

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

FILED
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DIVISION OF
ADMINISTRATIVE
HEARINGS

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

Petitioner,

vs.

JAMES K. JONES,

Respondent.

Final Order No. BPR-2008-04122 Date: 5-13-08
FILED

Department of Business and Professional Regulation
AGENCY CLERK

Sarah Wachman, Agency Clerk

By: Brandon M. Nichol
CASE NO.: 07-4403PL

DBPR CASE NO.: 2006067313

FINAL ORDER

THIS CAUSE came before the **FLORIDA REAL ESTATE COMMISSION** ("Commission") pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on March 18, 2008, in Tallahassee, Leon 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. The 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:

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. 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. Respondent's Exception One was considered and **DENIED**. There is competent substantial evidence to support the Administrative Law Judge's findings of fact.
7. Respondent's Exception Two was considered and **DENIED**. There is competent substantial evidence to support the Administrative Law Judge's findings of fact.
8. Respondent's Exception Three was considered and **DENIED**. There is competent substantial evidence to support the Administrative Law Judge's findings of fact.
9. Respondent's Exception Four was considered and **DENIED**. There is competent substantial evidence to support the Administrative Law Judge's findings of fact.

DISPOSITION

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

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

1. Count I of the Administrative Complaint is **DISMISSED**.

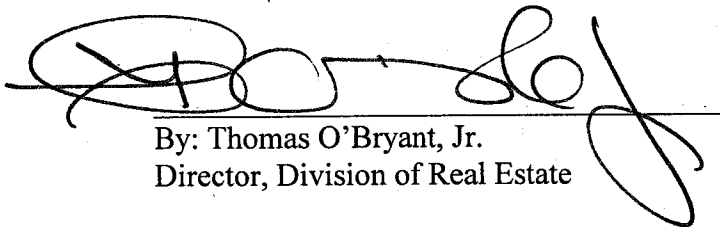
2. Respondent has violated Rule 61J2-10.025, F.A.C. and Section 475.25(1)(c), Florida Statutes.

3. Respondent shall pay costs of \$594.00 and an administrative fine of \$1,000.00.

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

DONE and ORDERED this 7 day of May, 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 the 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 Randy M. Shochet, Esquire, 6308 Grand Cypress Circle, Lake Worth, Florida 33463; Stuart M. Lerner, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; Patrick Cunningham, Esquire, 400 West Robinson Street, Suite 801, North Tower, Orlando, Florida 32801-1757; and to Tom Barnhart, Senior Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050, on this 13th day of May, 2008.

Beverly M. Nicks

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

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

Petitioner,

vs.

FDBPR Case N° 2006067313

JAMES K. JONES,

Respondent.

ADMINISTRATIVE COMPLAINT

State of Florida, Department of Business and Professional Regulation, Division of Real Estate ("Petitioner") files this Administrative Complaint against James K. Jones ("Respondent") and alleges:

ESSENTIAL ALLEGATIONS OF MATERIAL FACT

1. Petitioner is a state government licensing and regulatory agency charged with the responsibility and duty to prosecute Administrative Complaints pursuant to the laws of the State of Florida, in particular Section 20.165 and Chapters 120, 455 and 475, of the Florida Statutes and the rules promulgated pursuant thereto.
2. Respondent is and was at all times material hereto a licensed Florida real estate broker, issued license number 392077 in accordance with Chapter 475 of the Florida Statutes.
3. The last license issued was as a broker with Doctor's Choice Companies, Inc., 223 Shorewood Way, Jupiter, Florida 33458.

4. At all times material Respondent knew or should have known that Dr. Perry Pyser is not now, nor was at any time material herein, registered as licensed real estate sales associate or broker in the state of Florida.

5. Respondent published or caused to be published advertisements for the sales of businesses. A copy of the advertisement is attached hereto and incorporated herein as Administrative Complaint Exhibit 1.

6. Respondent published that Buyers contact Pyser for the purchase of the businesses advertised for sale.

COUNT I

Based upon the foregoing, Respondent is guilty of aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to Chapter 455, 475 or the rules of the Petitioner in violation of Section 455.227(1)(j), Florida Statutes.

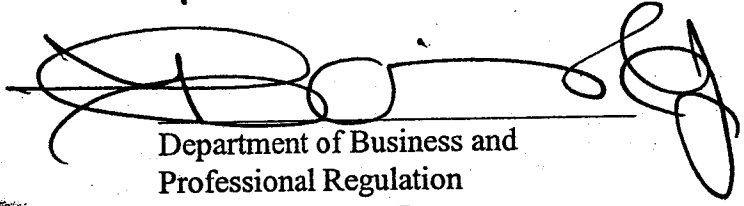
COUNT II

Based upon the foregoing, Respondent is guilty of having advertised property or services in a manner which is fraudulent, false, deceptive, or misleading in form or content in violation of Rule 61J2-10.025 of the Florida Administrative Code and Section 475.25(1)(c), Florida Statutes.

WHEREFORE, Petitioner respectfully requests the Florida Real Estate Commission, or the Department of Business and Professional Regulation, as may be appropriate, to issue a Final

Order as final agency action finding the Respondent(s) guilty as charged. The penalties which may be imposed for violation(s) of Chapter 475 of the Florida Statutes, depending upon the severity of the offense(s), include: revocation of the license or registration or permit; suspension of the license, registration or permit for a period not to exceed ten (10) years, imposition of an administrative fine of up to \$5,000 for each count or offense; imposition of investigative costs; issuance of a reprimand; imposition of probation subject to terms including, but not limited to, requiring the licensee, registrant or permittee to complete and pass additional real estate education courses; publication; or any combination of the foregoing which may apply. *See* Section 475.25(1), Florida Statutes and Florida Administrative Code Rule 61J2-24.001. The penalties which may be imposed for violation(s) of Chapter 455 of the Florida Statutes, depending upon the severity of the offense(s), include: revocation of the license, registration, or permit; suspension of the license, registration, or permit for a period not to exceed ten (10) years; imposition of an administrative fine of up to \$5,000 for each count or offense; imposition of investigative costs; issuance of a reprimand; imposition of probation subject to terms including, but not limited to, requiring the licensee, registrant, or permittee to complete and pass additional real estate education courses; publication; restriction of practice; injunctive or mandamus relief; imposition of a cease and desist order; or any combination of the foregoing which may apply. *See* Section 455.227, Florida Statutes and Florida Administrative Code Rule 61J2-24.001.

SIGNED this 26th day of April, 2007.



Department of Business and
Professional Regulation
Thomas O'Bryant, Jr.
Director, Division of Real Estate

FILED
Department of Professional Regulation
Division of Real Estate
Kay Yley
Clerk
4/26/07

ATTORNEY FOR PETITIONER

James P. Harwood, Senior Attorney
Florida Bar N° 425941
Division of Real Estate
Department of Business and
Professional Regulation,
Legal Section - Suite N 801
Hurston Bldg. North Tower
400 West Robinson Street
Orlando, Florida 32801-1757
(407) 481-5632
(407) 317-7260 FAX

JH/k
PCP: SWE/GS 2/07

NOTICE TO RESPONDENTS

PLEASE BE ADVISED that mediation under Section 120.573 of the Florida Statutes, is not available for administrative disputes involving this type of agency action.

PLEASE BE FURTHER ADVISED that pursuant to this Administrative Complaint you may request, within the time allowed by law, a hearing to be conducted in this matter in accordance with Sections 120.569 and 120.57 of the Florida Statutes; that you have

the right, at your option and expense, to be represented by counsel or other qualified representative in this matter; and that you have the right, at your option and expense, to take testimony, to call and cross-examine witnesses, and to have subpoena and subpoena duces tecum issued on your behalf if a formal hearing is requested.

PLEASE BE FURTHER ADVISED that if you do not file an Election of Rights form or some other responsive pleading with the Petitioner within twenty-one (21) days of receipt of this Administrative Complaint, the Petitioner will file with the Florida Real Estate Commission a motion requesting an informal hearing and entry of an appropriate Final Order which may result in the suspension or revocation of your real estate license or registration. Please see the enclosed Explanation of Rights and Election of Rights form.



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- Pl. St. Lucie NEW - Turn Key Dental Office Available, June 2007, Prime Location, Beautiful Office with 1st Class Everything! NS112193
- Western West Palm NEW - Near the Turnpike, Small Practice in High Growth area, Price \$126K, Excellent Exposure. P213225
- West Palm NEW - At Primo Location, Office Sharing in Brand New State of the Art Facility, Seller will Consider "Future" Buy-In/Buy-Out Options. P216720
- East West Palm NEW - Space - Sale, Plumbed Dental Space Available, For Sale or Lease, Perfect for General or Pedo, 1,350 Sq. Ft. PS2102504
- East Lake Worth NEW - 5 Ops, Price Pending, Room to Expand, Real Estate (Free Standing Building), Available, Sale or Lease. PS1821308
- East Delray NEW - Office Sharing Opportunity. PS770220
- Delray Prime Shopping Center at Location Boca/Delray, Bargain Priced at \$197K. P176730
- Wellington NEW - Endo Practice, Hi Growth Area, Call for Details. P2105310
- East Boca NEW - "The Best Location", Turn Key, 3 Ops Dental Facility, No Patients Included. P2122180
- West Boca Raton Hi End, FFS, Prime Opportunity, Gross \$553K, Price \$417K. P742180
- West Boynton Gross \$1.2M, Publix Location, Price \$770K. P1821220
- East Stuart For Lease, 3 Ops, Dental Office. M741620
- Palm Bch Gardens Plumbed large dental space, Great for Specialist! PS213219
- Palm Bch Gardens Gross \$1.2 Million, 4 ops, Call for details! P612180
- Jupiter SOLD - Prime Location. P192740

BROWARD COUNTY - Dr. Marshall Berger (954) 257-3059

- Pompano Beach NEW - Modern Practice, 3 Ops Expandable to 6, Gross +/- 1 Million, Price \$651K, Excellent Exposure. B21338
- East Ft. Lauderdale NEW - Established Quality Practice, Gross \$290K, Price \$198K. B223789
- East Ft. Lauderdale Near Hospital, 10th St. B2122120
- Ft. Lauderdale NEW - New Listing, call for details B2183616
- Ft. Lauderdale UNDER CONTRACT - West of I-95, Gross \$600K, Price \$400K, 4 Ops. B210460
- Lauderhill NEW - Great location in a Medical Building on a major road, call for details! B55660
- Pembroke Pines Pending, New Listing. B62211
- Plantation NEW - Turn Key "Gorgeous" Dental Office with Equipment, No Patients, 4 Ops, 1,550 Sq. Ft. B556422
- Plantation Buy 50% of 2 Million Dollar Gross practice, 100% in 5 years, Buy-in. B11864
- Plantation NEW - Listing, Practice with Condo. B417600
- Tamarac Merger Practice, Patient Records Sale. B421220
- Tamarac Insurance Based, Gross \$553, Price \$380K, Money Maker! B2162160

CENTRAL & NORTH EAST - Call Curtis Johnson & Mary Lou Johnson - (407) 291-9311,

Mary Ann Serkin (Daytona to Jacksonville) - (407) 310-4829

- New Smyrna Beach NEW - Large productive, well established office in a Publix shopping center with a very good marketing mix. Close to the beautiful beach. C210128
- Jacksonville NEW - Gross 1 Million Plus, Quality, 1st Class Everything, Practice & Real Estate Available. N2182260
- Sanford Long Established FFS Practice near a major intersection & business area. C216540
- Daytona Bch Shores NEW - Many existing and New Condos, Booming area. C2232140
- Ocala Gross \$600K Plus Current Gross, 4 ops, 1200 sq ft. N65226
- Lake Wales First Class Everything - Practice & Real Estate, Incredible Opportunity. W21780
- Cocoa Beach Valuable, Stand Alone Professional Dental Building Ready to go! N142190
- Lake Mary, Orlando NEW - Practice with Real Estate, Gross \$880K, Price Pending, Plumbed for 6 Ops. C5522504
- Orlando NEW - Dental Condominium For Sale, Call for Details! C21323008
- Orlando NEW - Pending listing, Call for Details C2132209
- Orlando NEW - 3 Ops, Expandable to 5, 2,500 sq ft, Gross \$579k, Stand Alone Professional setting. C141820
- Orlando NEW - Well Established Location, Very Clean and Profitable, All NEW ADEC Equipment, Gross \$326K C2166120
- Orlando Pine Hills area, Near a major High School, Dental Office for 25 yrs. C223214
- Orlando 4 Ops, 2450 Sq. Ft., \$900K Gross, High Tech, A Real "Dream" Practice! C2131820
- Orlando Large, Pure Pride, Beautiful Office of 2500 Sq. Ft., 6 Ops, Great Production! NC2183110
- Orlando Fully Equipped, Turn Key Office. C210210

Email: info@doctorschoice1.net Website: www.doctorschoice1.net

Last Revised: 11/6/2006

We Buy - Sell - Lease Medical - Dental - Veterinary Properties

ADMINISTRATIVE COMPLAINT Page: 1

EXHIBIT # 1

PAGE 1 OF 16

Gainesville Beautiful High End Dental Office, 5 Ops, 2,025 Sq. Ft., Must See! N5202180
St Augustine SOLD - Gross \$450K, FFS, Real Estate & Practice for sale, call for details! N2199130

DADE COUNTY - Call Dr. Tony Cruz - (305) 904-1682 / Kenny Jones - (561) 746-2102

Cutler Ridge NEW - 1,600 Sq. Ft., 4 Ops, Largely HMO, Refurbished, Just Like New, Ready to Go! D2121760
Coral Gables Space & Equipment only, 1,290 sq. ft., 4 Ops, Heart of Coral Gables, Asking \$125K, DS210970
Coral Way NEW - 1,200 Sq. Ft., 4 Ops, Profitable HMO, Attractive Lease, Seller will Train. D313211
Aventura Pending, New Listing. D316192
Hialeah Dr Retiring, Professional Building, 1,100 sq ft. PPO/FFS, Asking \$110k, Seller Motivated! D218710
Hialeah 2,000+ Sq. Ft., Beautiful Remodeled Office, 3+1 ops, plus Pedo/Ortho area, Great Location! D218213
Hialeah Gardens Great Residential Area, 3+1 Ops, Computerized with Pano, Must See! D112130
Miami NEW - Near 836 & Le Jeune Rd., 1,580 Sq. Ft., 4 Ops, Beautiful Bank Bldg & Great View, Amazing Office, Lots of Free Parking. D413218
North Miami Beach NEW - Under Contract - Professional Bldg., Wants 100% of Gross for Sell of Practice. D428301
Miami Beach NEW - Gross \$200K, Price \$125K, 3 Ops room for 4, Rent \$1800/Month. D4156009
South Miami Large High Quality Practice, Residential Area, Seller will stay, PPO/FFS, 1,600 Sq. Ft., 7 Ops, Call for Details! D216216
West Kendall Great for Specialist, Share's with Podiatric Medical Clinic, 4 ops, Make Offer! DS219170
Homestead NEW - Pending Listing, Quality FFS Practice. D3221401
Homestead 1,100 Sq. Ft., 4 Ops, Very Profitable HMO, Great Lease, Amazing Growth Area. D313212
Homestead Under Contract - Real Estate Available, 2,300 Sq. Ft., 4+2 Ops, Amazing Growth Area, Well Established, Beautiful! SDC B36819
Lower Keys Incredible Lower Keys Opportunity, New Equipment, Gross \$400K, Call for Details! DAIK51053
Upper Keys SOLD - Listing, Gross \$700K, PPO/FFS with Real Estate, Call for Details! M141520
Upper Keys Doctor Retiring, 3 Ops, 1,100 Sq. Ft., FFS/PPO. D2108900

WEST COAST - Morcie Smith - (727) 254-9707 / Dr. Jerry Peyer - Naples to Sarasota - (954) 830-3147

Largo NEW - Call for Details! W2182190
Tampa Downtown Beautiful, Modern, Paperless Office, Call for Details! W7831008
St. Petersburg NEW - Call for Details! W212213005
Sarasota NEW - Pending. W457806
Sarasota NEW - Motivated Seller. W141526
Sarasota NEW - "The Perfect Practice Opportunity", Call for Details, Price \$281K, Gross \$400K Plus. W411218
Tampon Springs NEW - Pending Listing in Professional Setting. W132250
Dunedin NEW - Quality Practice with Condominium, W3361007
Dunedin Gross \$1.2 M in 2003, 8 ops. W756700
Bartow 5 ops w/ room to expand, Great family location. C672130
Beverly Hills Unbelievable small town very profitable practice W218212
Lake Wales First Class Everything - Practice & Real Estate, Incredible Opportunity. W21780
Lakeland Gross \$526k, Publix Shopping center, 4 ops C219460
Naples Practice with Real Estate, New Listing. W223670
Naples 6 ops, \$232k, Space available w/ equipment. W5422130
Temple Terrace Practice, Nice Office, Nice Location, 4 ops, 1800 Sq. Ft. Gross \$525K. W122220
Palm Harbor 5 Ops, PPO and FFS, Gross \$500K, W131610
Brooksville Practice and Real Estate, Gross \$500K. W171201

SPECIALTY - Call Kenny Jones (561) 746-2102

Dade County Pedo/Ortho Set Up Space. DS219170
Boca Raton Class A Turn Key Space with Equipment. P2122180
NE Florida Pedo - NE Florida, Large, Profitable, Beautiful Practice. N582110
Palm Beach SOLD - Perio Practice. PS151300
Palm Beach Endo - Call for Details! P2105310

ASSOCIATE PLACEMENT OPPORTUNITIES - Positions Available Now !!

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ADMINISTRATIVE COMPLAINT

EXHIBIT # 1

PAGE 2 OF

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Central Florida - Curtis and Mary Lou Johnson - 407-257-9841

Daytona to Jacksonville - MaryAnn Serkin - 407-310-4829

Southwest Florida - Dr. Jerry Pyser - 954-830-3147

West Coast - Morcie Smith - 727-254-9707

Southeast Florida - Dr. Jack Saxonhouse - 561-642-0535

Dade and Keys - Dr. Toney Cruz - 305-904-1682

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ADMINISTRATIVE COMPLAINT

EXHIBIT # 1
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WEST COAST - Last Updated: 11/02/06



Kenny Jones



Morcie Smith



Jerry Pyser



Corinne Quintanilla



Dr. Jim Vandenberghe

KENNY JONES - (561) 746-2102, MORCIE SMITH - (727) 254-9707, JERRY PYSER - (954) 830-3147, DR. JIM VANDENBERGHE and CORINNE QUINTANILLA - (561) 746-2102,

Largo

W2182190 NEW - Call for Details!

Tampa Downtown

W7831008 NEW - Beautiful, Modern, Paperless Office, Call for Details!

St. Petersburg

W212213005 NEW - Call for Details!

Sarasota

W411218 NEW - "The Perfect Practice Opportunity", Price \$281K, Gross \$400K Plus, Call for Details!

W141526

NEW - Motivated Seller.

W457806

NEW - Pending.

Tarpon Springs

W132250 NEW - Pending Listing in a Professional Setting.

Temple Terrace

W122220 NEW - Practice, Nice Office, Nice Location, 4 Ops, 1,800 Sq. Ft., Gross \$525K.

Brooksville

W171201 Practice and Real Estate Gross \$471K, Stand Alone Building, Call for Details!

Beverly Hills

W218212 Practice - Unbelievable Small Town, Very Profitable, 6 Ops, \$1.4M Gross, 3600 Sq. Ft., Call for Details!

Bartow

C672130 Practice - 5 Ops with Room to Expand, Great Family Location.

Dunedin

W3361007 NEW - Quality Practice with Condominium.

W736700

Practice - Gross \$1.2M in 2003, 8 Ops.

Lake Wales

W21780

Practice & Real Estate - First Class Everything.

Lakeland

C219460

Practice - Gross \$526K, Publix Shopping Center, 4 Ops.

Naples

W223670

Practice with Real Estate.

WS422130

SPACE - 6 Ops, \$232K, Space available with equipment.

Palm Harbor

ADMINISTRATIVE COMPLAINT

EXHIBIT # 1

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