

**STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS,  
AND MOBILE HOMES**

DEPARTMENT OF BUSINESS AND	)	
PROFESSIONAL REGULATION,	)	
DIVISION OF FLORIDA LAND SALES,	)	
CONDOMINIUMS, AND MOBILE HOMES,	)	
	)	DBPR Case No. 2008036671
Petitioner,	)	DOAH Case No. 09-1232
	)	
v.	)	
	)	
	)	
WATERFRONT PARK CORPORATION,	)	
	)	
Respondent.	)	
	)	

**FINAL ORDER**

The Division of Florida Land Sales, Condominiums, and Mobile Homes ("Division"), enters this Final Order against Waterfront Park Corporation ("Respondent").

**PRELIMINARY STATEMENT**

The Division issued a Notice to Show Cause to Waterfront Park Corporation on February 6, 2009, in Division Case Number 2008036671, advising Respondent that the Division had evidence that Respondent violated section 719.104(3), Florida Statutes. Respondent was advised of the right to

request either a formal or informal proceeding within twenty-one (21) days of the Notice, in accordance with Chapter 120, Florida Statutes.

On February 10, 2009, the Notice to Show Cause was sent by U.S. certified mail to Robert B. Kendrick, President of Respondent. On February 27, 2009, Respondent mailed to the Division a Response to the Notice to Show Cause, which challenged the allegation set forth in the Notice to Show Cause and requested a formal hearing. On March 10, 2009, the case was forwarded to the Division of Administrative Hearings ("DOAH"). The procedural history of the proceedings before DOAH are set out by the Administrative Law Judge ("ALJ") in the Recommended Order, which is incorporated in this Final Order.

On October 30, 2009, the ALJ entered a Recommended Order, recommending that the Division enter a Final Order finding that Respondent did not violate section 719.104(3), Florida Statutes, and that the Division rescind the Notice to Show Cause. The Recommended Order is attached hereto and fully incorporated herein.

#### **FINDINGS OF FACT**

1. The Division hereby adopts and incorporates by reference the Findings of Fact numbered 1 through 37 as set forth in the Recommended Order.

#### **CONCLUSIONS OF LAW**

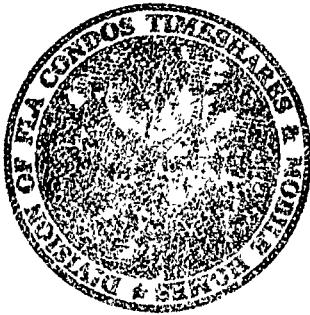
2. The Division hereby adopts and incorporates by reference the Conclusions of Law numbered 38 through 53 as set forth in the Recommended Order.


**ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby **ORDERED** that the ALJ's Recommended Order is adopted by the Division, and the Notice to Show Cause against Respondent for an alleged violation of section 719.104(3), Florida Statutes, is rescinded.

**DONE and ORDERED** this 11<sup>th</sup> day of January <sup>2010</sup>~~2009~~, at

Tallahassee, Leon County, Florida.



  
MICHAEL T. COCHRAN, Director  
Department of Business and  
Professional Regulation  
Division of Florida Condominiums, Timeshares,  
and Mobile Homes  
Northwood Centre  
1940 North Monroe Street  
Tallahassee, Florida 32399-1030

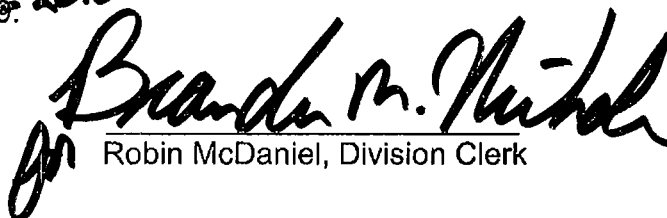
**Attached: DOAH Recommended Order dated October 30, 2009.**

**NOTICE OF RIGHT TO APPEAL**

THIS FINAL ORDER CONSTITUTES FINAL AGENCY ACTION AND MAY BE APPEALED BY RESPONDENT PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND RULE 9.110, FLORIDA RULES OF APPELLATE PROCEDURE BY FILING A NOTICE OF APPEAL CONFORMING TO THE REQUIREMENTS OF RULE 9.110(c), FLORIDA RULES OF APPELLATE PROCEDURE BOTH WITH THE APPROPRIATE DISTRICT COURT OF APPEAL ACCOMPANIED BY APPROPRIATE FILING FEES AND WITH THE AGENCY CLERK, 1940 NORTH MONROE STREET, NORTHWOOD CENTRE, TALLAHASSEE, FLORIDA 32399-2217, WITHIN THIRTY (30) DAYS OF THE RENDITION OF THIS FINAL ORDER.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. certified mail to Robert B. Kendrick, President, Waterfront Park Corporation, 491 First Street South, St. Petersburg, Florida 33701, this 15<sup>th</sup> day of January ~~2009~~ 2010.

  
on Brandon M. Mitchell  
Robin McDaniel, Division Clerk

Copies furnished to:

William R. Wohlsifer,  
Sr. Asst. General Counsel

Cheryl V. Carson  
Investigation Specialist II

Mary Frances Katona  
Investigator Supervisor

Joseph H. Lang, Esq.  
Baynard, McLeod & Lang, P.A.  
699 First Avenue North  
St. Petersburg, Florida 33701

Kerry H. Brown, Esq.  
P.O. Box 15223  
St. Petersburg, Florida 33733-5223