

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

FLORIDA DEPARTMENT OF BUSINESS
AND PROFESSIONAL REGULATION,
DIVISION OF REAL ESTATE

Petitioner,

vs.

FDBPR Case No. 96-84717
97-81861

ARMAND W. GROSSMAN
T/A ARMAND GROSSMAN PROPERTIES,

Respondent.

STIPULATION

Petitioner, the Florida Department of Business and Professional Regulation, Division of Real Estate ("DBPR"), and Respondent, ARMAND W. GROSSMAN, T/A ARMAND GROSSMAN PROPERTIES, hereby stipulate and agree to the issuance of a Final Order by the FLORIDA REAL ESTATE COMMISSION ("FREC"), adopting and incorporating the provisions of this stipulation as final agency action in this cause.

STIPULATED FACTS AND CONCLUSIONS OF LAW

1. Respondent, ARMAND W. GROSSMAN, T/A ARMAND GROSSMAN PROPERTIES, is and was, at all times material hereto, a Florida licensed real estate broker, and holder of license number 0034501. The DBPR last issued a license to Respondent as a broker %16100 Kingsmoor Way, Miami Lakes, Florida 33014 in accordance with Chapter 475, Fla. Stat.

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Complaint, copy attached, which charges the Respondent with having violated certain provisions of Chapters 455 and 475, *Fla. Stat.* and/or the Rules of Administrative Code 61J2.

4. Respondent neither admits nor denies the factual allegations contained in the Administrative Complaint nor that such allegations constitute a violation(s) of the count(s) it charges.

5. Respondent shall not in the future violate Chapters 455 or 475, *Fla. Stat.*, or the Rules promulgated pursuant thereto.

6. This Stipulation shall become effective immediately upon filing of the Final Order (hereinafter referred to as the "Effective Date"). All dates referenced herein shall commence to run on the Effective Date.

STIPULATED DISPOSITION

7. Petitioner shall dismiss Counts I, II and III of the Administrative Complaint.

8. Respondent shall make restitution in the amount of \$1,000 to Cathy McKinney within three (3) months from the Effective Date herein and provide proof of payment to the Department of Business and Professional Regulation of payment thereof.

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9. Respondent shall pay a fine of \$500.00. Respondent shall pay the fine by check made payable to the Department of Business and Professional Regulation, Division of Real Estate, within six (6) months from the Effective Date herein.

10. Respondent shall be placed on probation for a period of six months from the Effective Date herein, during which period Respondent shall provide original evidence of satisfactory completion of the 30-hour broker management course. Should Respondent complete the educational requirement before the conclusion of the six month probation term and provide satisfactory proof thereof, the probation shall be terminated. The education herein is in addition to the hours required to maintain the real estate license. FREC will consider no requests or petitions for extensions of time to complete the education outlined herein.

11. Noncompliance with the terms of the Stipulation shall result in the suspension of Respondent's licenses, registrations, certificates, and permits until compliance is made and proof of compliance is submitted to the DBPR. The suspension period shall not exceed ten (10) years. Reinstatement will be effective as of the date on which complete proof of compliance is received, and reinstatement requires submission of proper forms, which may include Form 400.3 and/or Form 400.5.

12. The FREC News and Report shall publish the action reflected in the Final Order as follows:

Miami Lakes: Armand W. Grossman, t/a Armand Grossman Properties, broker, \$1,000 restitution, fined \$500 and costs, 6 mos. probation, and 30-hr. broker mgmt. course during probation; advertised a trade name as if licensed without registering it with the Commission.

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13. The parties understand that this Stipulation is subject to the approval of DBPR and of FREC, and that in the event of its disapproval, it shall have no further force and effect.

14. Respondent has executed this Stipulation for the purpose of avoiding further administrative action by DBPR with respect to this cause. Respondent authorizes FREC to review and examine all DBPR investigative materials prior to or in conjunction with consideration of this Stipulation. Further, in the event this Stipulation is disapproved, Respondent agrees that examination of any documents or records related thereto shall not be deemed to have unfairly prejudiced DBPR, FREC or any of its members, nor shall it disqualify any of them from further participation in the resolution of this cause.

15. Respondent agrees that Petitioner may, at any time subsequent to the acceptance of this Stipulation by FREC, conduct further investigation, including audits of the Respondent's trust accounts. Respondent further agrees that Petitioner shall have all rights and authority as provided by law to insure compliance with Chapters 455 and 475, *Fla. Stat.*, and the Rules promulgated pursuant thereto. Respondent further agrees that this Stipulation may be considered by DBPR and FREC in connection with any future disciplinary proceeding.

16. The parties understand that this Stipulation and any final order adopting and incorporating its terms shall not preclude or deter other disciplinary proceedings by DBPR or FREC against Respondent for acts or omissions unrelated to those set forth in the Administrative Complaint herein.

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17. Respondent hereby waives all notice requirements and right to seek terms of this Stipulation or any resulting final order of FREC adopting and incorporating the same.

18. All parties hereto shall bear their own attorney's fees and costs incurred in connection with this cause.


19. Should Respondent withdraw from or in any way manner cancel, annul, alter, repudiate, or revoke the terms of this Stipulation prior to presentation or consideration by FREC, Respondent agrees to waive all rights he may have to seek attorney's fees and costs incurred as the result of the disciplinary proceeding up to and including the date of his withdrawal from the settlement Stipulation or the date of his attempt to alter, change, annul, repudiate, or revoke the terms of this Stipulation.

20. There has not been prior disciplinary action taken by FREC against the Respondent.

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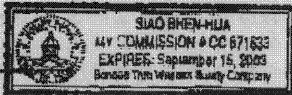
EXECUTED this 1 day of SEPTEMBER, 2000.


Arnold W. Grossman
1/3 Arnold Grossman Properties
Respondent

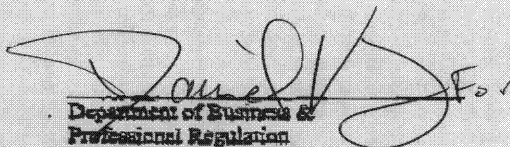
BEFORE ME the undersigned authority, this 1st day of September, 2000 personally appeared _____ who is personally known to me or who has produced Florida Driver License and who swore and subscribed to the foregoing.



NOTARY PUBLIC
State of Florida at Large
My Commission Expires:



APPROVED this 21st day of September, 2000.


Department of Business & Professional Regulation
By: Herbert S. Fecker, Jr.
Director, Division of Real Estate

NPC/jk