

FILED	
Department of Business and Professional Regulation	
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Date	10/22/2009
File #	2009-08739

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. 09-0654PL
FDBPR Case No. 2006007298

ANDREY BARHATKOV,

Respondent.

FINAL ORDER

THIS CAUSE came on to be heard before the Florida Real Estate Commission ("Commission") pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on August 11, 2009, in Orlando, Orange County, Florida, for the purpose of considering Administrative Law Judge Jeff B. Clark's Recommended Order in the above styled case. A copy of said Recommended Order is attached hereto and incorporated as Exhibit "A."

Respondent was not present. The Petitioner was represented by Patrick Cunningham, Esquire, Senior Attorney for the

Department of Business and Professional Regulation, Division of Real Estate, Orlando, Orange County, Florida. The Commission was represented by Tom Barnhart, Senior Assistant Attorney General, 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 Administrative Law Judge's conclusions of law in Exhibit "A" as amended and adopted by the Commission.

DISPOSITION

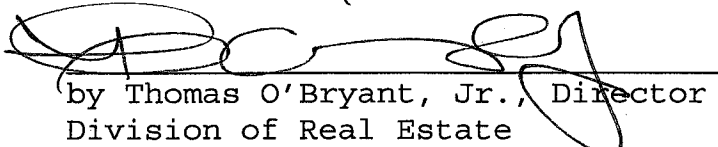
6. The Administrative Law Judge's Recommendation is approved and adopted by the Commission in its entirety.

WHEREFORE, IT IS HEREBY ORDERED and ADJUDGED that:

- (a) Respondent has violated Subsections 455.227(1)(j), and 475.42(1)(e), Florida Statutes.
- (b) Respondent shall pay a fine of \$2,000.00 and costs of \$1,138.50 to the Division of Real Estate, Zora Neale Hurston Building, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801.
- (c) Respondent's license is SUSPENDED for one year following the filing date of this Final Order and Respondent will be on probation for one year following the one year suspension. During probation, Respondent must attend two (2) two-day FREC meetings and attend an ethics class approved by FREC.
- (d) This Final Order shall take effect upon being filed

with the Clerk of the Department of Business and
Professional Regulation.

DONE and ORDERED this 14 day of October 2009, by the
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 Andrey Barhatkov, 408 Pinewood Drive, Davenport, Florida 33896 ; Jeff B. Clark, Administrative Law Judge, Division of Administrative Hearings, The Desoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by interoffice mail to Patrick Cunningham, Senior Attorney, Division of Real Estate, 400 West Robinson Street, Suite N-801, Orlando, Florida 32801 and Tom Barnhart, Senior Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050, on this 2nd day of Oct., 2009.

Brandon M. Nichols

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