

7.6.05 AP

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
FLORIDA REAL ESTATE COMMISSION

Final Order No. BPR-2005-06474 Date: 11-18-2005
FILED

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,
DIVISION OF REAL ESTATE,

Department of Business and Professional Regulation
AGENCY CLERK
Sarah Wachman, Agency Clerk

Petitioner,

By: Sarah Wachman

vs.

CASE NO: 2004-02643⁰⁵

WILLIAM J. FLANAGAN, III,

Respondent.

05-598PL
WFD
Closed

DIVISION OF
ADMINISTRATIVE
HEARINGS

NOV 21 PM 1:36

FILED

FINAL ORDER

THIS MATTER came before the FLORIDA REAL ESTATE COMMISSION at a duly-noticed public meeting on September 20, 2005 in Orlando, Florida for consideration of the Recommended Order of the Administrative Law Judge ("ALJ"), and entry of a Final Order. Petitioner filed Exceptions to the Recommended Order.

Respondent was present and was represented by Robyn Severs Braun, Esquire. Petitioner was represented by Alfonso Santana, Esquire. After a complete review of the record in this matter, including consideration of the Recommended Order, Petitioner's Exceptions to the Recommended Order, the Original Administrative Complaint, the exhibits and transcript of the proceedings below, mitigating or aggravating circumstances, the Commission makes

the following findings and conclusions:

FINDINGS OF FACT

The Commission accepts Petitioner's Exception One to the Recommended Order as its findings of fact because the substituted fact is based on competent substantial evidence and that being replaced was not. The Petitioner's Exception one is adopted and incorporated herein by reference. There is competent, substantial evidence to support this fact.

CONCLUSIONS OF LAW

The conclusions of law set forth in the Recommended Order are approved, adopted, and incorporated herein by reference by the Commission with the Exception of Paragraph 37. The Commission accepts Petitioner's Exception two as a substitute for Paragraph 37 because it is an as or more reasonable interpretation than that of the ALJ. The violations set forth warrant disciplinary action by the Commission.

PENALTY

In consideration of the foregoing findings of fact and conclusions of law, the Commission accepts the penalty recommended by the Administrative Law Judge, finding that:

It is hereby ORDERED AND ADJUDGED that:

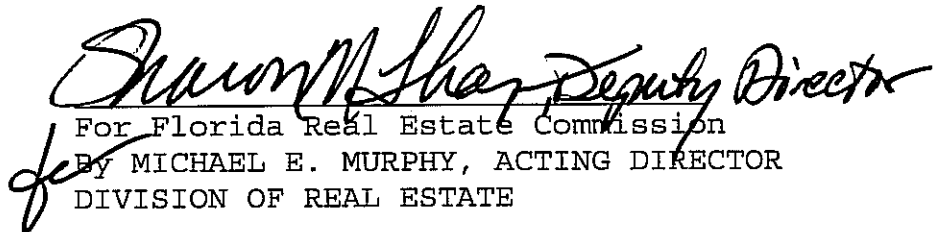
1. Respondent's license is SUSPENDED until his probation

is terminated and he is removed from the Sexual Predator List.

2. Respondent is fined \$1,000.00 due and payable within 30 days of the effective date of this Order by mailing payment to the Division of Real Estate, 400 N. Robinson Street, Suite N801, Orlando, Florida 32801-1757.

This Order shall become effective upon filing with the Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 27 day of October, 2005.


For Florida Real Estate Commission
By MICHAEL E. MURPHY, ACTING DIRECTOR
DIVISION OF REAL ESTATE

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES, REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to: William J. Flanagan, III, c/o Robyn & Carls, P.A., 850 Concourse Parkway, S., Suite 105, Maitland, FL 32751; and by interoffice mail to Alfonso Santana, Esquire, Department of Business and Professional Regulation, Florida Real Estate Commission, 400 W. Robinson Street, Suite 801, North Tower, Orlando, FL 32801-1757; and to Barbara Edwards, Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, FL 32399-1050, this 18th day of Nov, 2005.

Narah Wachman