the denial of any licenses applied for pursuant to Section 493.6118(6), Florida Statutes.
2. Respondent's Class "C" Private Investigator License, Number C 8700343, and Class "E" Recovery Agent License, Number E 8700046, are hereby REVOKED pursuant to Section 493.6118(2)(e), Florida Statutes. Respondent shall CEASE AND DESIST engaging in activities regulated by Chapter 493, Florida Statutes, and the licenses shall immediately be returned to the Department pursuant to Section 493.6118(5), Florida Statutes.
3. The Division dismisses Count II of the Third Amended Administrative Complaint.

DONE AND ORDERED at Tallahassee, Florida this 7th day of August 2003.

A handwritten signature in black ink, appearing to read "J.M. Russi". The signature is fluid and cursive, with a large initial "J" and "M".

John M. Russi, Director
Division of Licensing

NOTICE OF RIGHTS

This Order constitutes final agency action. Any party who is adversely affected by this Order may seek judicial review under Section 120.68, Florida Statutes. Such proceedings are commenced by filing a Notice of Appeal, pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Deputy Clerk of the Department of Agriculture and Consumer Services, Division of Licensing, P.O. Box 6687, Tallahassee, Florida 32314; and by filing a copy of the Notice of Appeal, accompanied by the applicable filing fees, with the First District Court of Appeal, or with the District Court of Appeal in the appellate district where the party resides. The Notice of Appeal must be filed within 30 days of the day this Order is filed with the Deputy Clerk of the Division.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Final Order was sent by U.S. Mail this 7th day of August, 2003, to Thomas V. Close, Esquire Lake Wellington Professional Centre, 12230 Forest Hill Boulevard, Suite 122, Wellington, Florida 33414.

Kristi Reid Bronson

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Filed with Agency Clerk

JR/kb
FO72D