

**FILED**  
Department of Business and Professional Regulation  
AGENCY CLERK  
CLERK Sarah Wachman  
Date **3/17/2009**  
File # **2009-01870**

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

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

**Petitioner,**

**vs.**

**CASE NO. : 08-1756PL**

**ELEANOR BORLING DIONEDA,**

**Respondent.**

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**FILED**  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS  
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**FINAL ORDER**

**THIS CAUSE** came before the FLORIDA REAL ESTATE COMMISSION (“Commission”) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on October 14, 2008, in Ft. Lauderdale Beach, 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 represented by Eric Ludwig, Esquire of Orlando, 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, as amended and adopted by the rulings on Petitioner's Exceptions by the Commission as set forth below.
5. There is competent, substantial evidence to support the conclusions of law in Exhibit "A", as amended and adopted by the Commission as set forth below.

### EXCEPTIONS

6. Respondent's Exception I was considered and DENIED.

### DISPOSITION

7. The Commission adopts the Administrative Law Judge's recommendation, but after a complete review of the record, the Commission substitutes a permanent **REVOCATION** of Respondent's license.
8. By imposing permanent Revocation for a violation of Section 455.227(1)(j), F.S.,

the Commission states with particularity the following reasons: permanent revocation is authorized by Section 455.227(2)(b), F.S. and it is authorized because of the reasons set forth in the Petitioner's Exception To The Recommended Order.

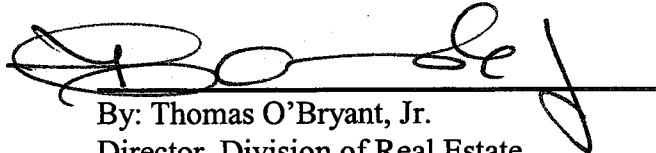
**WHEREFORE**, it is hereby **ORDERED** and **ADJUDGED** that:

1. Respondent has violated Section 455.227(1)(j), Florida Statutes.
2. Respondent's license is permanently **REVOKED**.

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

**DONE** and **ORDERED** this 10 day of March, 2008<sup>9</sup>

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 Eric W. Ludwig, Esquire, 250 N. Orange Avenue, Suite 1250, Orlando, Florida 32801, William F. Quattlebaum, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and to Tom Barnhart, Senior Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050, on this 17<sup>th</sup> day of March, ~~2008~~ 2009

~~Tom Barnhart~~

*Sarah Wachman*