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**FLORIDA DEPARTMENT OF AGRICULTURE
AND CONSUMER SERVICES**

MICHAEL WARREN,
Petitioner,

DOAH CASE NO: 21-0136
FDACS CASE NO: 1910-38602
Agency Clerk No: B23480

vs.

**LUXURY VACATIONS IN PARADISE INC.,
AND AMERICAN CONTRACTORS INDEMNITY
COMPANY, AS SURETY,**

Respondents.

_____ /

FILED
2021 JUL 15 AM 10:58
DIVISION OF
ADMINISTRATIVE HEARINGS

FINAL ORDER

THIS CAUSE, arising under the Florida Sellers of Travel Act, (Act), Section 559.926-559.939, Florida Statutes (F.S.), came before the Commissioner of Agriculture of the State of Florida, as head of the Department of Agriculture and Consumer Services (Department), for consideration and final agency action.

I. PRELIMINARY STATEMENT

The Petitioner, Michael Warren (Petitioner) in the above-captioned matter, filed a claim against Luxury Vacations in Paradise, Inc., and American Contractors Indemnity Company, as Surety (Respondents) totaling \$7,593.00. The Respondents responded to the claim and requested a formal hearing.

The Department referred this matter to the Division of Administrative Hearings for an administrative hearing in accordance with the provisions of Section 120.57(1), Florida Statutes. A hearing was held on March 12, 2021, and the Administrative Law Judge (ALJ) entered a

Recommended Order on April 9, 2021, a copy of which is attached hereto and incorporated herein. Neither party filed written exceptions.

The Record consists of all notices, pleadings, motions, intermediate rulings, evidence admitted and matters of official recognition, proposed findings, stipulations of the parties and the Recommended Order. No transcript of the final hearing was ordered.

II. FINDINGS OF FACT

1. The Findings of Fact set forth in paragraphs 1-35 of the Recommended Order are supported by competent, substantial evidence and the Department adopts the ultimate findings of fact set forth in the attached Recommended Order of the ALJ and incorporates them by reference.

III. CONCLUSIONS OF LAW

1. The Department has jurisdiction over the subject matter of and the parties to this proceeding pursuant to Chapter 120, F.S. and the Act.

2. The Conclusions of Law set forth in paragraphs 36-42 of the Recommended Order are supported by law and the Department adopts the Conclusions of Law set forth in the attached Recommended Order of the ALJ and incorporates them by reference.

Upon consideration of the foregoing, review of the record, and being otherwise fully advised in the premises,

IT IS ORDERED AND ADJUDGED that:

The claim of Petitioner, Michael Warren, against the Respondents, Luxury Vacations in Paradise, Inc., and American Contractors Indemnity Company, as Surety, in the amount of \$7,593.00, is DENIED.

Done and Ordered this 6th day of July, 2021.

**NICOLE "NIKKI" FRIED
COMMISSIONER OF AGRICULTURE**

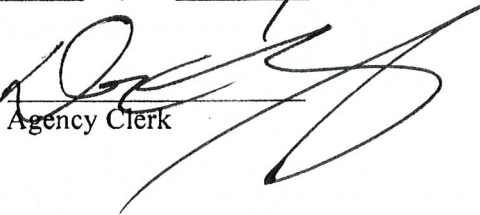


**MATTHEW VAN NAME
ASSISTANT COMMISSIONER OF AGRICULTURE**

NOTICE OF RIGHT TO JUDICIAL REVIEW

Any party to these proceedings adversely affected by this Final Order is entitled to seek judicial review of this Final Order pursuant to Section 120.68, Florida Statutes, and Rule 9.110, Florida Rules of Appellate Procedure. Judicial review proceedings must be instituted by filing a Notice of Appeal with the Department's Agency Clerk, 407 South Calhoun Street, Suite 509, Tallahassee, Florida, 32399-0800, within thirty (30) days of rendition of this order. A copy of the Notice of Appeal must be filed with the Clerk of the appropriate District Court of Appeal accompanied by any filing fees prescribed by law.

Rendered, this 7th day of July, 2021.



Agency Clerk

Copies Furnished to:

Honorable Lawrence P. Stevenson, Administrative Law Judge, Division of Administrative Hearings,
The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060

Blake Adams
Luxury Vacations in Paradise, Inc.
#219
5379 Lyons Road
Coconut Creek, Florida 33073

Michael Cole Warren
2869 Highland View Circle
Clermont, Florida 34711

Garen H. Kasparian, Esquire
American Contractors Indemnity Company
801 South Figueroa Street
Los Angeles, California 90017