

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

FILED
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DIVISION OF
ADMINISTRATIVE
HEARINGS

MICHAEL SIKORSKI
Petitioner,

vs.

DOAH Case No: 05-001137

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

Final Order No. BPR-2006-01220 Date: 2-21-06
FILED

Department of Business and Professional Regulation
AGENCY CLERK

Respondent.

Sarah Wachman, Agency Clerk

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 October 18, 2005, in Orlando, Orange County, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order in the above styled cause. A copy of said Recommended Order is attached hereto and incorporated herein as Exhibit "A."

The Petitioner was represented by Mr. Daniel Villazon, Esquire of Kissimmee, Osceola County, Florida. The Respondent was represented by Assistant Attorney General, Ms. Barbara Edwards, 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 Administrative Law Judge's conclusions of law as set forth in Exhibit "A" are approved, adopted, and incorporated herein by reference, as amended and adopted by the Commission as set forth below.
5. 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 as amended and adopted by the Commission as set forth below.

EXCEPTIONS

6. All of the Exceptions filed by the Respondent were considered and adopted by the Commission amending Exhibit "A" as referenced therein. A copy of the Respondent's Exceptions are attached hereto and incorporated herein by reference as Exhibit "B."

DISPOSITION

7. 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 broker is hereby **APPROVED**.

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
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's Counsel Mr. Daniel Villazon, 1020 Verona Street, Kissimmee, Florida 34741; T.K. Wetherell, II, 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 21st day of February, 2006.

Yarah Wachman