

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK Brandon Nichols
Date **4/21/2011**
File # **2011-02840**

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

FILED
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DIVISION OF
ADMINISTRATIVE
HEARINGS

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

Petitioner,

v.

DBPR CASE NO.: 2007046700
DOAH CASE NO.: 08-2721PL
LICENSE NO.: RD 3236

KATHLEEN GREEN,

Respondent.

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

Petitioner,

v.

DBPR CASE NO.: 2007046698
DOAH CASE NO.: 08-2722PL
LICENSE NO.: RI 16667

LEE ANN MOODY,

Respondent.

AMENDED FINAL ORDER ON REMAND

THIS CAUSE came before the FLORIDA REAL ESTATE APPRAISAL BOARD (Board) on February 8, 2011, in Orlando Florida, on Order on Remand from the First District Court of Appeal. The Board previously entered a Final Order on September 3, 2009; on remand, the Board considered the Administrative Law Judge's Recommended

Order and Respondents' Joint Motion to Tax Appellate Costs. On February 8, 2011, Petitioner was represented by Robert Minarcin, Assistant General Counsel.

Respondents were neither present at the meeting nor represented by counsel. The Board was represented by Mary Ellen Clark, Assistant Attorney General.

Upon review of the Court's Opinion filed November 17, 2010, the Recommended Order, the argument of the parties, and after a review of the complete record in this matter, the Board makes the following findings and conclusions.

FINDINGS OF FACT

1. The findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference.
2. There is competent substantial evidence to support the findings of fact adopted by the Board.

CONCLUSIONS OF LAW

3. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 475, Part II, Florida Statutes.
4. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.
5. There is competent, substantial evidence to support the conclusions of law adopted by the Board.

PENALTY

Upon a complete review of the record in this matter, the Administrative Law Judge's Recommendation is approved and adopted by the Board in its entirety.

WHEREFORE,

IT IS HEREBY ORDERED AND ADJUDGED that

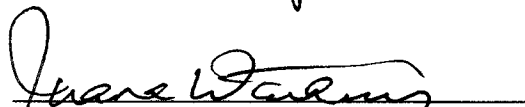
Respondents' licenses, RD 3236 and RI 16667, are hereby REPRIMANDED.

RULING ON MOTION TO TAX APPELLATE COSTS

Respondents' Joint Motion to Tax Appellate Costs is partially granted and partially denied for the reasons set forth in Petitioner's Response to the Respondents' Joint Motion to Tax Appellate Costs. Respondents are hereby awarded \$1,200.00, payable immediately.

This Order shall take effect upon being filed with the Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 8 day of April, 2011.



Florida Real Estate Appraisal Board
By Juana Watkins, Acting Division Director

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, 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: **Kathleen Green**, 2680 Brook Forest Way, Jay, FL 32565, to **Lee Ann Moody**, 1077 Yellowstone Pass, Cantonment, FL 32533, to **Thomas M. Brady, Esquire**, 3150 Navy Blvd., Suite 204, Post Office Box 12584, Pensacola, FL 32591-2584; **Harry L. Hooper, Administrative Law Judge**, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-3060, and by interoffice mail to **James Harwood, Chief Attorney**, Division of Real Estate, 400 West Robinson Street, Suite 801N, Orlando, Florida 32801, and to **Mary Ellen Clark**, Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; this 21st day of April, 2011.

Brandon M. Nichols