

STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
FLORIDA REAL ESTATE COMMISSION

<b>FILED</b>	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	<b>8/16/2011</b>
File #	<b>2011-05484</b>

DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION,  
DIVISION OF REAL ESTATE,

Petitioner,

vs.

Case No. 10-10431PL  
FDBPR Case No. 2008019315

ALEXIS ACOSTA,

Respondent.

FINAL ORDER

THIS CAUSE came on to be heard before the Florida Real Estate Commission ("Commission") pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on July 19, 2011, in Orlando, Orange County, Florida, for the purpose of considering Administrative Law Judge STUART M. LERNER'S Recommended Order in the above styled case. A copy of said Recommended Order is attached hereto and incorporated herein as Exhibit "A."

Respondent was not present, and was not represented by counsel. The Petitioner was represented by Patrick J. Cunningham, Esquire, Senior Attorney for the Department of

Business and Professional Regulation, Division of Real Estate, Orlando, Orange County, Florida. The Commission was represented by Tom Barnhart, Special Counsel, Office of the Attorney General, Tallahassee, Leon County, Florida.

After a review of the complete record in this matter, including consideration of the Administrative Law Judge's 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 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.

5. There is competent, substantial evidence to support the Administrative Law Judge's conclusions of law in Exhibit "A" as amended and adopted by the Commission.

**DISPOSITION**

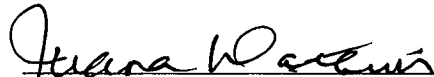
6. The Administrative Law Judge's Recommendation is approved and adopted by the Commission in its entirety.

WHEREFORE, IT IS HEREBY ORDERED and ADJUDGED that:

- (a) Respondent shall pay a fine of \$250.00 within 90 days for violating Rule 61J2-14.008, F.A.C., and thus Section 475.25(1)(e), F.S., and mail to the Division of Real Estate, Zora Neale Hurston Building, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801.
- (b) Respondent's license is on probation for 90 days during which time the Respondent shall take and pass a real estate escrow class of at least 2 hours.
- (c) Count II of the Administrative Complaint is dismissed.

This Final Order shall take effect upon being filed with the Clerk of the Department of Business and Professional Regulation.

DONE and ORDERED this 10 day of August, 2011, by the  
Florida Real Estate Commission.

  
by Juana C. Watkins, 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 Stuart M. Lerner, Administrative Law Judge, Division of Administrative Hearings, The Desoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; Maritere Andreu, Esquire, 1500 Ponce de Leon Boulevard, Suite 410, Coral Gables, Florida 33134; and by inter-office mail to Patrick J. Cunningham, Esquire, 400 West Robinson Street, Suite N801, Orlando, Florida 32801 on this 16<sup>th</sup> day of August, 2011.

Brandon M. Nichols