

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

EARRON SHIELDS,

Petitioner,

vs.

Case No. 19-0132

**DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,
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 August 21, 2019, in Orlando, 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." Petitioner filed written exceptions to the Recommended Order within the prescribed time period. A copy of said Exceptions is attached hereto and incorporated herein as Exhibit "B."

The Petitioner was present and was represented by legal counsel, Alejandro Marriaga, Esq. The Respondent was represented by Lawrence Harris, Esq., Senior Assistant Attorney General. The Commission was represented by Merribeth Bohanan, Esq., Deputy Chief Attorney, Department of Business and Professional Regulation. 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.

RULING ON MOTION TO VACATE AND WITHDRAW APPLICATION

As a preliminary matter, Petitioner made an *ore tenus* motion to vacate the Notice of Intent to Deny and allow Petitioner to voluntarily withdraw the application for licensure. After considering the argument of counsel and being otherwise advised in the premises, the Commission voted to DENY the motion and to proceed with the statutory process for entry of a Final Order.

RULINGS ON EXCEPTIONS

1. Exception 1: The Commission rejected Respondent's Exception 1. The conclusion is supported by the record, and the Commission agrees with the Administrative Law Judge's conclusion of law.

2. Exception 2: The Commission rejected Respondent's Exception 2. The conclusion is supported by the record, and the Commission agrees with the Administrative Law Judge's conclusion of law.

FINDINGS OF FACT

3. The Administrative Law Judge's findings of fact as set forth in Exhibit "A" are approved, adopted and incorporated herein by reference.

4. There is competent, substantial evidence to support the Administrative Law Judge's findings of fact as adopted by the Commission.

CONCLUSIONS OF LAW

5. 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.

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6. The Administrative Law Judge's conclusions of law as set forth in Exhibit "A." are approved, adopted and incorporated herein by reference.

DISPOSITION


7. Upon a complete review of the entire record, the findings of fact and conclusions of law, the Commission approves and adopts the recommendation of the Administrative Law Judge regarding final action on Petitioner's application for licensure. It is, therefore

ORDERED and **ADJUDGED** that the application for licensure as a Florida Real Estate Sales Associate of EARRON SHIELDS is **DENIED**.

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

DONE and **ORDERED** this 25 day of February, 2020.

FLORIDA REAL ESTATE COMMISSION


By: Lori Crawford
Executive Director
Florida Real Estate Commission

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. or Electronic Mail to Earron Shields, Petitioner, c/o Alejandro Marriaga, Esq., GM Law Firm, 1707 Orlando Central Parkway, Suite 420, Orlando, Florida 32809; D. R. Alexander, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; Claudia Llano, Clerk, Division of Administrative Hearings; Merribeth Bohanan, Esquire, Deputy Chief Attorney, Division of Real Estate, DBPR, 2601 Blair Stone Road, Tallahassee, FL 32399, Merribeth.Bohanan@myfloridalicense.com; and to Lawrence Harris, Senior Assistant Attorney General, Office of the Attorney General, Lawrence.harris@myfloridalegal.com, on this 26th day of February, 2020.