

7-14-04

Div. Administrative Hearings

Final Order No. BPR-2004-03528 Date: **8-10-04**  
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  
DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES**

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION,  
DIVISION OF FLORIDA LAND SALES,  
CONDOMINIUMS, AND MOBILE HOMES,

AT

LJS-clw

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

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FILED

Petitioner,

BPR 2004004620

DOAH Case No.: 04-0905

vs.

**LUIS A. TABOADA, JR.,**

**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**

1. On February 11, 2004, the Division issued a Notice of Intent to Deny License Application based upon the Division's conclusion that the Respondent, Luis A. Taboada, Jr. (Taboada) lacked good moral character. The Division reached this conclusion because Taboada had pled nolo contendere to a felony and Taboada had not provided an accurate and complete disclosure regarding his criminal history on the

application. The Notice advised Taboada of his right to request a formal hearing or an informal proceeding pursuant to chapter 120, Florida Statutes.

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 July 14, 2004, the ALJ entered a Recommended Order finding that Taboada's plea of nolo contendere to felonies and his failure to provide full and complete disclosure bears on Taboada's moral character pursuant to rules 61B-60.003(3)(a)1 and 61B-60.003(3)(a)6, Florida Administrative Code.

4. Neither party filed exceptions to the Recommended Order.

#### **FINDINGS OF FACT**

5. The Division adopts and incorporates by reference the Findings of Fact numbered 1 through 12 as set forth in the Recommended Order.

#### **CONCLUSIONS OF LAW**

6. The Division adopts and incorporates by reference the Conclusions of Law numbered 13 through 21 as set forth in the Recommended Order.

#### **ORDER**

Based on the foregoing findings of fact and conclusions of law, it is hereby ordered that the application for a yacht salesperson license filed by Luis A. Taboada, Jr. is denied.

DONE AND ORDERED in Tallahassee, Leon County, Florida, this 5<sup>th</sup> day of August, 2004.



A handwritten signature in black ink, appearing to read "Michael Cochran". The signature is written in a cursive, flowing style.

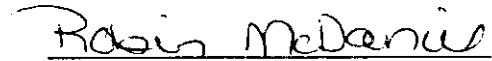
Michael Cochran, Director  
Division of Florida Land Sales,  
Condominiums, and Mobile Homes  
Department of Business and  
Professional Regulation  
1940 North Monroe Street  
Tallahassee, Florida 32399-10??

**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 Luis A. Taboada, Jr., 9924 Orange Park Trail, Boca Raton, Florida 33428, this 12<sup>th</sup> day of August, 2004.

  
Robin McDaniel, Division Clerk

Copies furnished to:

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