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| <b>FILED</b>                                       |                 |
| Department of Business and Professional Regulation |                 |
| Deputy Agency Clerk                                |                 |
| CLERK  | Brandon Nichols |
| Date   | 6/10/2010       |
| File #   | 2010-05197      |

**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.**

**JOAQUIN INIGO,**

**Respondent.**

**CASE NO. : 09-5219PL  
DBPR CASE NOS.: 2008031518**

**FILED**  
JUN 14 P 2:32  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

**FINAL ORDER**

**THIS CAUSE** came before the **FLORIDA REAL ESTATE COMMISSION** ("Commission") pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on April 20, 2010, in Orlando, Orange County, 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 present and was represented by counsel. 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, the hearing transcript, the Respondent's Exceptions to the 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. There is competent, substantial evidence to support the conclusions of law in the Recommended Order.

**EXCEPTIONS**

5. Petitioner's Exception to Finding of Fact #49 was WITHDRAWN by the Petitioner.

6. Petitioner's Exceptions to Findings of Fact #28, 29, 32, 38, 54, and 56 were considered and DENIED.

7. Petitioner's Exceptions to Conclusions of Law #78, 79, and 80 were considered and DENIED.

**DISPOSITION**

8. Upon a complete review of the record, the Commission finds that Respondent violated Section 475.25(1)(b), F.S. as set forth in Count I of the Administrative Complaint.

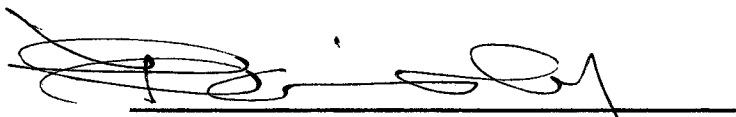
**WHEREFORE**, it is hereby **ORDERED** and **ADJUDGED** that:

1. Respondent is in violation of Count I of the Administrative Complaint;
2. Respondent's license is **SUSPENDED** for 90 days beginning 30 days from the filing date of this Final Order. The Commission has reviewed the entire record and believes there are mitigating factors present which justify a reduction in the suspension term recommended by the Administrative Law Judge in this case.
3. Respondent shall pay an administrative fine of \$1,000.00 and \$363.00 in costs within six (6) months of the filing date of this Final Order;
4. Respondent is placed on probation for six (6) months from the filing date of this Final Order. Respondent shall attend one (1) 2-day FREC meeting during this time.

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

**DONE** and **ORDERED** this 26 day of May, 2010.

**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 Steven Johnson, Esquire, 20 N. Orange Avenue, Suite 700, Orlando, Florida 32801; Stuart M. Lerner, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; Patrick Cunningham, Esquire, 400 W. Robinson Street, Suite 801, North Tower, Orlando, Florida 32801-1757; and to Tom Barnhart, Special Counsel, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050, on this 10<sup>th</sup> day of June, 2010.

Brandon M. Nichols

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FO/PC

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