

<b>FILED</b>	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	6/17/2014
File #	2014-04534

**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.**

**CASE NO. : 13-4244PL  
DBPR CASE NO.: 2012-014294**

**ALFONSO MIRANDA,**

**Respondent.**

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**FINAL ORDER**

**THIS CAUSE** came before the FLORIDA REAL ESTATE COMMISSION (“Commission”) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on May 20, 2014, 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 Daniel Brackett, Esquire, for the Division of Real Estate, Orlando, Orange County, Florida. The Commission was represented by Tom Barnhart, Special Counsel, 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 Petitioner’s Response to Respondent’s Exceptions, 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. Respondent's Exception Number One to the Recommended Order is DENIED for the reasons stated in the Petitioner's Response to Exception Number One.
6. Respondent's Exception Number Two to the Recommended Order is DENIED for the reasons stated in the Petitioner's Response to Exception Number Two .

**DISPOSITION**

7. Upon a complete review of the record, the Commission finds that Respondent

violated Sections 475.42(1)(b), 475.42(1)(d), and 475.25(1)(e),F.S. as set forth in Counts I through III of the Administrative Complaint.


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

1. Respondent is in violation of Counts I through III of the Administrative Complaint;
2. Respondent's license is suspended for 2 years beginning 30 days after the filing date of this Final Order;
3. Respondent shall pay a fine of \$6,000.00 within twelve (12) months of the filing date of this Final Order;

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

**DONE** and **ORDERED** this 10 day of JUNE, 2014.

**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 Samuel B. Reiner, II, Esquire, 9100 S. Dadeland Boulevard, Suite 901, Miami, Florida 33156-7815; Mary Li Creasy, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by interoffice mail to Daniel Brackett, Esquire, 400 W. Robinson Street, Suite 801, North Tower, Orlando, Florida 32801-1757, on this 17<sup>th</sup> day of June, 2014.

Brendon M. Nibbs