

**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	8/4/2017
File #	2017-06224

**AMBEY SINGH,**

**Petitioner,**

**vs.**

**DOAH Case No. 16-5873**

**FLORIDA REAL ESTATE COMMISSION,**

**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 June 21, 2017, 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 Respondent timely filed exceptions to the Recommended Order, to which Petitioner filed no response. A copy of said Respondent's Exceptions to the Recommended Order is attached hereto and incorporated herein as Exhibit "B". The Petitioner did not file exceptions to the Recommended Order.

The Petitioner was represented by Daniel Villazon, Esquire, of Orlando, Orange County, Florida. The Commission was represented by Assistant Attorney General Tom Barnhart, Esquire, of 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. Except as otherwise set forth below, the Administrative Law Judge's findings of fact as set forth in the Exhibit "A" are hereby 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. Except as otherwise set forth below, the Administrative Law Judge's conclusions of law as set forth in Exhibit "A" are reasonable and are hereby approved, adopted, and incorporated herein by reference.

### **EXCEPTIONS**

5. For the reasons set forth in Exhibit "B", the Commission grants Respondent's Exception Number One and strikes the third and fourth sentences of paragraph 16 of the Recommended Order.
6. For the reasons set forth in Exhibit "B", the Commission grants Respondent's Exception Number Two and strikes paragraph 36 from the Recommended Order.
7. The Commission partially grants Respondent's Exception Number Three. The Commission adds the following language to the end of paragraph 37 of the Recommended Order: "However, under the plain and unambiguous statutory language, Sections 475.25 and 455.227 give the Commission full authority to refuse a petition for license as a Sales Associate

based on the revocation of her license back in 2002.” The Commission finds that its interpretation of the law is as or more reasonable than that of the Administrative Law Judge.

8. The Commission partially grants Respondent's Exception Number Four. The Commission adds the following language to the end of paragraph 38 of the Recommended Order: “However, once again, under the plain and unambiguous statutory language, Sections 475.25 and 455.227 give the Commission full authority to refuse a petition for license as a Sales Associate based on the revocation of her license back in 2002.” The Commission finds that its interpretation of the law is as or more reasonable than that of the Administrative Law Judge.

9. The Commission grants Respondent’s Exception Number Five and strikes paragraph 39 of the Recommended Order. Paragraph 39 constitutes a non-binding recommendation that the Commission declines to accept for the reasons set forth in Exhibit “B” and delineated by the Commission at its hearing of this cause.

10. The Commission denies Respondent’s Exception Number Six regarding paragraph 40 of the Recommended Order. However, The Commission does change the word “penalty” in that paragraph to “outcome,” as the case arose from a license denial instead of disciplinary action against a current licensee.

11. The Commission acknowledges Respondent’s Exception Number Seven to the Administrative Law Judge’s Recommendation insofar as it argues the recommended outcome is not appropriate.

### **DISPOSITION**

The Administrative Law Judge’s Recommendation to grant Petitioner’s license application is rejected. The Administrative Law Judge held in the Recommended Order that the Commission met its burden in proving the specific grounds and the legal basis for seeking to

deny Petitioner's application for licensure as a real estate sales associate. Accordingly, the Commission reaffirms its original determination.

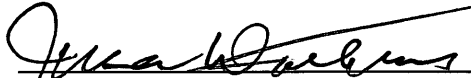
**WHEREFORE**, it is hereby **ORDERED** and **ADJUDGED** that:

Petitioner's license application is DENIED.

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

**DONE** and **ORDERED** this 19 day of July, 2017.

**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 Daniel Villazon, Esquire, Daniel Villazon, P.A., 5728 Major Boulevard, Suite 535, Orlando, Florida 32819-7962; J. Bruce Culpepper, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; Joshua N. Kendrick, Chief Attorney, Division of Real Estate, 2601 Blair Stone Road, Tallahassee, Florida 32399-2202; and to Tom Barnhart, Special Counsel, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050, on this 4<sup>th</sup> day of August, 2017.

  
Office of Agency Clerk