

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

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	10/13/2016
File #	2016-07877

**DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION, FLORIDA
REAL ESTATE COMMISSION,**

Petitioner,

vs.

**Case No. 15-6775PL
DBPR Case No. 2014-008506**

BRENDA W. SMITH,

Respondent.

FINAL ORDER

THIS CAUSE came before the FLORIDA REAL ESTATE COMMISSION ("Commission") pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on September 20, 2016, 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 Brande Miller, Esquire, Senior Attorney 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 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 1, 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 Exceptions to the Recommended Penalty were DENIED because they did not comply with Section 120.57(1)(k), F.S.

DISPOSITION

6. Upon a complete review of the record, the Commission finds that Respondent violated Sections 475.25(1)(b) and 475.25(1)(d), Florida Statutes, as set forth in the Administrative Complaint.

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

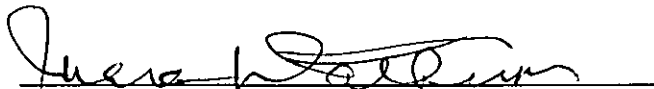
1. Respondent is in violation of Sections 475.25(1)(b) and 475.25(1)(d), F.S.
2. Respondent's license is REVOKED.

3. Respondent shall pay a fine of \$3,500.00 and \$590.70 in costs within 30 days 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 11 day of October, 2016.

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, 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 Final Order has been provided by U.S. Mail to Brenda W. Smith, P.O. Box 15453, Panama City, Florida 32406-8503; James H. Peterson, III, Administrative Law Judge, Division of Administrative Hearings,

The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by
interoffice mail to Brande Miller, Esquire, 400 W. Robinson Street, Suite 801, North Tower,
Orlando, Florida 32801-1757, on this 13th day of October, 2016.

Brandon M. Nichols