

6-1-04
Final Order No. BPR-2004-02608

Date: 6-28-04

FILED

Department of Business and Professional Regulation

AGENCY CLERK

Sarah Wachman, Agency Clerk

By: Sarah Wachman

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.

FERNANDO FERNANDEZ,

Respondent.

AT

BPR 2003089755

DOAH Case No.: 04-0771

2005 FEB -1 P 2:24

FILED

SML-CLOS

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

1. On January 14, 2004, the Division issued a Notice To Show Cause which alleged that the Respondent, Fernando Fernandez (Fernandez) violated sections 326.004(1), 326.004(14)(b), and 326.004(8), Florida Statutes. The Notice advised Fernandez of his right to request a formal hearing or an informal proceeding pursuant to chapter 120, Florida Statutes.

Department of Business and Professional Regulation,
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Mobile Homes v. Fernando Fernandez
DOAH Case No. 04-0771; BPR 2003089755

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2. 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 incorporated in this Final Order.

3. On June 1, 2004, the ALJ entered a Recommended Order finding that Fernandez had violated section 326.004(1), Florida Statutes.

4. Neither party filed exceptions to the Recommended Order.

FINDINGS OF FACT

5. The Division hereby adopts and incorporates by reference the Findings of Fact numbered 1 through 14 as set forth in the Recommended Order.

CONCLUSIONS OF LAW

6. The Division hereby adopts and incorporates by reference the Conclusions of Law numbered 15 through 37 as set forth in the Recommended Order.

ORDER

Based on the foregoing findings of fact and conclusions of law, it is hereby ordered that:

1. Fernandez cease and desist from any further violations of chapter 326, Florida Statutes.


2. Fernandez's yacht salesperson's license is revoked.

3. Fernandez pay a penalty of \$4,000 by cashier's check or money order made payable to "Treasurer, State of Florida, Department of Business and Professional Regulation" within 45 days of the date of this Order, which Respondent shall mail by certified mail to Division of Florida Land Sales, Condominiums, and Mobile Homes,

Department of Business and Professional Regulation, 1940 North Monroe Street,
Tallahassee, Florida 32399-1030.

DONE AND ORDERED in Tallahassee, Leon County, Florida, this 23rd day of
June, 2004.




Michael Cochran, Director
Division of Florida Land Sales,
Condominiums, and Mobile Homes
Department of Business and
Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-10??

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 Fernando Fernandez, 15397 Southwest 168th Terrace, Miami, Florida 33187, this _____ day of _____, 2004.

Robin McDaniel, Docket Clerk

Copies furnished to:

Division of Administrative Hearings
Janis Sue Richardson, Office of the General Counsel
Robert Badger, Section Head, Yacht & Ship Regulation