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APPENDIX A

Fourth District Court of Appeal Per Curiam Affirmance

April 30, 2026

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA

FOURTH DISTRICT

CHARLES F. CHELEDEN,

Appellant,

v.

STATE OF FLORIDA, DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, COMMUNITY ASSOCIATION MANAGEMENT,

Appellee.

No. 4D2025-1015

[April 30, 2026]

Appeal from the State of Florida, Department of Business and Professional Regulation; Community Association Management, L.T. Case Nos. DBPR #2020-046642 and 2020-052266.

Charles F. Cheleden, Deerfield Beach, pro se.

Matthew Mears, Chief Appellate Counsel, Department of Business and Professional Regulation, Tallahassee, for appellee.

PER CURIAM.

Affirmed.

CIKLIN, GERBER and LOTT, JJ., concur.

* * *

Not final until disposition of timely-filed motion for rehearing.

APPENDIX B

DBPR Final Order and Incorporated Hearing Officer Recommended Order

Final Order filed March 10, 2025; Recommended Order dated January 31, 2025

STATE OF FLORIDA

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, Petitioner, v. CHARLES F. CHELEDEN, Respondent.

Case Nos. 2020-046642; 2020-052266

FINAL ORDER

The Department of Business and Professional Regulation ("Department") hereby enters this Final Order for the above-styled matter. On January 13, 2025, Andrew Fier, the designated Hearing Officer for the Department, presided over an Informal Hearing in this case and issued a Recommended Order herein. That Recommended Order is attached to this Final Order as incorporated herein by reference.

FINDINGS OF FACT

The Findings of Fact set forth in the Recommended Order are hereby adopted as the Findings of Fact of the Department.

CONCLUSIONS OF LAW

The Conclusions of Law included in the Recommended Order are hereby adopted as the Conclusions of Law of the Department.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law as adopted from the Recommended Order, it is hereby ORDERED that:

1. Respondent shall pay an administrative fine in the amount of $1,000.00 and Departmental investigative costs in the amount of $650.30 for a total amount due of $1,650.30. Respondent is required to make this payment within 120 days of the

effective date of this Final Order. Payment shall be in the form of a cashier's or certified check made payable to the Department of Business and Professional Regulation and mailed directly to the Department of Business and Professional Regulation, Revenue Unit, 2601 Blair Stone Road, Tallahassee, Florida 32399-2202. This case number must be clearly referenced when making payment.

2. Respondent's license, license number CAM34177 is Revoked.

3. This Final Order shall be effective as of the date of filing with the Department's Agency Clerk.

DONE and ORDERED this 7th day of March, 2025, in Tallahassee, Leon County, Florida.

/s/ Thomas Campbell

Thomas Campbell, Division Director

Department of Business and Professional Regulation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail this 10th day of March, 2025, to Charles F. Cheleden, 109 SE 13 Street, Deerfield Beach, FL 33441.

Copies furnished to: Andrew Fier, Agency Hearing Officer; Alvan Balent, Assistant General Counsel; Thomas Campbell, Division Director of Professions.

NOTICE OF RIGHT TO JUDICIAL REVIEW

A party who is adversely affected by this Final Order is entitled to judicial review pursuant to section 120.68, Florida Statutes. Review proceedings are governed by Rules 9.110 and 9.190, Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Department of Business and Professional Regulation, Attn.: Ronda L. Bryan, Agency Clerk, 2601 Blair Stone Road, Tallahassee, Florida 32399-2203; and a second copy, accompanied by the filing fees prescribed by law, with the First

District Court of Appeal, or with the district court of appeal in the Florida appellate district where the party resides. The Notice of Appeal must be filed within 30 days of the rendition of this Final Order.

INCORPORATED HEARING OFFICER'S RECOMMENDED ORDER

STATE OF FLORIDA

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, Petitioner, v. CHARLES F. CHELEDEN, Respondent.

Case Nos. 2020-046642; 2020-052266

HEARING OFFICER'S RECOMMENDED ORDER

THIS MATTER came before the Secretary's designated Hearing Officer, Andrew R. Fier, for the Department of Business and Professional Regulation ("Department") in a hearing on January 13, 2025, in Tallahassee, Florida, in accordance with the provisions of section 120.57(2), Florida Statutes, for consideration of the Department's Second Amended Administrative Complaint. The section 120.57(2), Florida Statutes, hearing was held in accordance with the Hearing Officer's Order Granting Petitioner's Motion for Informal Hearing, which was granted on September 19, 2024. Respondent objected to the hearing. Alvan Balent represented the Department. Respondent represented himself. The Petitioner and Respondent's Proposed Recommended Orders were considered herein.

FINDINGS OF FACT

1. Respondent is licensed as a Community Association Manager in the State of Florida, having been issued license number CAM 34177. As a Community Association Manager, Respondent's license is subject to the Department's jurisdiction, including oversight pursuant to Chapters 455 and 468, Florida Statutes, and the associated provisions of the Florida Administrative Code.

2. Respondent was the licensed Community Association Manager for Pointe South Condominium, Inc., ("Association") a Condominium Association in Palm Beach County, Florida, in or about September of 2020.

3. On or about September 28, 2020, Respondent, while acting in his capacity as the Association's Condominium Association Manager, conducted a meeting at the Association. The meeting was held to appoint a new member to the Association's Board of Directors.

4. By all accounts, the Association meeting grew contentious. Within hours of the Association meeting's conclusion, police officers from the Boca Raton Police Department were called to the Association's property to investigate an incident of assault and battery on one or more elderly individuals.

5. According to the responding law enforcement officer's sworn and subscribed Probable Cause Affidavit, Respondent, while on the Association property, engaged in a physical altercation with two elderly female residents of the Association. According to the Probable Cause Affidavit, Respondent forcefully grabbed one elderly woman by the shoulders, and pushed another elderly woman into a lounge chair.

6. The responding law enforcement officer observed "scrap marks and blood on [one elderly woman's] left knee and noted that a 'ring and pinky finger on [an elderly woman's] right hand were broken as a result of [the elderly woman's] altercation with [Respondent]'".

7. Respondent was ultimately charged with committing battery on two elderly women who were over 65 years of age. One of the elderly women was 80 years old. Respondent is approximately 28 years younger than the 80-year-old woman.

8. On or about May 12, 2022, Respondent entered a "plea of guilty" to battery on a person 65 or older, a third-degree felony, and a "plea of guilty" to battery, a first-degree misdemeanor. Adjudication was withheld. The judgment was entered in Case number 2020CF007923AMB, State of Florida v. Charles Francis Cheleden, in the Circuit Court, Fifteenth Judicial Circuit in and for Palm Beach County.

9. Respondent was sentenced to 24 months of probation, 30 hours of community service, a 12-hour anger management course, approximately $2,820 in fines and costs, and was ordered to make no contact with the elderly victims.

10. Respondent filed a "Notice of Case Outcome – State of Florida vs. Charles F. Cheleden," in Division of Administrative Hearings case number 22-000645PL, on June 1, 2022. The Department of Business and Professional Regulation was a party in the case. No further notice regarding the guilty plea was provided to the Department.

11. Respondent provided oral and written testimony regarding his account of the events during the January 13, 2025, section 120.57(2), Florida Statutes, hearing.

12. In his written filing, Respondent described the Association as one with a "wild, wild west atmosphere", with a "lot of outlaw Owners and Residents". This included the two elderly victims. One of which Respondent described as, being "raised in a 3rd World Country", while the other elderly woman was described as someone who "used to be in a Biker Gang" and would best be categorized as an "Amazon woman" who could have been on the show "Gladiators".

13. Respondent explained that the elderly women had longstanding objections to Respondent's efforts to renovate and repair the Association through condominium assessments, and that the women often served as a thorn in his side. According to Respondent, the elderly women and/or their families were "violent, aggressive, psychotic individuals" and "real-life Criminals".

14. Respondent largely painted himself as a victim, explaining that he was the one who was attacked, and that he took the plea for battering elderly women because he "could not get a fair Trial by Jury in these times of Woke Society and anger/resentment towards Straight White Men".

CONCLUSIONS OF LAW

15. The Department has authority pursuant to Chapters 455 and 468, Part VIII, Florida Statutes.

16. As a threshold matter, there can be no dispute that Respondent entered a plea of guilt with adjudication withheld for battery on a person 65 or older, as well as simple battery, in Case number 2020CF007923AMB.

17. In addition, there is clear and convincing evidence that the battery occurred on the Association's property at or about the time that Respondent was providing professional services as a Community Association Manager. There is also clear and convincing evidence that the victims of the battery were residents of the Association.

18. As such, Respondent is in violation of section 455.227(1)(c), Florida Statutes, as he entered a plea of guilt that related to the practice of his profession. As provided within section 455.227(1)(c), Florida Statutes, the non-adjudication associated with the plea of guilt is immaterial.

19. There is also clear and convincing evidence that Respondent violated section 468.463(2)(b)5, Florida Statutes, by committing an act of gross misconduct or gross negligence in connection with the profession. The battery occurred while Respondent was on the Association's property. The battery occurred immediately after a heated Association meeting. And the battered elderly women were Association residents. Committing battery upon elderly residents on the Association's property after a heated Association meeting qualifies as gross misconduct in connection with the profession.

20. Finally, section 455.227(1)(t), Florida Statutes, requires a licensee to report the conviction in writing to the board, or if there is no board, to the department, within 30 days of the plea. Respondent's notice in the instant matter was to the Division of Administrative Hearings, rather than to the Department.

21. Regarding aggravating and mitigating circumstances, Rule 61-20.010, Florida Administrative Code, provides that:

> The department shall be entitled to deviate from the disciplinary guidelines provided by this rule upon a showing of aggravating or mitigating circumstances by clear and convincing evidence presented to the department prior to the imposition of a final penalty. The department must make a specific finding of mitigating or aggravating guidelines. Based upon consideration of the facts present in an individual case, the department shall consider the following factors in aggravation and mitigation when deviating from the disciplinary guidelines set forth in this rule:
>
> (a) Danger to the public;
> (b) Physical or financial harm resulting from the violation;
> (c) Prior violations committed by the subject;
> (d) Length of time the licensee has practiced;
> (e) Deterrent effect of the penalty;
> (f) Correction or attempted correction of the violation;
> (g) Effect on the licensee's livelihood;
> (h) Any efforts toward rehabilitation;
> (i) Any other aggravating or mitigating factor which is directly relevant under the circumstances.

22. As an aggravating factor, the undersigned finds that the Respondent committed physical harm to two elderly women, one of whom was nearly 30 years his senior. In addition, the battery was directly related to the practice of his profession as the two elderly Association residents were battered on Association property.

23. Further, the undersigned finds as aggravation that Respondent has not made significant efforts toward rehabilitation. There is no semblance of contrition or acceptance of responsibility within his testimony or post-hearing filings. Rather, Respondent casts himself as the victim and repeatedly assails the battered elderly women as "outlaw bikers" and "Amazon[ians]" who were "violent, aggressive, and untrustworthy".

24. Moreover, Respondent chooses to cast blame upon Florida's "woke" legal system as the basis for his plea of guilt. A defendant in a criminal proceeding understandably considers the risk of incarceration when accepting a guilty plea to a crime, but Respondent's argument that he pled guilty to battery on women 65 or older because of "wokeness" is outrageous. Simply put, there is no contrition here. The undersigned cannot find a good faith effort toward rehabilitation.

25. Regarding the violation of section 455.227(1)(c), for being convicted or found guilty of a crime, regardless of adjudication, which relates to the practice of a licensee's profession, the undersigned recommends revocation, a penalty of $1,000.00, and the cost of investigation.

26. Regarding the violations of section 468.463(2)(c), for committing acts of gross misconduct or gross negligence in connection with the profession, the undersigned recommends revocation, a penalty of $1,000.00, and the cost of investigation.

27. Regarding the violation of section 455.227(1)(t), for failing to report the conviction to the Department, the undersigned recommends no penalty. Although the violation occurred, the Department ultimately had knowledge of the conviction through the Respondent's filing.

28. The undersigned recommends that the recommendations be applied concurrently.

RECOMMENDATION

Having considered the pleadings, the records, the Findings of Fact and the Conclusions of Law herein, it is recommended that a Final Order be entered with the following provisions:

1. Respondent's license, license number CAM34177 be Revoked

2. Respondent pay a fine of $1,000.00 and costs of $650.30 within six months of the Final Order's issuance.

Respectfully submitted this 30 day of January 2025.

/s/ Andrew R. Fier

Andrew R. Fier

Informal Hearing Officer

Department of Business and Professional Regulation

2601 Blair Stone Road

Tallahassee, FL 32399-2202

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Hearing Officer's Recommended Order was provided to Respondent this 31st day of January 2025 at the following address: Charles F. Cheleden, 109 SE 13 Street, Deerfield Beach, FL 33441.

Copies: Andrew Fier, Agency Hearing Officer; Alvan Balent, Assistant General Counsel; Thomas Campbell, Director.

APPENDIX C

DBPR Order Granting the Department's Motion for Informal Hearing

Styled below as 'Petitioner's Motion' because DBPR was the petitioner in the agency proceeding; signed September 19, 2024; filed October 1, 2024

STATE OF FLORIDA

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, COMMUNITY ASSOCIATION MANAGEMENT, Petitioner, v. CHARLES FRANCIS CHELEDEN, Respondent.

Case No. 2020-046642; 2020-052266

ORDER GRANTING PETITIONER'S MOTION FOR INFORMAL HEARING

THIS MATTER came before the undersigned on the Petitioner's Motion for Informal Hearing. The undersigned, having reviewed the Respondent's response and the record in this case, ORDERS that:

1) Petitioner's Motion for Informal Hearing is GRANTED.

2) The informal hearing, pursuant to section 120.57(2), Florida Statutes, will be scheduled separately.

3) During the informal hearing, the parties will have the opportunity to present written or oral evidence for consideration, including sworn testimony.

4) All motions must comply with Rule 28-106.303, Florida Administrative Code.

DONE AND ORDERED this 19th day of September 2024, in Tallahassee, Leon County, Florida.

/s/ Andrew R. Fier, Hearing Officer

Department of Business and Professional Regulation

2601 Blair Stone Road

Tallahassee, FL 32399-2202

CERTIFICATE OF SERVICE

A true and correct copy was furnished to Respondent via U.S. mail in September 2024 at: Charles Francis Cheleden, 109 SE 13th Street, Deerfield Beach, FL 33441.

Copies Furnished: Andrew Fier, Informal Hearing Officer; Alvan Balent, Deputy General Counsel; James Brunet, Chief Attorney; Dana Lindsey, Administrative Assistant II; Chelsie Durden, Administrative Assistant III.

APPENDIX D

Division of Administrative Hearings Order Closing Files and Relinquishing Jurisdiction

September 28, 2022

STATE OF FLORIDA

DIVISION OF ADMINISTRATIVE HEARINGS

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, Petitioner, vs. CHARLES F. CHELEDEN, Respondent. Case Nos. 22-0645PL; 22-0646PL.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, Petitioner, vs. LIBERTY PROPERTY MANAGEMENT GROUP, PLLC, Respondent. Case No. 22-0647.

ORDER CLOSING FILES AND RELINQUISHING JURISDICTION

This cause having come before the undersigned on the parties' Joint Motion to Relinquish Jurisdiction, filed September 26, 2022, see section 120.57(4), Florida Statutes (2022), and the undersigned being fully advised, it is, therefore,

1. The joint motion is granted.

2. The case management conference scheduled for November 7, 2022, and the final hearing scheduled for November 10, 2022, are cancelled.

3. The files of the Division of Administrative Hearings are closed with leave to request the Division to re-open the cases, should the settlement be disapproved by the Regulatory Council of Community Association Managers. See § 120.569(2)(a), Fla. Stat. Jurisdiction is relinquished to the Department of Business and Professional Regulation.

DONE AND ORDERED this 28th day of September, 2022, in Tallahassee, Leon County, Florida.

/s/ BRIAN A. NEWMAN

Administrative Law Judge

Division of Administrative Hearings

1230 Apalachee Parkway

Tallahassee, Florida 32399-3060

COPIES FURNISHED: Charles Francis Cheleden (eServed); Jerry B. Hosey, Esquire (eServed).

APPENDIX E

Fourth District Court of Appeal Order Denying Panel Rehearing, Rehearing En Banc, and Written Opinion

August 5, 2026

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA

FOURTH DISTRICT

CHARLES F. CHELEDEN, Appellant(s)

v.

FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, Appellee(s).

CASE NO. 4D2025-1015

L.T. No. 2020-046642, 2020-052266

BY ORDER OF THE COURT:

ORDERED that Appellant's May 13, 2026 motion for panel rehearing, rehearing en banc, and written opinion is denied.

Served: Brooke Elizabeth Adams; DBPR Agency Clerk; Alvan Balent, Jr.; Charles F. Cheleden *W*; Andrew Rubin Fier; Matthew Harrison Mears; KEH.

APPENDIX F

Relevant Constitutional and Statutory Provisions

U.S. CONST. amend. XIV, § 1

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

28 U.S.C. § 1257(a)

Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

Fla. Stat. § 120.569(1)

The provisions of this section apply in all proceedings in which the substantial interests of a party are determined by an agency, unless the parties are proceeding under s. 120.573 or s. 120.574. Unless waived by all parties, s. 120.57(1) applies whenever the proceeding involves a disputed issue of material fact. Unless otherwise agreed, s. 120.57(2) applies in all other cases. If a disputed issue of material fact arises during a proceeding under s. 120.57(2), then, unless waived by all parties, the proceeding under s. 120.57(2) shall be terminated and a proceeding under s. 120.57(1) shall be conducted. Parties shall be notified of any order, including a final order. Unless waived, a copy of the order shall be delivered or mailed to each party or the party's attorney of record at the address of record.

Fla. Stat. § 120.569(2)(f), (g), (j) (pertinent parts)

(f) The presiding officer has the power to swear witnesses and take their testimony under oath, to issue subpoenas, and to effect discovery on the written request of any party by any means available to the courts and in the manner provided in the Florida Rules of Civil Procedure, including the imposition of sanctions, except contempt.

(g) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. Any part of the evidence may be received in written form, and all testimony of parties and witnesses shall be made under oath.

(j) A party shall be permitted to conduct cross-examination when testimony is taken or documents are made a part of the record.

Fla. Stat. § 120.57(1)(a)-(b)

(a) Except as provided in ss. 120.80 and 120.81, an administrative law judge assigned by the division shall conduct all hearings under this subsection, except for hearings before agency heads or a member thereof. If the administrative law judge assigned to a hearing becomes unavailable, the division shall assign another administrative law judge who shall use any existing record and receive any additional evidence or argument, if any, which the new administrative law judge finds necessary.

(b) All parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, to file exceptions to the presiding officer's recommended order, and to be represented by counsel or other qualified representative. When appropriate, the general public may be given an

opportunity to present oral or written communications. If the agency proposes to consider such material, then all parties shall be given an opportunity to cross-examine or challenge or rebut the material.

Fla. Stat. § 455.225(5)

A formal hearing before an administrative law judge from the Division of Administrative Hearings shall be held pursuant to chapter 120 if there are any disputed issues of material fact. The administrative law judge shall issue a recommended order pursuant to chapter 120. If any party raises an issue of disputed fact during an informal hearing, the hearing shall be terminated and a formal hearing pursuant to chapter 120 shall be held.

Fla. Stat. § 120.57(1)(c)

Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.

Fla. Stat. § 120.68(4)

Judicial review of any agency action shall be confined to the record transmitted and any additions made thereto in accordance with paragraph (7)(a).

Fla. Stat. § 120.68(7)(a)-(e)

The court shall remand a case to the agency for further proceedings consistent with the court's decision or set aside agency action, as appropriate, when it finds that: (a) There has been no hearing prior to agency action and the reviewing court finds that the validity of the action depends upon disputed facts; (b) The agency's action depends on any finding of fact that is not supported by competent, substantial evidence in the record of a hearing conducted pursuant to ss. 120.569 and 120.57; however, the court shall not substitute its judgment for that of the agency as to the weight of the evidence on any disputed finding of fact; (c) The fairness of the proceedings or the correctness of the action may have been impaired

by a material error in procedure or a failure to follow prescribed procedure; (d) The agency has erroneously interpreted a provision of law and a correct interpretation compels a particular action; or (e) The agency's exercise of discretion was: 1. Outside the range of discretion delegated to the agency by law; 2. Inconsistent with agency rule; 3. Inconsistent with officially stated agency policy or a prior agency practice, if deviation therefrom is not explained by the agency; or 4. Otherwise in violation of a constitutional or statutory provision; but the court shall not substitute its judgment for that of the agency on an issue of discretion.

Fla. Stat. § 455.227(1)(c)

Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.

Fla. Stat. § 455.227(1)(t)

Failing to report in writing to the board or, if there is no board, to the department within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction.

Fla. Stat. § 468.436(2)(b)5.

Committing acts of gross misconduct or gross negligence in connection with the profession.

Additional material from this filing is available in the Clerk's Office.