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<small>Department of Business and Professional Regulation</small>	
<small>Deputy Agency Clerk</small>	
CLERK	Brandon Nichols
Date	4/20/2009
File #	2009-02801

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

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

Petitioner,

v.

CASE NO. 2008026593

PLAZA COURT, LP,

Respondent.

_____ /

CONSENT ORDER

Petitioner, the State of Florida, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes (hereinafter the Division), and Respondent, Plaza Court, LP (hereinafter the Respondent), stipulate and agree to the terms and issuance of this Consent Order, pursuant to sections 120.57 and 718.501, Florida Statutes, as follows:

PRELIMINARY STATEMENT

1. The Division is the state "agency," as that term is defined by section 120.52, Florida Statutes, that is statutorily responsible for enforcement of the Florida Condominium Act, chapter 718, Florida Statutes.

2. The Division has investigated the Respondent for certain alleged violations of chapter 718, Florida Statutes, in Division investigative file number 2008026593.

3. The Respondent desires to resolve this investigation without formal administrative or judicial proceedings that might be available.

4. The Respondent and the Division agree that the statutory citations referenced in this Consent Order are intended to reference the correct statutory citations for the year(s) in which the violation(s) occurred as well as the Division's proper enforcement authority, and that any errors in such statutory citations are not substantive or prejudicial to either party.

5. The Respondent neither admits nor denies the allegations, but enters into this Consent Order to avoid further litigation costs.

STATEMENT OF FACTS

1. The Division is the state agency charged with enforcing Chapter 718, Florida Statutes, the Condominium Act, and the administrative rules promulgated thereunder.

2. Solaire at the Plaza Condominium is a "residential condominium," as that term is defined in section 718.103(23), Florida Statutes, containing 305 residential units located in Orange County, Florida.

3. Solaire at the Plaza Condominium Association, Inc. (hereinafter the Association), is the condominium "association," as that term is defined in section 718.103(2), Florida Statutes, that operates Solaire at the Plaza Condominium.

4. At all times material hereto, the Respondent was a "developer," as that term is defined in section 718.103(16), Florida Statutes, of Solaire at the Plaza Condominium. The Respondent controlled the Association and was responsible for the Association's operations, duties, and responsibilities under chapter 718, Florida Statutes, and the Association's governing documents.

5. The Respondent failed to deliver to a purchaser all amendments to the documents prior to closing but no later than 10 days after the amendment. Specifically, the Respondent amended the condominium documents in February and June of 2007 but did not deliver copies of these amendments to a purchaser who had not closed on his unit at the time these amendments were filed.

6. There is competent substantial evidence to support the foregoing facts.

CONCLUSIONS OF LAW

1. The Division has jurisdiction over these proceedings pursuant to chapters 120 and 718, Florida Statutes, and is authorized to enter into this Consent Order, assess civil penalties, and consider evidence of mitigation of violations, pursuant to sections 120.57 and 718.501(1)(d), Florida Statutes.

2. The Respondent failed to deliver to a purchaser all amendments to the documents prior to closing but no later than 10 days after the amendment in violation of section 718. 502(3), Florida Statutes (2007) and rule 61B-18.001(4), Florida Administrative Code

3 The Division finds that there is competent substantial evidence to support the foregoing conclusions of law

AGREEMENT

1. Civil Penalty and other relief:

(a) The Respondent shall remit to the Division a civil penalty in the amount of THREE THOUSAND AND FIFTY DOLLARS AND NO CENTS (\$3,050.00) by certified check, cashier's check, or money order made payable to **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION** as a condition precedent to the Division's execution of this Consent Order

(b) The Respondent shall provide documentation that all purchasers have been delivered all amendments to the documents within 30 days of entering into this consent order

(c) Respondent agrees to maintain its copy of this Consent Order as part of the Association's official records, in accordance with section 718.111(12), Florida Statutes and rule 61B-23.002(7)(b), Florida Administrative Code.

(d) Respondent agrees that all items it has agreed to remit, provide, submit, or in any way furnish to the Division shall be sent by certified mail, return-receipt requested to the following address.

Bureau of Compliance
Division of Florida Condominiums, Timeshares, and Mobile Homes
Department of Business and Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-1033

(e) Respondent agrees that its duties pursuant to this Consent Order shall not be discharged until all items that the Respondent has agreed to remit, provide, submit, or in any way furnish to the Division have actually been received by the Division at the address above.

2. **Attorney's fees and prevailing party.** The Division and the Respondent agree that the Respondent, through the rendition of this Consent Order, is not a "prevailing small business party" as that term is defined by section 57 111, Florida Statutes, and it is mutually agreed that the Respondent shall bear its own costs and attorney's fees that are in any way associated with this action.

3. **Cease and Desist.** The Respondent agrees to cease and desist from any and all violations of chapter 718, Florida Statutes, and the Division's administrative rules.

4. **Duress.** The Respondent acknowledges and agrees it has entered into this Consent Order without duress and for the uses and purposes stated in this order.

5. **Effectiveness.** This Consent Order is effective on the last date executed below and upon its issuance it shall be a final administrative order. This Consent Order is fully enforceable by the Division under the provisions of sections 120.69 and 718.501, Florida Statutes.

6. **Failure to Comply.** As acknowledged and agreed between the Division and the Respondent, this Consent Order is directly enforceable by petition to the Circuit Court of Leon County, Florida, as provided by section 120.69, Florida Statutes. For any violation by the Respondent of the provisions of this Consent Order, the Respondent understands the Division shall bring such action as is necessary to seek compliance with chapter 718, its administrative rules, and the provisions of this Consent Order. This Consent Order does not constitute a waiver of the rights of the Respondent to a contested hearing on any subsequent alleged violation of this order.

7 **Future actions.** Nothing in this order shall be construed to waive or restrict the Division's right to initiate any action against the Respondent pursuant to chapters 120 and 718, Florida Statutes, including, but not limited to, administrative or civil action or referral for criminal prosecution if facts or information not presently known or available to the Division come to its attention subsequent to the execution of this Consent Order. The Division expressly reserves all rights to pursue such remedies should a cause of action exist. This agreement shall be binding upon the parties, their successors, and assigns.

8. **Releases.** Respondent waives, releases, and forever discharges the Division and its employees, agents, and representatives from any and all causes of action in law or in equity, which the Respondent may have arising out of this administrative proceeding. The Division accepts this release and waiver by the Respondent without in any way acknowledging or admitting that any such cause of action does or may exist.

9. **Time.** Time is of the essence in this Consent Order.

10. **Waivers.** The Respondent knowingly and voluntarily waives:

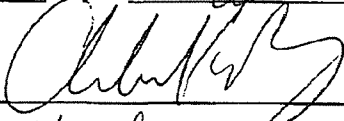
(a) any right to an administrative hearing provided by chapters 120 and 718, Florida Statutes;

(b) any right to the issuance of a recommended order by an administrative law judge from the Division of Administrative Hearings or from the Division; and

(c) any and all rights to object to or challenge in any judicial proceeding, including but not limited to, an appeal pursuant to section 120.68, Florida Statutes, any aspect, provision, or requirement concerning the content, issuance, procedure or timeliness of this Consent Order.

11. **Entire Agreement.** This Consent agreement embodies the whole agreement of the parties. There are no promises, terms, conditions, or agreements other than those contained herein and this document shall supersede all previous communications, representations, and/or agreements whether written or verbal, between the parties hereto.

WHEREFORE, the Respondent, Plaza Court, LP, by its duly authorized representative, Charles K. Barnes, pursuant to the following certified resolution agrees to the terms, conditions, and issuance of this Consent Order on this 1 day of April, 2009.



Vice President

(Title)


Charles K. Barnes, V.P.

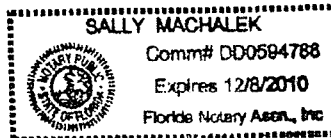
(Type or Print Name and Title)

State of Florida
County of Orange

THE FOREGOING INSTRUMENT, CONSENT ORDER, WAS ACKNOWLEDGED BEFORE ME THIS 1 DAY OF April, 2009. BY Charles K Barnes WHO PRODUCED IDENTIFICATION IN THE FORM OF Personally Known WHICH WAS EXAMINED BY ME, AND WHO (DID)/(DID NOT) TAKE AN OATH, AND ACKNOWLEDGE THAT HE/SHE IS THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT.

(SEAL)

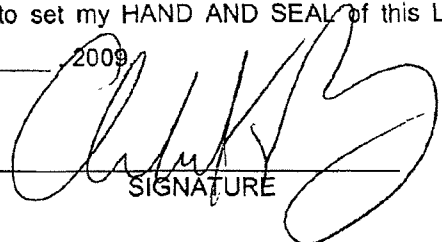
, Notary Public
State of Florida.
My Commission Expires:



RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, THAT ON _____, 2009,
a meeting of the partners of Plaza Court, LP was held pursuant to legal notice and that the signature
appearing on this Consent Order, executed in Case No. 2008026593, on behalf of this Limited
Partnership, is that of someone duly authorized, empowered, and directed to execute the Consent
Order on behalf of the Limited Partnership and who is further empowered to execute any other
documents necessary to fulfill the intent of the Consent Order.

IN WITNESS WHEREOF, I have hereunto set my HAND AND SEAL of this Limited
Partnership this 15th day of April, 2009.



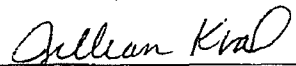
SIGNATURE

SEAL



REPRESENTATIVE/ATTORNEY

Amanda L. Chapman
Greenspoon, Vander, P.A.
201 E. Pine Street, #500
Dalton, FL 32801
407-425-6559
(Address, Telephone)



CONTACT PERSON

3708 W. Swann Ave
104
Jampa, FL 33609
(Address, Telephone)
813-254-7875

DONE AND ORDERED in Tallahassee, Leon County, Florida this 15th day of April, 2009.



Michael T. Cochran

Michael T. Cochran, Director
Division of Florida Condominiums,
Timeshares, and Mobile Homes
Department of Business and
Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-1030

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Consent Order has been furnished by U. S. Certified Mail to David Lenox, Greenspoon Marder, PA, Registered Agent of Respondent, Capital Plaza I, 201 E. Pine St., Suite 500, Orlando, FL 32801 this 20th day of April, 2009.

for: Brandon M. Nichols
ROBIN MCDANIEL, DOCKET CLERK

Copies furnished to:

Steven Maners
Investigator
Bureau of Compliance

Plaza Court, LP