

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	3/23/2017
File #	2017-02321

RICARDO LUIS LLORENTE,

PETITIONER,

v.

DOAH CASE No.: 16-5763

DBPR CASE No.: 2016-028720

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

RESPONDENT.

FINAL ORDER

Pursuant to section 120.60(1), Florida Statutes (2015) and Florida Administrative Code Rule 28-106.103, the Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes (“the Division”) enters this Final Order. This cause came before the Division for the purpose of considering the Recommended Order issued by Administrative Law Judge Robert L. Kilbride on February 13, 2017, in DOAH Case No: 16-5763, a copy of which is attached as Exhibit “A.” Robert Luis Llorente (“Petitioner”) filed objections to the Recommended Order, which are attached as Exhibit “B.”

BACKGROUND

On July 13, 2016, the Division issued a Notice of Intent to Deny License in DBPR Case No: 2016-028720, wherein it denied Petitioner’s application for licensure as a yacht salesperson in accordance with chapter 326, Florida Statutes, and Florida Administrative Code Rule 61B-60.003(3)(a). Petitioner timely requested a formal hearing before the Division of Administrative Hearings (“DOAH”) in accordance with chapter 120, Florida Statutes. The Division referred the matter to DOAH where it was docketed as Case No.: 16-5763 and assigned to Administrative

Law Judge Robert L. Kilbride (“ALJ Kilbride”). ALJ Kilbride convened a formal hearing on December 14, 2016, and issued a Recommended Order on February 13, 2017, recommending that the Division enter a final order denying Petitioner’s application.

Petitioner timely filed “objections” to the Recommended Order. After a complete review of the record in this matter, the Division rules as follows:

RULING ON PETITIONER’S OBJECTIONS

The Division accepts Petitioner’s “objections” as “exceptions” to the recommended order contemplated in section 120.57, Florida Statutes. In his “objections,” Petitioner fails to clearly identify any disputed portion of the recommended order by page number or paragraph and fails to identify any legal basis for an exception. Accordingly, the Division declines to rule on Petitioner’s “objections” in accordance with section 120.57(1)(k), Florida Statutes, which provides: “The final order shall include an explicit ruling on each exception, *but an agency need not rule on an exception that does not clearly identify the disputed portion of the recommended order by page number or paragraph, that does not identify the legal basis for the exception, or that does not include appropriate and specific citations to the record.*” (Emphasis added).

FINDINGS OF FACT

ALJ Kilbride’s Findings of Fact 1–89, as set forth by Exhibit “A” are approved, adopted, and incorporated herein by reference. Those findings are supported by competent, substantial evidence.

CONCLUSIONS OF LAW

ALJ Kilbride’s Conclusions of Law 90–115, as set forth in Exhibit “A” are approved, adopted, and incorporated herein by reference.

WHEREFORE, IT IS ORDERED AND ADJUDGED THAT:

1. The Petitioner's application for a Yacht Salesperson's license is DENIED.
2. This order shall become effective on the date of the filing with the Department's

Agency Clerk.

DONE and ORDERED this 22nd day of March, 2017 in Tallahassee, Leon County,

Florida.



MATILDE MILLER, Interim Secretary
Department of Business and Professional
Regulation

A handwritten signature in black ink, appearing to read "K. Stanfield", written over a horizontal line.

Kevin Stanfield, Director
Division of Florida Condominiums,
Timeshares, and Mobile Homes
Department of Business and Professional
Regulation
2601 Blair Stone Road
Tallahassee, Florida 32399

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Final Order has been provided via Electronic Mail to: (1) Ricardo Luis Llorente, c/o Michael R. Karcher, 760 N.E. 7th Avenue, Dania Beach, FL 33004; and by interoffice mail to: (2) Robin Smith, Chief Attorney, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-2202 on this the 23rd day of March, 2017.

Ronda L. Bryan, Agency Clerk



~~Brandy~~ Nichols, Deputy Agency Clerk
Department of Business & Professional Regulation



NOTICE OF RIGHT TO APPEAL UNLESS WAIVED

Unless expressly waived, any party substantially affected by this Final Order may seek judicial review by filing an original Notice of Appeal with the Agency Clerk of the Department of Business and Professional Regulation at 2601 Blair Stone Road, Tallahassee, Florida 32399-2202 (agc.filing@myfloridalicense.com), and a copy of the notice, accompanied by the filing fees prescribed by law, with the clerk of the appropriate District Court of Appeal within thirty (30) days of rendition of this order, in accordance with Rule 9.110, Fla. R. App. P., and section 120.68, Florida Statutes.