

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

FILED  
2007 JUL 24 AM 11:00  
DIVISION OF REAL ESTATE  
ADMINISTRATIVE

Final Order No. BPR-2007-05648 Date: 7-23-07

FILED

Department of Business and Professional Regulation  
AGENCY CLERK

Sarah Wachman, Agency Clerk

By: Brandon M. Nichols

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

Petitioner,

vs.

CASE NO. : 06-4543PL

DBPR CASE NO.: 2005012304

FRANCIS ANTHONY SEVERINO, SR.,P.A.,

Respondent.

FINAL ORDER

THIS CAUSE came before the FLORIDA REAL ESTATE COMMISSION (“Commission”) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on June 19, 2007, 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 S.N. Persaud, Esquire, Senior Attorney for the Division of Real Estate, Orlando, Orange County, Florida. The Respondent was represented by Timothy M. Goan of Palm Coast, Florida. 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:

### **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.

5. There is competent, substantial evidence to support the conclusions of law in Exhibit "A", as adopted by the Commission as set forth below.

### **EXCEPTIONS**

6. Petitioner's proposed facts in paragraphs 1 through 15 are DENIED. There is competent substantial evidence to support the Administrative Law Judge's findings of fact.

7. Petitioner's Exceptions as to Count I were considered and DENIED. There is competent substantial evidence to support the Administrative Law Judge's findings of fact. In addition, Petitioner did not cite with specificity to the record to support the claimed exceptions.

8. Petitioner's Exceptions as to Count II were considered and DENIED. There is competent substantial evidence to support the Administrative Law Judge's findings of fact. In addition, Petitioner did not cite with specificity to the record to support the claimed exceptions.

9. Petitioner's Exceptions as to Count III were considered and DENIED. There is competent substantial evidence to support the Administrative Law Judge's findings of fact. In addition, Petitioner did not cite with specificity to the record to support the claimed exceptions.

10. Petitioner's Summary of Exceptions were considered and DENIED. There is competent substantial evidence to support the Administrative Law Judge's findings of fact. In addition, Petitioner did not cite with specificity to the record to support the claimed exceptions.

**DISPOSITION**

11. The Commission adopts the Administrative Law Judge's recommendations.

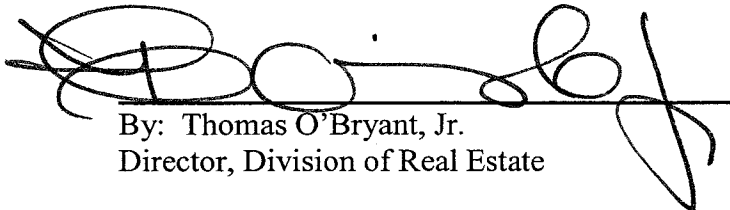
**WHEREFORE**, it is hereby **ORDERED** and **ADJUDGED** that:

1. Respondent has violated Sections 455.227(1)(n) and 475.25(1)(b)(d) and (e) , Florida Statutes.
2. Respondent shall pay costs of \$1,518.00.
3. Respondent's sales associate license number 3015177 is REVOKED.

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

DONE and ORDERED this 16 day of July, 2007.

**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 Timothy M. Goan, Esquire, 1 Hargrove Grade, Suite 2, Palm Coast, Florida 32137, Charles C. Adams, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; S.N. Persaud, 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 23<sup>d</sup> day of July, 2007.

*Sarah Wachman*