

STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DEPARTMENT OF BUSINESS AND )  
PROFESSIONAL REGULATION, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
DONALD WHYTE, )  
 )  
Respondent. )

200 DEC -3 A 11:24

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

DOAH Case No. 10-1148  
DBPR Case No. 2008-035845

FINAL ORDER

This cause came on for consideration of and final agency action on the Recommended Order issued by Administrative Law Judge William F. Quattlebaum on September 28, 2010, after a formal hearing conducted on July 26, 2010, pursuant to Section 120.57(1), Florida Statutes. Upon consideration of the Administrative Complaint (Exhibit A) and the Recommended Order (Exhibit B), the transcript of the formal hearing and the exhibits received into evidence, and being otherwise fully advised of the premises, it is ORDERED AND ADJUDGED:

FINDINGS OF FACT

The findings of fact set forth in the Recommended Order are approved and adopted and incorporated by reference.

### CONCLUSIONS OF LAW

1. The Department has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapters 455 and 489, Florida Statutes.

2. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated by reference.

### PENALTY

1. *Violation of Section 489.127(1)(f), Florida Statutes*

Upon review of the record in this case, the Department determines that the penalty recommended by the Administrative Law Judge for the violation of Section 489.127(1)(f), Florida Statutes, be accepted.

2. *Violation of Section 489.531(1), Florida Statutes*

Upon review of the record in this case, the Department determines that the penalty recommended by the Administrative Law Judge for the violation of Section 489.531(1), Florida Statutes, be accepted.

Having considered the testimony adduced at hearing, the admitted exhibits, the record, and the applicable law,

IT IS HEREBY ORDERED that the Findings of Fact and Conclusions of Law set forth in the Recommended Order are adopted in full as the Department's Findings of Fact and Conclusions of Law in this matter and that:

1. Respondent Donald Whyte shall pay an administrative fine of \$10,000 for violation of Section 489.127(1)(f), Florida Statutes, and \$3,000 for violation of Section 489.531(1), Florida Statutes, for a total fine of \$13,000.

2. All amounts due hereunder are due and payable to the Department of Business and Professional Regulation, Revenue Unit, 1940 North Monroe Street, Tallahassee, Florida 32399-2202 within 30 calendar days of the effective date of this order. Please refer to the case number 2008-035845 when making payment.

4. Respondent shall cease any further unlicensed activity that violates Chapters 455 or 489, Florida Statutes.

5. 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 24<sup>th</sup> day of November 2010.



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Charlie Liem, Secretary  
Department of Business and  
Professional Regulation  
Northwood Center  
1940 North Monroe Street  
Tallahassee, FL 32399-0750

NOTICE OF RIGHT TO JUDICIAL REVIEW

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, Florida Rules of Appellate Procedure, and Section 120.68, Florida Statutes.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Final Order has been provided via U.S. Mail to Donald Whyte, 6811 Thousand Oaks Road, Orlando, Florida 32818 this 2<sup>nd</sup> day of December 2010.

*Brandon M. Nichols*

Brandon Nichols, Deputy Agency Clerk

COPIES FURNISHED:

Reginald Dixon, General Counsel  
Maura M. Bolívar, Chief Attorney  
Division of Regulation, Bureau of Unlicensed Activity  
William F. Quattlebaum, Administrative Law Judge  
Division of Administrative Hearings  
1230 Apalachee Parkway, Tallahassee, FL 32399-3060

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