

**STATE OF FLORIDA
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**DEPARTMENT OF AGRICULTURE AND
CONSUMER SERVICES,**

Petitioner,

v.

AMERICAN CASH MACHINE, LLC,

**DOAH Case No. 07-4120
DACS Case No. 0703-07067
Agency Clerk No. A49986**

Respondent.

FINAL ORDER

THIS MATTER came before the Department of Agriculture and Consumer Services (“Department”), pursuant to §120.57(1), Florida Statutes, in Tallahassee, Florida, for consideration of the Recommended Order issued on February 8, 2008, by the Administrative Law Judge (“ALJ”) in the above-captioned case, a copy of which is attached and incorporated as Exhibit “A.” Upon consideration of the Recommended Order after a review of the complete record, and being otherwise duly advised in the premises, the Department makes the following findings, rulings, and conclusions:

RULINGS ON EXCEPTIONS

No exceptions were filed by either party.

FINDINGS OF FACT

The Recommended Findings of Fact in Exhibit “A” are incorporated by reference, approved, and adopted *in toto* as the findings of fact of the Department.

CONCLUSIONS OF LAW

1. The Department has jurisdiction over the parties and subject matter pursuant to §§559.80 – 559.815, Florida Statutes.
2. The Recommended Conclusions of Law in Exhibit “A” are incorporated, approved, and adopted *in toto* as the conclusions of law of the Department.

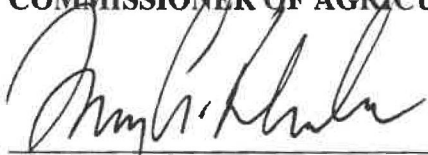
ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department adopts the recommendation of the ALJ *in toto* and imposes the following sanctions:

- I. Respondent shall pay total administrative fines of \$10,000.00, as follows:
 - A. For the violations of §559.803(11)(a) and 559.803(11)(b), Florida Statutes, Respondent shall pay concurrent administrative fines of \$5,000.00.
 - B. For the violation of §559.809(11), Florida Statutes, Respondent shall pay a separate, additional administrative fine of \$5,000.00.
- II. Respondent is placed on probation under the following terms for three (3) years from the date this Final Order is rendered:
 - A. Respondent shall comply with all applicable requirements of the Sale of Business Opportunities Act, §§559.80 – 559.815, Florida Statutes (“Act”).
 - B. Respondent shall submit timely each annual filing required under the Act.
 - C. Respondent shall comply with all applicable requirements of federal law, including without limitation Title 15 of the United States Code and Title 16 of the Code of Federal Regulations.

- D. Respondent shall resolve to the satisfaction of the consumer or the Department every consumer complaint pertaining to the Respondent within thirty (30) days of when the Respondent receives from the Department the initial information about the complaint.
- E. The violation of any term of this probation shall constitute sufficient grounds to revoke any registration under the Act and to impose additional sanctions pursuant to §559.813(2), Florida Statutes.

**CHARLES H. BRONSON
COMMISSIONER OF AGRICULTURE**



**TERRY I. RHODES
ASSISTANT COMMISSIONER**

NOTICE OF RIGHT TO APEAL

All substantially affected parties are hereby notified pursuant to section 120.569(1), Florida Statutes, that an appeal of this Final Order may be taken pursuant to section 120.68, Florida Statutes, by filing one copy of a Notice of Appeal with the Clerk of the Department of Agriculture and Consumer Services and one copy of a Notice of Appeal with the required filing fee with the District Court of Appeal within thirty (30) days of the date this Final Order is filed.

Filed with the Clerk, this 13th day of March, 2008.



Agency Clerk

Copies by UPS Ground delivery to:

Gilbert Bradley Swarts, Manager
American Cash Machine, LLC

3010 22nd Avenue South
St. Petersburg, FL 33712

And; by hand delivery to:

LuAnn Stiles, Director
Division of Consumer Services