

**FILED**

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DIVISION OF  
ADMINISTRATIVE  
HEARINGS

Final Order No. BPR-2007-05463 Date: **7-12-07**  
FILED

Department of Business and Professional Regulation  
AGENCY CLERK

Sarah Wachman, Agency Clerk

By:

*Brandon M. Nichol*

**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,**

**Petitioner,**

**vs.**

DOAH Case No. 06-4482  
DOCKET No. 20050028058

**EDEN ISLES CONDOMINIUM ASSOCIATION, INC.,**

**Respondent.**

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**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 August 25, 2006, the Division issued a Notice to Show Cause which alleged that the Respondent, Eden Isles Condominium Association, Inc. (Eden Isles) violated section 718.111(13), Florida Statutes. The Notice advised the Respondent of its right to request a hearing pursuant to chapter 120, Florida Statutes.

2. The procedural history of the proceedings before the Division of Administrative Hearings (DOAH) is set out by the Administrative Law Judge (ALJ) in the Recommended Order, which is attached and incorporated in this Final Order.

3. On May 11, 2007, the ALJ entered a Recommended Order recommending that the Division enter a final order finding Eden Isles guilty of the charge, requiring remedial action, and imposing a civil penalty.

4. Neither party filed exceptions to the Recommended Order.

### **FINDINGS OF FACT**

5. The Division hereby adopts and incorporates by reference the Findings of Fact numbered 1 through 3 as set forth in the Recommended Order.

### **CONCLUSIONS OF LAW**

6. The Division accepts the Conclusions of Law numbered 4 through 16. §§ 120.569(2)(l), 120.57(1)(l), Fla. Stat.

7. Competent substantial evidence exists to find that Eden Isles violated section 718.111(13), Florida Statutes.

8. The Division adopts the ALJ's recommended remedial action and penalty of \$1,092. The Division changes the time for compliance from 45 days to 30 days for delivery of the 2004 financial report, which is already long overdue. § 718.501, Fla. Stat.


### **ORDER**

Based on the foregoing findings of fact and conclusions of law, it is hereby ordered that:

1. Respondent violated section 718.111(13), Florida Statutes.
2. Respondent shall pay a penalty of One Thousand Ninety-two Dollars and No Cents (\$ 1,092.00) by cashier's check or money order made payable to State of Florida, Department of Business and Professional Regulation within 30 days of the date of this Order, which Respondent shall mail by certified mail to Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1031.
3. Respondent shall mail or hand deliver to each unit owner a copy of the 2004 financial report or alternatively, a notice stating that a copy of such report will be provided at no cost to any owner who requests one in writing within 30 days of the entry of this order, which entry will be the stamp date of the Agency Clerk on the first page of this Final Order.
4. Respondent shall furnish the Division, within 30 days of the date of this Final Order, an affidavit attesting that the remedial action required by this Final Order has been completed.

DONE AND ORDERED in Tallahassee, Leon County, Florida, this 10<sup>th</sup> day of July, 2007.



  
Michael T. Cochran, Director  
Division of Florida Land Sales,  
Condominiums, and Mobile Homes  
Department of Business and  
Professional Regulation  
1940 North Monroe Street  
Tallahassee, Florida 32399-1031

Attachment: (Recommended Order)  
**Division of Florida Land Sales,  
Condominiums & Mobile Homes**

NOTICE OF RIGHT OF APPEAL

THIS FINAL ORDER CONSTITUTES FINAL AGENCY ACTION AND MAY BE APPEALED BY ANY PARTY ADVERSELY 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 Leonard G. Renaud, P.A., 8105 N.W. 155 Street, Miami Lakes, Florida 33016, this 18<sup>th</sup> day of July, 2007.

Robin McDaniel  
Robin McDaniel, Division Clerk

Copies with attachments furnished to:

Division of Administrative Hearings  
Janis Sue Richardson, Chief Attorney  
David Tarbert, Senior Attorney  
John Topa, Chief, Bureau of Compliance