

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

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FILED  
ADMINISTRATIVE  
DIVISION OF REAL  
ESTATE

NANCY C. SNODGRASS,  
Petitioner,

vs.

DOAH Case No: 05-1111

DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION,  
DIVISION OF REAL ESTATE

Final Order No. BPR-2006-01221 Date: 2-21-06  
FILED

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

Respondent.

By: Brandon M. Nichols

FINAL ORDER

THIS CAUSE came before FLORIDA REAL ESTATE COMMISSION ("Commission") pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on November 15, 2005, in Orlando, Orange County, Florida, for the purpose of considering Administrative Law Judge William F. Quattlebaum's Recommended Order in the above styled cause. A copy of said Recommended Order is attached hereto and incorporated herein as Exhibit "A."

Petitioner was represented by Mr. Daniel Villazon, Esquire of Kissimmee, Osceola County, Florida. Respondent was represented by Assistant Attorney General, Mr. Gary Asbell, Esquire of Tallahassee, Leon County, Florida. The Commission was represented by Mr. Bennett M. Miller, Esquire, Chief Attorney for the Department of Business and Professional Regulation, Division of Real Estate, Orlando, Orange County, Florida.

After a review of the complete record in this matter, including consideration of the Administrative Law Judge's Recommended Order and the arguments of each party, the Commission makes the following findings of fact and conclusions of law:

## FINDINGS OF FACT

1. The Administrative Law Judge's findings of fact as set forth in the Exhibit "A" are approved, adopted, and incorporated herein by reference.
2. There is competent, substantial evidence to support the Administrative Law Judge's findings of fact as adopted by the Commission.

## CONCLUSIONS OF LAW

3. The Board has jurisdiction of this matter pursuant to Sections 120.569 and 120.57(1), Florida Statutes, Chapter 475, Part I, Florida Statutes, and Chapter 61J2 of the Florida Administrative Code.
4. The Commission finds that it has substantive jurisdiction over interpretations of Section 475.25 (1)(f), Florida Statutes, (2004).
5. The Administrative Law Judge's conclusions of law as set forth in Exhibit "A" are approved, adopted, and incorporated herein by reference. However, Paragraph 14 of Exhibit "A" is not approved, adopted or incorporated and is hereby stricken.
6. After a complete review of the record, the Commission rejects Paragraph 14 of Exhibit "A" and determines that the Commission's substituted conclusion of law is as or more reasonable than that of the Administrative Law Judge's conclusion.
7. As a substitute for the stricken Paragraph 14 of Exhibit "A", the Commission approves and inserts the following language:
  - "14. Whether convictions constitute a violation of Section 475.25 (1)(f), Florida Statutes (2004), depends upon whether the Petitioner's actions demonstrate moral turpitude or fraudulent or dishonest dealing. Additionally, the record reflects that the Petitioner has engaged in fraudulent or dishonest dealing."
8. There is competent, substantial evidence to support the Administrative Law Judge's conclusions of law in Exhibit "A", as amended and adopted by the Commission.

DISPOSITION

9. The Administrative Law Judge's Recommendation is approved and adopted by the Commission in its entirety.

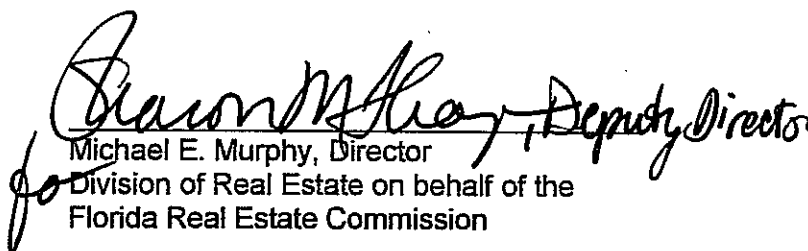
WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that:

Petitioner's application for licensure as a real estate sales associate is hereby **DENIED**.

This Final Order shall take effect upon being filed with the Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 16 day of February, 2006.

FLORIDA REAL ESTATE COMMISSION

  
Michael E. Murphy, Director  
Division of Real Estate on behalf of the  
Florida Real Estate Commission

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 HEALTH AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR 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 Final Order has been provided by U.S. Mail to Petitioner, Nancy Snodgrass, 200 International Drive #918, Cape Canaveral, Florida, 32920; Petitioner's Counsel Mr. Daniel Villazon, 1020 Verona Street, Kissimmee, Florida 34741; William F. Quattlebaum, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and Mr. Gary Asbell, Assistant Attorney General, Office of the Attorney General, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050 this 21<sup>st</sup> day of February, 2005.<sup>6</sup>

Sarah Wickman