

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

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	8/25/2011
File #	2011-05740

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,
DIVISION OF FLORIDA CONDOMINIUMS,
TIMESHARES, AND MOBILE HOMES,

Petitioner,

v.

DBPR Docket No: 2009028917
DOAH Case No: 10-6483

CARILLON CONDOMINIUM, INC.,

Respondent

_____ /

FINAL ORDER

Petitioner, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, enters this Final Order adopting the Recommended Order entered by the Administrative Law Judge on August 1, 2011.

On June 25, 2010, Petitioner, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes ("DBPR"), entered a Notice to Show Cause alleging that Respondent, Carillon Condominium, Inc., in violation of Section 718.111(11), Florida Statutes, failed to use its best efforts to obtain and maintain adequate property insurance to protect the association, the association property, the common elements, and the condominium property that must be insured by the association. Respondent disputed the allegations and timely requested a formal hearing.

On July 29, 2010, the case was referred to the Division of Administrative Hearings ("DOAH"), where it was docketed as Case No. 10-6483 and assigned to the Honorable Errol H. Powell, Administrative Law Judge.

Pursuant to Chapter 120.57(1), a hearing was held on October 15, 2010. The procedural history of the proceedings before DOAH are set out by the ALJ in

the Recommended Order, which is attached and incorporated in this Final Order. The ALJ entered a Recommended Order, recommending that the Division enter a Final Order finding that Respondent did not violate section 718.111(11)(d), Florida Statutes, and that the Division rescind the Notice to Show Cause.

FINDINGS OF FACT

1. The Division hereby adopts and incorporates by reference the Findings of Fact numbered 1 through 31 as set forth in the Recommended Order.

CONCLUSIONS OF LAW

2. The Division hereby adopts and incorporates by reference the Conclusions of Law numbered 32 through 47 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 718.111(11)(d), Florida Statutes, is rescinded.

DONE and **ORDERED** this 23 day of August 2011, 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

Attachment: Recommended Order

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 Jill Anne Hillman, Esq., 4640 Lankershim Blvd, Suite 600, N. Hollywood, CA 91602-1818, this 25th day of August 2011.

for: Brandon M. Nichols
Robin McDaniel, Division Clerk

Copies furnished to:

Walter Trierweiler, Esq.

Division of Administrative Hearings