

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK Brandon Nichols
Date **8/7/2009**
File # **2009-06543**

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

DBPR Case No.: 2007-065018
DOAH Case No.: 09-0977 PL

vs.

RAUL AGUILERA,

Respondent.

_____ /

FINAL ORDER

2009 AUG 10 P 1:14
DIVISION OF ADMINISTRATIVE HEARINGS
FILED

THIS MATTER came before the Secretary for the Department of Business and Professional Regulation ("Department") in accordance with the provisions of Section 120.57(1), Florida Statutes, for consideration of the Recommended Order entered by the Division of Administrative Hearings (DOAH) on June 10, 2009. The Recommended Order is attached as Exhibit 1, and incorporated by reference.

On April 24, 2009, an administrative hearing was held in this matter before Larry J. Sartin, Administrative Law Judge. On June 10, 2009, Judge Sartin's Recommended Order was entered with DOAH and transmitted to the Department. No exceptions have been filed.

FINDINGS OF FACT

1. The Department adopts and incorporates by reference the findings of fact contained in the ALJ's Recommended Order *in toto*.
2. There is competent substantial evidence to support the Department's

findings of fact.

CONCLUSIONS OF LAW

3. The Department adopts and incorporates by reference the conclusions of law contained in the ALJ's Recommended Order *in toto*.

Having considered the pleadings, the Findings of Fact and Conclusions of Law herein, and being otherwise fully advised in the premises it is, hereby, ORDERED AND ADJUDGED:

1. Respondent shall pay an administrative penalty in the amount of \$750.00.
2. Respondent shall pay administrative costs in the amount of \$316.12.
3. Respondent is placed on probation for a period of twelve (12) months under the following terms and conditions:

- a. Respondent shall not violate the provisions of chapters 455 and 468, part VIII, Florida Statutes, and or the rules promulgated thereunder.

- b. Respondent shall pay the administrative penalty of \$750.00 and the administrative costs of \$316.12 set forth above to the Department within ninety (90) calendar days of the date of the filing of this Final Order. Respondent shall refer to the DBPR case number and make the payment payable to the Department of Business and Professional Regulation, Revenue Unit, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida, 32399-2202. Failure to make timely payment of the administrative penalty shall constitute a violation of the terms of this probation for which Respondent could be subject to further disciplinary

proceedings.

This Final Order shall become effective on the date of filing with the Agency Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 5th day of August, 2009.



Tim Vaccaro, Director
Division of Professions
Department of Business and
Professional Regulation
Northwood Centre
1940 North Monroe Street
Tallahassee, Florida 32399-0750

NOTICE OF RIGHT TO APPEAL UNLESS WAIVED

Unless expressly waived, any party adversely affected by this final order may seek judicial review by filing an original Notice of Appeal with the Clerk of the Department of Business and Professional Regulation, and a copy of the notice, accompanied by the filing fees prescribed by law, with the clerk of the appropriate District Court of Appeal within 30 days of the effective date of this order, in accordance with Rule 9.110, Fla. R. App. P., and Section 120.68, Florida Statutes.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was provided by U.S. Mail to Raul Aguilera, 2200 Northwest 102nd Avenue, Apartment 5, Miami, Florida 33172, this 7th day of August, 2009.

SARAH WACHMAN, AGENCY CLERK



Brandon Nichols, Deputy Clerk

Copies Furnished to:

Reginald Dixon, General Counsel

Tim Vaccaro, Division of Professions

Eric Hurst, Professions' Chief Attorney

Larry J. Sartin, ALJ, Division of Administrative Hearings