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**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

**DEPARTMENT OF FINANCIAL
SERVICES,**

Petitioner,

**Case Nos. 10-2442
 10-2443**

vs.

**ADALBERTO LUIS SOTERO and
FALCONTRUST GROUP, INC.,**

Respondents.

**RESPONDENTS' MOTION FOR LEAVE TO FILE BRIEF REPLY TO
PETITIONER'S POST-FINAL-HEARING SUBMISSIONS**

Having received DFS's Proposed Recommended Order and post-hearing memorandum of law, Respondents move for leave to file a brief response, not more than three pages in length, on or before September 10, 2010. In support thereof, Respondents state:

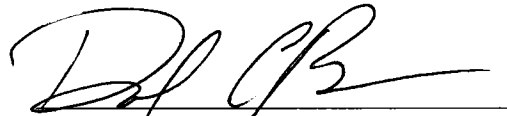
1. DFS proposes a finding of fact at page 6, paragraph 5 of its Proposed Recommended Order, which Respondents could not anticipate and respond to earlier, since DFS did not present any factual or legal argument at hearing or before the deadline for Respondents to make their post-hearing filings. Respondents believe this proposed finding misapplies the doctrine of res judicata or collateral estoppel.
2. DFS proposes conclusions of law at page 7, paragraphs 5 and 6 of its Proposed Recommended Order that are based in part on DFS's post-hearing Memorandum of Law arguing "exclusive jurisdiction to enforce public rights." Since DFS did not present any factual or legal argument at hearing or before the deadline for Respondents to make their

post-hearing filings, Respondents could not anticipate such argument and have had no fair opportunity to respond.

3. DFS seeks substantial penalties against Respondents. In fairness, Respondents should be allowed a brief response.
4. The undersigned has conferred with counsel for Petitioner, and states that Petitioner opposes the procedural relief sought herein, although Respondents originally proposed that both Petitioner and Respondents be allowed a brief, three-page reply to each other's September 7 post-hearing submittals.

WHEREFORE, Respondents request that the Division grant this motion.

Respectfully submitted,

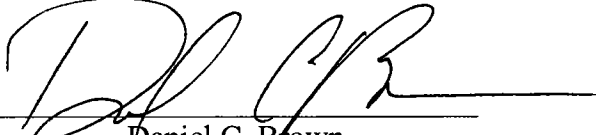
A handwritten signature in black ink, appearing to read 'Daniel C. Brown', is written over a horizontal line.

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ATTORNEYS FOR RESPONDENTS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on September 8, 2010, a true and correct copy of the foregoing was delivered by telephone facsimile transmission and U.S. Mail to James A Bossart, Assistant General Counsel, Florida Department of Financial Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, FL 32399.


Daniel C. Brown

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