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

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

Petitioner,

vs.

WILLIAM HENRY THOMAS,

Respondent.

Final Order No. BPR-2008-08757 Date: **10-10-08**
FILED

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

By *Blunden M. Nichol*

**CASE NO. : 06-0150PL
DBPR CASE NO.: 2003-054256**

FINAL ORDER

THIS CAUSE came before the **FLORIDA REAL ESTATE COMMISSION** ("Commission") pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on September 16, 2008, 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 Patrick Cunningham, Esquire, Senior Attorney for the Division of Real Estate, Orlando, Orange County, Florida. Respondent was not present, and was not represented by counsel. The Commission was represented by Tom Barnhart of Tallahassee, Leon 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.

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DIVISION OF
ADMINISTRATIVE
HEARINGS

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 Commission 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. Except for paragraphs 43 and 44, 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 rulings on Petitioner's Exceptions by the Commission as set forth below.
5. Except for paragraphs 43 and 44, there is competent, substantial evidence to support the conclusions of law in Exhibit "A", as amended and adopted by the Commission as set forth below.
6. The Commission specifically rejects paragraphs 43 and 44 of the Recommended Order. The Commission finds the following aggravating factors in this case: degree of harm to the public and consumers; severity of the counts of the Administrative Complaint; potential financial hardship is not a consideration in this case; and a license is a privilege, not a right.

DISPOSITION

7. The Commission adopts the Administrative Law Judge's recommendation that Respondent be found guilty of violating subsections 475.25(1)(f) and (p), Florida Statutes, but after a complete review of the record, the Commission REVOKES Respondent's license. This penalty is within the guidelines of Rule 61J2-24.001, F.A.C. for these offenses.

WHEREFORE, it is hereby **ORDERED** and **ADJUDGED** that:

1. Respondent has violated Section 475.25(1)(f) and (p), Florida Statutes.
2. Respondent's license no. 590454 is REVOKED.

This Order is effective when filed with the Clerk of the Department of Business and Professional Regulation.

DONE and **ORDERED** this 2 day of October, 2008.

FLORIDA REAL ESTATE COMMISSION



By: Thomas O'Bryant, Jr.
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 Final Order has been provided by U.S. Mail to Nevin A. Weiner, Esquire, 1050 Wallace Avenue, Suite 100, Sarasota, Florida 34237, Lawrence P. Stevenson, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; Patrick Cunningham, Esquire, 400 W. Robinson Street, Suite 801, North Tower, Orlando, Florida 32801-1757; and to Tom Barnhart, Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050, on this 10th day of October, 2008.


