

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
FLORIDA REAL ESTATE APPRAISAL BOARD

FILED

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DIVISION OF
ADMINISTRATIVE HEARINGS
10-24-07

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

Final Order No. BPR-2007-08373 Date: 10-24-07
FILED
Department of Business and Professional Regulation
AGENCY CLERK

Petitioner,

By: Sarah Wachman, Agency Clerk
Brandon M. Nichol

vs.

DBPR Case No.: 2005054828
DOAH Case No.: 07-0683 PL
License No.: RD 4163

RICHARD GUILFOYLE,

Respondent.

FINAL ORDER

THIS MATTER came before the Florida Real Estate Appraisal Board (hereinafter "the Board") for consideration of the recommended order entered in the above-styled matter pursuant to Sections 120.569 and 120.57, Florida Statutes.

On October 5, 2006, Petitioner filed an administrative complaint against Respondent's license. The Respondent timely requested an evidentiary hearing before Division of Administrative Hearings (DOAH) and these matters were transferred to DOAH. On May 24, 2007, an administrative hearing was held before the Honorable T. Kent Wetherall, II, Administrative Law Judge. Judge Wetherall's Recommended Order in this matter was filed with DOAH on August 22, 2007. There were no exceptions filed by either party. Based on its consideration of the entire record, the Board makes the following findings of facts and conclusions of law:

FINDINGS OF FACT

1. The Board hereby adopts the finding of facts contained in paragraphs one (1) through thirty (30) of the Recommended Order as the Board's findings of facts.

2. There is competent substantial evidence to support the Board's findings of facts.

CONCLUSIONS OF LAW

1. The Board hereby adopts the conclusions of law contained in paragraphs thirty-one (31) through fifty-six (56) of the Recommended Order as the Board's conclusions of law.

2. There is competent substantial evidence to support the Board's conclusions of law.

ORDER

The Board hereby adopts the Hearing Officer's Recommendation as the Board's decision on the Petitioner's applications.

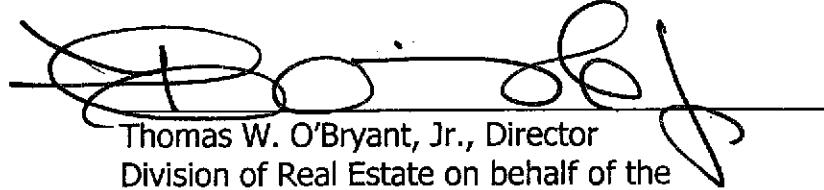
IT IS THEREFORE ORDERED:

The Administrative Complaint is hereby DISMISSED.

This Final Order shall become effective upon filing with the Clerk of the Department.

DONE AND ORDERED this 18 day of October, 2007.

FLORIDA REAL ESTATE APPRAISAL BOARD

A handwritten signature in black ink, appearing to read "T. O'Bryant, Jr.", is written over a horizontal line. The signature is stylized and cursive.

Thomas W. O'Bryant, Jr., Director
Division of Real Estate on behalf of the
Florida Real Estate Appraisal Board

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 has been furnished by U.S. Mail to: **RICHARD GUILFOYLE**, 388 Maple Court, Oviedo, Florida 32765, **Steven W. Johnson, Esq.**, Bank of America Bldg., 390 North Orange Avenue, 23rd Floor, Orlando, Florida 32801, **James Harwood, Chief Attorney**, Division of Real Estate, 400 West Robinson Street, Suite 801N, Orlando, Florida 32801 and **T. Kent Wetherall, II**, Administrative Law Judge, Division of Administrative Hearings, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; by interoffice mail to **Reginald D. Dixon**, Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; this 24th day of October, 2007.

Harsh Wachman