

**STATE OF FLORIDA  
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES**

**FILED**  
OCT 26 P 2:17  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

**RAFAIY ALKHALIFA,** )  
 )  
 **Petitioner,** )  
 )  
 vs. )  
 )  
 **DEPARTMENT OF FINANCIAL** )  
 **SERVICES,** )  
 )  
 **Respondent,** )  
 )  
 **And** )  
 )  
 **ZABIDA HASIN AND FUNERARIA LA** )  
 **CUBANA, INC.,** )  
 )  
 **Interveners.** )

**DOAH Case No. 10-9189**  
**DFS Case No. 111564-10-FC**

**FILED**  
**Bd of Funeral, Cemetery & Consumer Svcs**  
**DATE: 10-24-2011**  
**Initials of DFCCS staffer: DAS**

**FINAL ORDER**

THIS CAUSE came before the BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES (hereinafter referred to as the "Board") pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on October 6, 2011, in Jacksonville, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order, Exceptions to the Recommended Order, and Response to Exceptions to the Recommended Order (copies of which are attached hereto as Exhibits A, B, and C, respectively and incorporated herein by reference) in the above-styled cause. Rafaiy Alkhalifa (hereinafter referred to as the "Petitioner") was not present but was represented by counsel, Wilson Jerry Foster, at the proceedings. The Department of Financial Services (hereinafter referred to as the "Respondent") was represented

by Thomas A. David, Assistant General Counsel. Interveners were neither present nor represented by counsel.

Upon review of the Recommended Order, the argument of the parties, and after a review of the complete record in this case, the Board makes the following findings and conclusions.

### **RULING ON EXCEPTIONS**

The Board reviewed and considered the Petitioner's Exceptions to the Recommended Order and ruled as follows:

1. Petitioner's exception to Finding of Fact enumerated paragraph 26 of the Recommended Order (enumerated paragraph 1 on page 2 of exhibit B) is denied for the reasons set forth in writing and stated by the Respondent.

2. Petitioner's exception to Finding of Fact enumerated paragraph 28 of the Recommended Order (enumerated paragraph 2 on page 2 of exhibit B) is denied for the reasons set forth in writing and stated by the Respondent.

3. Petitioner's exception to Conclusion of Law enumerated paragraph 41 of the Recommended Order (enumerated paragraph 1 on pages 3 - 4 of exhibit B) is denied for the reasons set forth in writing and stated by the Respondent.

4. Petitioner's exception to Conclusion of Law enumerated paragraph 43 of the Recommended Order (enumerated paragraph 2 on page 4 of exhibit B) is denied for the reasons set forth in writing and stated by the Respondent.

5. Petitioner's exception to Conclusion of Law enumerated paragraph 44 of the Recommended Order (enumerated paragraph 3 on page 5 of exhibit B) is denied for the reasons set forth in writing and stated by the Respondent.

**FINDINGS OF FACT**

1. The findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference.
2. There is competent substantial evidence to support the findings of fact.

**CONCLUSIONS OF LAW**

1. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 497, Florida Statutes.
2. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

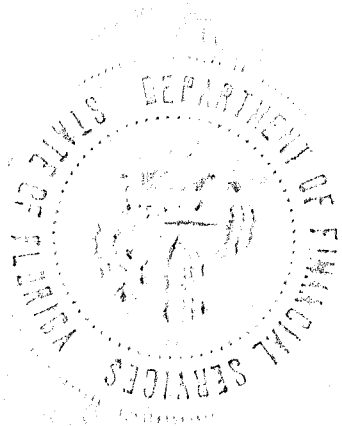
**THEREFORE IT IS ORDERED AND ADJUDGED:**

That the Petitioner's two applications which gave rise to this cause to rename and relocate the funeral establishment licensed under license number F040780 be DENIED.

**DONE AND ORDERED** this 24 day of October, 2011.

BOARD OF FUNERAL, CEMETERY  
AND CONSUMER SERVICES

  
DOUGLAS SHROPSHIRE  
EXECUTIVE DIRECTOR

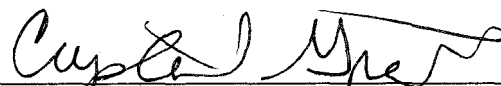


**NOTICE OF APPEAL RIGHTS**

PURSUANT TO SECTION 120.68 FLORIDA STATUTES, A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW UNLESS WAIVED. PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF THE NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF FINANCIAL SERVICES AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEALS, FIRST DISTRICT, OR 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 has been furnished by U.S. Mail to Wilson Jerry Foster, Esq. at 1342 Timberlane Rd., Suite 102-A, Tallahassee, FL 32312 by First-Class U. S. Mail, postage pre-paid, and at foster@wjfoster.com by electronic mail, delivered and read receipts requested: to Claude B. Arrington, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; to Melanie A. Cambridge, Esquire, 444 Brickell Avenue Suite 700, Miami, Florida 33131, to Thomas A. David, Assistant General Counsel, Department of Financial Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0333; Clark R. Jennings, Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050 this 25<sup>th</sup> day of October, 2011.

  
Crystal Grant