

VOTE SHEET

April 21, 2009

Docket No. 090086-TS – Compliance investigation of Roberta L. Marcus, Inc. d/b/a The Marcus Centre, for apparent violation of Rule 25-24.565, F.A.C., Certificate of Public Convenience and Necessity Required.

Issue 1: Should the Commission impose a penalty in the amount of \$25,000 upon Roberta L. Marcus d/b/a The Marcus Centre for its apparent violation of Rule 25-24.565, F.A.C., Certificate of Public Convenience and Necessity Required?

Recommendation: Yes, the Commission should impose a penalty in the amount of \$25,000 upon Roberta L. Marcus d/b/a The Marcus Centre for its apparent violation of Rule 25-24.565, F.A.C., Certificate of Public Convenience and Necessity Required.

DEFERRED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

03750 APR 23 8

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Issue 2: Should this docket be closed?

Recommendation: The Order issued from this recommendation will become final and effective upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest that identifies with specificity the issues in dispute, in the form provided by Rule 28-106.201, Florida Administrative Code, within 21 days of the issuance of the Proposed Agency Action Order. As provided by Section 120.80(13) (b), Florida Statutes, any issues not in dispute should be deemed stipulated. If The Marcus Centre fails to timely file a protest and request a Section 120.57, Florida Statutes, hearing, the facts should be deemed admitted, the right to a hearing waived, and the penalty should be deemed assessed. If payment of the penalty is not received within fourteen (14) calendar days after the issuance of the Consummating Order, the penalty should be referred to the Department of Financial Services for collection, and the company should be required to immediately cease and desist providing shared tenant services in Florida. This docket should be closed administratively upon The Marcus Centre obtaining a STS certificate and payment of the penalty, or upon the referral of the penalty to the Department of Financial Services.

DEFERRED