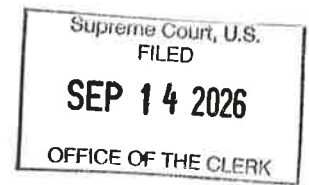


No. 26A 374



IN THE
SUPREME COURT OF THE UNITED STATES

CHARLES F. CHELEDEN, Applicant,

v.

FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION,
Respondent.

ON APPLICATION FOR STAY OF THE JUDGMENT OF THE
FLORIDA FOURTH DISTRICT COURT OF APPEAL
EMERGENCY APPLICATION FOR STAY
PENDING TIMELY FILING AND DISPOSITION OF A
PETITION FOR A WRIT OF CERTIORARI
EMERGENCY CONSIDERATION REQUESTED BEFORE SEPT. 30, 2026

TO THE HONORABLE CLARENCE THOMAS,
ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED
STATES

AND CIRCUIT JUSTICE FOR THE ELEVENTH CIRCUIT

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Date: September 14, 2026

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EMERGENCY APPLICATION FOR STAY

To the Honorable Clarence Thomas, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Eleventh Circuit:

Applicant Charles F. Cheleden, proceeding pro se, respectfully applies under 28 U.S.C. § 2101(f) and Rules 22 and 23 of the Rules of the United States Supreme Court for a stay of enforcement of the April 30, 2026 judgment of the Florida Fourth District Court of Appeal in No. 4D2025-1015, which affirmed the Florida Department of Business and Professional Regulation's March 10, 2025 Final Order permanently revoking Applicant's Community Association Manager license.

Applicant timely sought panel rehearing, rehearing en banc, and a written opinion; the Fourth District denied that motion on August 5, 2026. Under Rule 13.3, the time to seek certiorari runs from that denial, making the Petition due November 3, 2026. Applicant is diligently completing the separate Rule 33.1 booklet filing and will file his Petition for a Writ of Certiorari no later than November 3, 2026. He asks that the judgment below and, to the extent necessary to preserve meaningful review, enforcement of the agency revocation sustained by that judgment be stayed for a reasonable period sufficient to permit that timely filing and, once the Petition is filed, pending this Court's disposition of it. If certiorari is granted, Applicant requests that the stay remain in effect through final disposition of the case, subject to any further order of the United States Supreme Court or the Circuit Justice.

Applicant does not concede that the Florida Fourth District Court of Appeal's judgment or DBPR's Final Order was legally correct. He acknowledges those orders

because they are the operative state actions whose enforcement he asks the Circuit Justice to stay while this Court considers federal review. The application challenges the constitutional adequacy of the procedure that produced and sustained the revocation.

This is a preservation request, but the federal issue cannot be understood by reducing the case to a single Florida procedural mistake. Applicant does not ask the Circuit Justice to determine what occurred during an underlying condominium board meeting incident, reassess witness credibility, or decide whether professional discipline ultimately may be imposed. The federal question is antecedent: whether the Fourteenth Amendment permits a State to enter a final order permanently revoking an existing professional license on disputed factual and profession-specific grounds after the licensee invoked and obtained referral to a formal evidentiary process, when that process never adjudicated the merits and the substitute proceeding did not meaningfully test the central disputed evidence.

The constitutional claim rests on the cumulative sequence shown by the record: the formal disputed-fact forum was invoked and scheduled; settlement interrupted that forum; settlement did not resolve the cases; the formal forum was not restored; DBPR proceeded internally on an “undisputed” premise; material contrary evidence was restricted or never reviewed; disputed profession-specific findings were nevertheless made; the appellate record remained contested; and the Florida Fourth District Court of Appeal affirmed without a written explanation addressing the preserved federal due process claim. The forthcoming Petition presents that full

sequence and the complete Rule 10(c) argument to the United States Supreme Court.

The Florida Fourth District Court of Appeal has now denied the same preservation relief below. On August 31, 2026, it denied Applicant's motion to stay issuance of mandate pending certiorari and also denied his motion for leave to supplement that stay request with published Fourth District precedent. Applicant therefore satisfies Rule 23.3's requirement that the requested relief first be sought in the appropriate court below. A copy of the August 31 order is included as Appendix C to this Application.

Emergency treatment is now necessary because Applicant represents that his current Florida Community Association Manager license remains active only through September 30, 2026. The permanent revocation sustained below threatens to become the operative barrier to continued active licensure and licensed work as that date arrives. Applicant therefore asks the Circuit Justice to act before September 30, 2026, not to obtain premature merits relief, but to preserve the status quo long enough for the timely Petition for a Writ of Certiorari to be filed no later than November 3, 2026 and considered by this Court.

QUESTIONS PRESENTED IN THE FORTHCOMING PETITION

1. Whether the Due Process Clause permits a State to enter a final order permanently revoking an existing professional license on disputed factual and profession-specific grounds after the licensee timely invoked and obtained referral to an available formal evidentiary process, where the agency later

declared the material facts “undisputed” and made disputed findings without that merits factfinding.

2. Whether later state appellate review can cure that deprivation when the reviewing court does not conduct evidentiary factfinding, central audiovisual evidence remains absent from the merits record, and the final state judgment leaves the revocation in place.
3. Whether the Due Process Clause permits a professional-license revocation to become final when appellate review proceeds on an official record that the licensee repeatedly challenged as materially incomplete and prejudicial, the reviewing court denies correction of that record, and identified audiovisual evidence central to the disputed grounds for revocation remains absent from the record.

JURISDICTION AND AUTHORITY TO GRANT RELIEF

The Florida Fourth District Court of Appeal entered its judgment on April 30, 2026. Applicant timely sought panel rehearing, rehearing en banc, and a written opinion. That motion expressly preserved the Fourteenth Amendment due process claim and was denied on August 5, 2026. Under United States Supreme Court Rule 13.3, the Petition for a Writ of Certiorari is due November 3, 2026. Applicant is diligently arranging Rule 33.1-compliant booklet printing and will file the Petition no later than November 3, 2026. This Application does not seek an extension of the Rule 13 deadline; it seeks only to preserve the status quo while Applicant completes the timely Petition filing and, once filed, while the Court considers the Petition.

Issuance of a state mandate is not a prerequisite to filing the Petition in the United States Supreme Court, and the August 31 stay denial does not alter the Rule 13.3 deadline.

Jurisdiction over the forthcoming Petition rests on 28 U.S.C. § 1257(a). The Florida Fourth District Court of Appeal's per curiam affirmance is the final state judgment in the highest court in which a decision could be had. The absence of a written opinion did not make the judgment legally correct; it made its rationale unknown. Under *Jenkins v. State*, 385 So. 2d 1356, 1359 (Fla. 1980), an unelaborated per curiam affirmance does not support the Florida Supreme Court's discretionary conflict jurisdiction because it does not expressly state a conflicting rule of law. No certified question or other written jurisdictional basis was supplied here. The ordinary Florida Supreme Court route was therefore unavailable. This is a finality and jurisdiction point, not a claim that the PCA itself violates due process. *Ibanez v. Florida Department of Business & Professional Regulation, Board of Accountancy*, 512 U.S. 136, 142 (1994), confirms the federal route. In *Ibanez*, Florida professional discipline was affirmed by a district court of appeal without opinion; review in the Florida Supreme Court was unavailable; and the United States Supreme Court granted certiorari from the final Florida judgment. Applicant invokes the same 28 U.S.C. § 1257 pathway while presenting a different federal merits question.

Section 2101(f) authorizes a Justice of the United States Supreme Court to stay execution and enforcement of a final judgment subject to certiorari review for a

reasonable time to permit the aggrieved party to obtain a writ of certiorari. United States Supreme Court Rule 23 likewise permits a party to a judgment sought to be reviewed to apply for a stay. Under the United States Supreme Court's current circuit assignments, Justice Clarence Thomas is the Circuit Justice for the Eleventh Circuit, including Florida.

PROCEDURAL HISTORY AND STATEMENT OF THE CASE

1. Applicant held Florida Community Association Manager License No. CAM34177 since 2009, an existing state-issued occupational license. The disciplinary cases arose from an alleged condominium incident on or about September 28, 2020—nearly six years before the emergency relief now requested. Applicant denied material allegations and elected a formal evidentiary hearing under section 120.57(1), Florida Statutes. DBPR referred the contested matters to the Florida Division of Administrative Hearings (“DOAH”), where an Administrative Law Judge was assigned and a final hearing was scheduled.
2. The DOAH hearing was not cancelled because Applicant withdrew his factual disputes. On September 26, 2022, after the parties represented that they had reached a settlement, they jointly moved for DOAH to relinquish jurisdiction. On September 28, 2022, the Administrative Law Judge granted that joint motion, cancelled the November 7 case-management conference and November 10 final hearing, and closed the DOAH files “with leave to request the Division to re-open the cases, should the settlement be disapproved by the Regulatory

Council of Community Association Managers.” R. 741-42. The proposed settlement never became the final agency disposition.

3. DBPR did not move to place the cases on an informal-hearing track until August 21, 2024—nearly twenty-three months after DOAH closed the files because settlement had been reported. Applicant objected on August 29, 2024, identified continuing factual disputes, invoked due process and the formal-hearing provisions, and requested return to DOAH. DBPR nevertheless obtained an order granting an informal hearing, signed September 19, 2024 and filed October 1, 2024, on the premise that material facts were “undisputed.” At the January 13, 2025 telephone hearing, Applicant again disputed the allegations and requested the formal forum.
4. The substitute hearing did not perform the fact-testing function of the formal proceeding that had been invoked. The hearing was conducted by telephone. No complaining witness testified. Applicant had requested a video-capable format because central evidence included cell-phone video, police body-camera footage, 911 audio, and other audiovisual material. Those materials were not played for the hearing officer. Substantial defense exhibits were treated principally as mitigation rather than as evidence testing the charged narrative. Yet the Recommended Order proceeded to make additional factual, credibility-laden, professional-capacity, professional-nexus, rehabilitation, and aggravation determinations.

5. On March 10, 2025, DBPR entered its Final Order adopting the Recommended Order's findings and conclusions. The Final Order imposed a \$1,000 administrative fine, \$650.30 in investigative costs, and ordered: "Respondent's license, license number CAM34177 is Revoked." R. 687-88. Revocation is the professional sanction Applicant asks the Circuit Justice to stay temporarily while he pursues timely certiorari review.
6. Applicant appealed to the Florida Fourth District Court of Appeal and repeatedly presented the federal due process issue, the formal-hearing problem, the evidentiary limitations, the omitted audiovisual evidence, and the challenged appellate record. He sought supplementation and correction after central audiovisual evidence remained absent. The supplemental record added the informal-hearing transcript, but the identified audiovisual evidence remained outside the merits record. The Florida Fourth District Court of Appeal later denied the record-correction motion.
7. On April 30, 2026, the Florida Fourth District Court of Appeal entered an unelaborated per curiam affirmance. Applicant timely sought panel rehearing, rehearing en banc, and a written opinion. In a dedicated section titled "Appellant Preserves His Federal Constitutional Due-Process Claims," the rehearing motion identified the Fourteenth Amendment claim, the missing DOAH merits hearing, the telephone-only informal proceeding, the unreviewed audiovisual evidence, the mitigation-only limitation, and the challenged appellate record. The Florida Fourth District Court of Appeal denied rehearing,

rehearing en banc, and a written opinion on August 5, 2026. No written decision states why those preserved federal issues were rejected.

8. Applicant then sought a stay from the Florida Fourth District Court of Appeal so that the status quo could be preserved while he pursued review in the United States Supreme Court. He later sought leave to supplement that stay request with published Fourth District professional-licensing precedent. On August 31, 2026, the Florida Fourth District Court of Appeal denied both requests. Relief is therefore unavailable from the court below.

**WHY EMERGENCY RELIEF IS SOUGHT NOW AND WHY NO ADEQUATE STATE REMEDY
REMAINS**

Applicant has not waited until the eve of the September 30 deadline through inaction. The timing of this Application reflects a continuous sequence of efforts to obtain review, preserve a complete appellate record, and seek relief first from the state court. During the Fourth District appeal, Applicant repeatedly sought supplementation and correction after identifying central audiovisual evidence that remained absent from the official record. The Fourth District directed responses and supplemental-record proceedings, but the principal audiovisual materials were not added. On November 5, 2025, after considering the agency clerk's response, the Fourth District denied Applicant's October 6, 2025 motion to correct the record. A copy of that denial is included as Appendix D.

The Fourth District then entered its unelaborated per curiam affirmance on April 30, 2026. The decision itself stated that it was "Not final until disposition of timely-

filed motion for rehearing." Applicant timely filed a May 13, 2026 motion for panel rehearing, rehearing en banc, and a written opinion. That motion preserved the federal due process issues and specifically sought a written decision that could identify the basis for affirmance and permit any further review available under Florida law. The Fourth District did not deny that motion until August 5, 2026. Under Rule 13.3, the 90-day period to seek certiorari runs from that denial. The period between April 30 and August 5 therefore was not delay by Applicant; a timely rehearing motion remained pending and the certiorari period had not yet begun to run.

The August 5 denial also refused the requested written opinion. Under *Jenkins v. State*, 385 So. 2d 1356, 1359 (Fla. 1980), an unelaborated per curiam affirmance ordinarily does not furnish a basis for the Florida Supreme Court's discretionary conflict jurisdiction. Applicant does not ask this Court to infer the Fourth District judges' subjective intent. The legal effect is what matters: after Applicant expressly requested a written opinion and that request was denied, the ordinary Florida Supreme Court review route remained unavailable. The United States Supreme Court is therefore the remaining ordinary judicial avenue for review of the preserved federal constitutional questions presented by the final state judgment. Applicant next sought the very preservation relief that Rule 23.3 ordinarily requires him to request below before applying to a Circuit Justice. On August 6, 2026, he moved in the Fourth District to stay issuance of mandate pending a petition for writ of certiorari. On August 11, 2026, he sought leave to supplement that stay request

with published Fourth District professional-licensing precedent. On August 31, 2026, the Fourth District denied both requests. This Application follows promptly after that denial. No state court has granted the requested preservation relief. During this same period, Applicant also pursued an independent executive review request directed to Florida state officials concerning a detailed 62-item ledger identifying claimed legal errors and procedural failures in the DBPR proceedings and appellate review. That nonjudicial request is not asserted to toll Rule 13, is not offered as a substitute for judicial exhaustion, and does not alter the November 3, 2026 certiorari deadline. It is relevant only to the chronology: Applicant continued to pursue available lawful avenues while preparing the federal filing, rather than allowing the matter to sit unattended.

The emergency is now concrete. Applicant represents that his current Community Association Manager license is active through September 30, 2026. Unless interim relief prevents the permanent revocation from operating as a barrier to continued active licensure while federal review is sought, the professional harm may occur before the separate Rule 33.1 Petition can be printed and filed. Applicant therefore respectfully requests immediate consideration and a limited stay before September 30, 2026, solely to preserve meaningful Supreme Court review. He remains committed to filing the Petition for a Writ of Certiorari no later than November 3, 2026.

Applicant does not ask the Circuit Justice to extend the ordinary biennial term of his license, excuse any continuing-education or fee requirement, or confer a license

to which he would otherwise be ineligible. Florida law provides that DBPR shall renew a Community Association Manager license upon receipt of the renewal application and fee and proof of compliance with continuing-education requirements. Fla. Stat. § 468.4336(1). Applicant remains responsible for satisfying those ordinary, nondisciplinary renewal requirements. The narrower purpose of this stay is to prevent the challenged permanent revocation from being enforced or treated as a disqualifying barrier to otherwise lawful renewal and continued active status while this Court considers whether to review the final state judgment. Nor is the emergency self-created by Applicant's use of the time allowed for certiorari. Section 2101(f) expressly authorizes a stay for a reasonable time to enable an aggrieved party to obtain a writ of certiorari. Applicant's timely rehearing motion remained unresolved until August 5, 2026; he sought preservation relief below the next day; and the Fourth District did not deny that relief until August 31, 2026. The September 30 licensure date therefore arrives before the November 3 Rule 13.3 deadline through the interaction of the state licensing calendar and the completed state appellate process, not through abandonment or neglect of federal review. This Application is being filed promptly after the lower court refused the same preservation relief.

REASONS FOR GRANTING THE APPLICATION

A stay pending disposition of a petition for writ of certiorari requires a demanding showing: "(1) a reasonable probability that four Justices will consider the issue sufficiently meritorious to grant certiorari; (2) a fair prospect that a

majority of the Court will vote to reverse the judgment below; and (3) a likelihood that irreparable harm will result from the denial of a stay.” *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (per curiam). In close cases, the Circuit Justice or the United States Supreme Court balances the equities and relative harms. *Id.* Applicant recognizes that this is extraordinary relief. The particular procedural record nevertheless warrants preservation of the status quo long enough for the United States Supreme Court to consider the federal question.

I. APPLICANT HAS SATISFIED RULE 23.3 BY FIRST SEEKING THE SAME RELIEF BELOW.

Rule 23.3 ordinarily requires a stay applicant to seek the requested relief first in the appropriate court below. Applicant did so. He asked the Florida Fourth District Court of Appeal to stay issuance of mandate while he sought certiorari, and he moved to supplement that request with published Fourth District professional-licensing precedent. On August 31, 2026, the Fourth District denied both motions. No lower court has granted the requested preservation relief. Applicant is therefore properly before the Circuit Justice and seeks a limited stay to permit the timely filing and disposition of the Petition for a Writ of Certiorari.

**II. THERE IS A REASONABLE PROBABILITY THAT FOUR JUSTICES
WOULD CONSIDER THE FEDERAL QUESTION SUFFICIENTLY
MERITORIOUS TO GRANT CERTIORARI.**

A. The federal claim is cumulative and independently constitutional.

Applicant does not ask the United States Supreme Court to correct Florida law for its own sake. The forthcoming Petition identifies the federal questions, preservation, jurisdiction, adverse authority, alternative-ground analysis, and the complete Rule 10(c) basis for review. The Florida statutes, DOAH procedure, and Fourth District precedent matter because they show that meaningful factfinding was available, familiar, and practicable before permanent revocation. The federal claim is that the cumulative procedure actually used created an unacceptably high risk of erroneous deprivation of protected occupational property under Bell, Mathews, Loudermill, Logan, and Zinermon.

1. Applicant disputed the material allegations and timely elected Florida's formal disputed-fact procedure under section 120.57(1). DBPR itself referred the cases to DOAH.
2. DOAH assigned an Administrative Law Judge and scheduled a final evidentiary hearing. The formal safeguard was therefore not hypothetical; it had already been activated.
3. The DOAH merits hearing was cancelled only after settlement was reported, and the September 28, 2022 order expressly closed the files with leave to request reopening if the settlement was disapproved. R. 741-742.

4. When settlement did not resolve the matter, the disputed merits were not returned to DOAH for the factfinding that had been elected and scheduled.
5. DBPR instead proceeded under section 120.57(2) on the premise that the material facts were “undisputed,” notwithstanding Applicant’s written objection and continuing denials. See R. 76-78.
6. Applicant renewed the material factual disputes during the informal proceeding and requested return to DOAH; the informal proceeding nevertheless continued.
7. The January 13, 2025 merits proceeding was telephone-only even though Applicant had requested a video-capable format because central evidence consisted of recordings and other audiovisual material.
8. The central cell-phone video, police body-camera footage, 911 audio, and related audiovisual material were not played and tested before the agency factfinder; Applicant also identified evidence previously delivered to DBPR that was not retrieved for the merits hearing.
9. Defense exhibits offered to contest the charged narrative were admitted principally for mitigation rather than being given their ordinary liability-testing function.
10. No complaining witness testified at the informal hearing, and the competing factual accounts were not tested through live examination and cross-examination before a neutral DOAH factfinder.
11. DBPR treated a separate prior judicial disposition as resolving matters beyond what that disposition itself adjudicated, while the administrative charges still

required separate findings concerning conduct, professional capacity, nexus, credibility, and sanction.

12. DBPR nevertheless made disputed findings concerning the underlying conduct and whether it occurred in connection with Community Association Management practice, issues Applicant had specifically contested.

13. The reporting count involved disputed notice facts. The Recommended Order found a violation but expressly recommended no penalty because DBPR ultimately had knowledge through Applicant's filing. R. 685. That count therefore did not independently supply the revocation sanction.

14. The proceeding remained inside DBPR: a DBPR lawyer served as hearing officer while another DBPR lawyer prosecuted. *Withrow v. Larkin*, 421 U.S. 35 (1975), prevents treating the combination of functions as automatically unconstitutional, but the absence of independent merits factfinding remains relevant to the cumulative risk-of-error analysis.

15. Mitigation, rehabilitation, aggravation, and livelihood consequences were then evaluated after liability had been resolved through the truncated process, magnifying the consequence of any error in the missing merits factfinding.

16. On appeal, Applicant repeatedly sought supplementation and correction of the appellate record because the central audiovisual evidence remained absent. The supplemental record added the hearing transcript but not the principal media, and the Florida Fourth District Court of Appeal denied record correction.

17. The Florida Fourth District Court of Appeal affirmed by PCA without stating whether it rejected the federal claim on the merits, harmlessness, an alternative ground, record sufficiency, or some other basis, and it later denied rehearing and the requested written opinion.

18. The Florida Fourth District Court of Appeal then denied the requested stay and the motion to supplement the stay request, leaving the revocation operative unless federal interim relief is granted.

The Florida cases Applicant cited below reinforce the practical point and demonstrate that the safeguard Applicant sought was neither novel nor burdensome. *Ryan v. Florida Department of Business & Professional Regulation*, 798 So. 2d 36, 39 (Fla. 4th DCA 2001), required formal factfinding because disputed material facts had never been resolved by an Administrative Law Judge. *Buchheit v. Department of Business & Professional Regulation*, 659 So. 2d 1220 (Fla. 4th DCA 1995), *Campbell v. Department of Business & Professional Regulation*, 868 So. 2d 1265 (Fla. 4th DCA 2004), and *DeRoin v. Department of Business & Professional Regulation*, 160 So. 3d 516 (Fla. 4th DCA 2015), likewise enforced the dividing line between informal disposition and formal proceedings where material facts are disputed. *March v. Department of Business & Professional Regulation*, 338 So. 3d 261 (Fla. 4th DCA 2022), and *Rodriguez v. Department of Business & Professional Regulation*, 985 So. 2d 682 (Fla. 4th DCA 2008), required a meaningful evidentiary opportunity in professional-licensing matters; *Bemenderfer v. Department of Business & Professional Regulation, Division of Real Estate*, 955 So. 2d 659 (Fla.

4th DCA 2007), likewise recognized governing limits on administrative punishment and factfinding.

These published decisions matter here for two distinct reasons. First, they show a recurring class of DBPR licensing disputes in which Florida appellate courts have had to enforce formal-hearing, evidentiary, or lawful-factfinding safeguards after agency proceedings failed to provide them. That recurrence supports the importance of the federal question and shows that the risk presented is not merely hypothetical. Second, several of the leading decisions are from the very court below. Applicant does not contend that departure from state precedent, standing alone, violates the Federal Constitution. But the Fourth District had itself repeatedly treated these safeguards as substantial enough to require reversal or remand in other professional-licensing cases, yet its unelaborated affirmance here left materially similar objections unresolved without explaining how the result could be reconciled with *Ryan*, *Buchheit*, *DeRoin*, *March*, *Rodriguez*, and *Bemenderfer*. That institutional inconsistency strengthens the case for preserving federal review rather than allowing permanent revocation to become irreversible before this Court can consider the Petition.

Applicant therefore does not contend that every one of the foregoing features independently violates the Fourteenth Amendment. The federal question is cumulative and functional: whether a State may permanently revoke protected occupational property on disputed grounds when the designated merits-factfinding

procedure was practicable and invoked, yet no proceeding meaningfully performed that fact-testing function before the deprivation became final.

The procedural question is also suitable for review notwithstanding the missing audiovisual materials. The United States Supreme Court need not determine what the recordings prove about the underlying incident in order to decide whether the State supplied constitutionally adequate factfinding before permanent revocation. The existing record itself shows the election and referral of the disputed cases to DOAH, the cancellation of the scheduled merits hearing because settlement was reported, the later use of an informal proceeding, Applicant's renewed request for the formal forum, the fact that the principal audiovisual materials were not played at the merits hearing, and the Fourth District's denial of record correction. The missing media are therefore part of the asserted risk-of-error problem; they do not prevent this Court from resolving the antecedent due process question. Applicant has preserved the audiovisual materials in his possession and does not tender them with this Rule 22 application. If the Court or Clerk authorizes or requests lodging or submission of any such material, Applicant will comply with that direction. This Application seeks preservation of meaningful review, not original factual findings by this Court from those materials.

B. Bell supplies the closest United States Supreme Court rule.

Bell v. Burson, 402 U.S. 535 (1971), is the closest functional precedent. Georgia provided a hearing before suspending an existing driver's license, but the hearing excluded fault even though the statutory scheme made liability material to the

deprivation. This Court held the procedure constitutionally inadequate because the State had to provide a procedure capable of addressing the factual issue material to the license deprivation. *Id.* at 539-42. Bell therefore does not turn on whether the State labels a proceeding a “hearing.” It asks whether the procedure meaningfully reaches the factual question on which lawful deprivation depends.

The same functional problem is alleged here. DBPR used the premise that the material facts were “undisputed” to keep the matter out of the formal evidentiary forum, then made additional disputed factual and profession-specific findings to support permanent revocation. Applicant’s claim is not that every Florida procedural error is a federal violation. It is that the State permanently revoked an existing occupational license without a merits procedure capable of testing the disputed grounds it made material to that deprivation.

C. Mathews strongly favors the factfinding safeguard Applicant invoked.

Mathews v. Eldridge, 424 U.S. 319, 335 (1976), considers the private interest, risk of erroneous deprivation under the procedures used, probable value of additional safeguards, and governmental burden. Each consideration materially favors the safeguard that was withheld here.

The private interest is substantial: an existing professional license and the legal ability to work in the licensed occupation. See *Barry v. Barchi*, 443 U.S. 55 (1979); *Board of Regents v. Roth*, 408 U.S. 564 (1972). The risk of error was heightened because material facts, witness accounts, professional nexus, and the significance of the audiovisual evidence were contested. The value of a formal evidentiary

hearing—sworn testimony, presentation of evidence, cross-examination where appropriate, and first-instance credibility findings—was correspondingly high. And the burden on the State was unusually low because Florida had already created the formal process, DBPR had already referred Applicant to it, an Administrative Law Judge had already been assigned, and a final hearing had already been scheduled.

Cleveland Board of Education v. Loudermill, 470 U.S. 532, 541 (1985), reinforces the point that once state law creates the protected property interest, federal constitutional law determines the minimum process required before deprivation. The State cannot define the property and then conclusively define away the federal process question through a procedural label.

D. Later appellate review does not automatically cure the absence of practicable merits factfinding.

The State may contend that later appellate review supplied all constitutionally necessary process. *Logan v. Zimmerman Brush Co.*, 455 U.S. 422 (1982), and *Zinermon v. Burch*, 494 U.S. 113 (1990), show why that proposition is too broad where meaningful pre-deprivation safeguards are practicable and the deprivation is foreseeable. The post-deprivation rationale applicable to random or unpredictable losses does not control where meaningful pre-deprivation safeguards are practicable and the deprivation is foreseeable. *Zinermon* explains that later remedies are not an automatic substitute when officials are positioned to provide the pre-deprivation safeguards and the deprivation is foreseeable. See 494 U.S. at 132.

Eleventh Circuit decisions reinforce that distinction. *Fetner v. City of Roanoke*, 813 F.2d 1183, 1186 (11th Cir. 1987), recognized that post-deprivation remedies do not replace meaningful pre-deprivation process where such process is practicable. *Edwards v. Dothan City Schools*, 82 F.4th 1306, 1311-13 (11th Cir. 2023), likewise distinguishes cases in which pre-deprivation process can be provided from genuinely unpredictable deprivations for which later remedies may suffice.

Here, the omitted safeguard was neither impossible nor hypothetical. It was the very adjudicatory process Applicant had invoked and the State had already scheduled. Moreover, the Fourth District itself could review legal questions but did not conduct the evidentiary hearing that never occurred: it did not call witnesses, cross-examine competing witnesses, authenticate and play the recordings, or make first-instance credibility findings. The central audiovisual materials also remained outside the completed merits record after Applicant's record-correction efforts.

E. Simpson is a strong professional-license analogue.

Simpson v. Brown County, 860 F.3d 1001 (7th Cir. 2017), is especially persuasive because it addressed revocation of an occupational license used to earn a livelihood. The Seventh Circuit called the dispute a "classic test of procedural due process," treated the licensee's ability to remain in his field as a substantial private interest, and emphasized the risk of erroneous deprivation when government officials could revoke the credential without meaningful advance process. 860 F.3d at 1003, 1006-09.

Simpson also rejected an automatic “later judicial review cures everything” theory. The district court had relied on state post-deprivation judicial remedies, but the Seventh Circuit explained that common-law judicial review could not necessarily provide an adequate corrective for an allegedly unlawful summary professional-license revocation. *Id.* at 1015-18. Simpson arose at the pleading stage and involved an alleged absence of prior notice and hearing, so it is not factually identical. Its significance here is functional: timing matters, livelihood matters, the risk of an erroneous occupational exclusion matters, and later review is not automatically an adequate substitute when meaningful pre-deprivation process was practicable.

F. Ashraf is the inverse comparator.

Ashraf v. Drug Enforcement Administration, 153 F.4th 1161, 1168-69 (11th Cir. 2025), supplies a useful inverse comparator. There, the regulated professional received notice and an opportunity to request an Administrative Law Judge hearing but did not request it; the Eleventh Circuit rejected the procedural due process claim in that posture. Judge Tjoflat separately emphasized that the ALJ hearing was the proper forum to receive factual evidence and challenge the government's allegations and that, by declining it, Ashraf waived that opportunity. *Id.* at 1170 (Tjoflat, J., concurring). Here, Applicant did the opposite: he requested the formal ALJ forum, DBPR referred the cases to DOAH, an ALJ was assigned, and a final hearing was scheduled. The hearing was cancelled because settlement was reported, not because Applicant abandoned factual disputes. When settlement did not resolve the cases, Applicant again demanded the formal forum.

Applicant does not rely on a circuit split. The forthcoming Petition proceeds principally under United States Supreme Court Rule 10(c): the final state judgment leaves standing a procedure difficult to reconcile with *Bell*, *Mathews*, *Loudermill*, *Logan*, and *Zinermon*. *Simpson* and *Ashraf* help show why the same principles have concrete force in professional-license cases.

G. The PCA is reviewable in this Court and ordinarily forecloses Florida Supreme Court review.

Reviewability does not require accepting the Florida Fourth District Court of Appeal's unexplained merits result as correct. The PCA is the judgment to be reviewed. *Jenkins* explains why an unelaborated PCA ordinarily cannot invoke the Florida Supreme Court's discretionary conflict jurisdiction, while *Ibanez* confirms that a Florida professional-discipline case may proceed to the United States Supreme Court after a district court of appeal affirms without opinion and further Florida Supreme Court review is unavailable. The federal due process claim was expressly preserved in the administrative proceedings and the Florida Fourth District Court of Appeal, including in the May 13 rehearing motion.

The absence of a written opinion is not itself alleged as a federal constitutional violation. It matters because the state appellate process ended without a reasoned ruling identifying any adequate and independent ground for leaving the revocation in place, and because the PCA prevented Applicant from invoking the ordinary Florida Supreme Court conflict-review route. The United States Supreme Court

therefore receives a final state judgment with the preserved federal question still unresolved in writing.

Nor does the record presently disclose an independent ground that necessarily sustains permanent revocation while avoiding the federal question. The reporting count did not independently carry a revocation penalty: the Recommended Order expressly recommended “no penalty” on that count because DBPR ultimately had knowledge through Applicant’s filing. R. 685. The Final Order adopted the Recommended Order’s disposition. No discrete alternative ground identified in the PCA necessarily resolves the separate profession-specific questions of professional capacity, connection to Community Association Management practice, competing factual narratives, credibility, rehabilitation, and aggravation. The PCA identifies no waiver, mootness, harmless-error holding, or other adequate and independent state ground. Applicant specifically asked the Florida Fourth District Court of Appeal for a written opinion in part to clarify any such ground; that request was denied.

III. THERE IS A FAIR PROSPECT THAT A MAJORITY WOULD REVERSE OR VACATE THE JUDGMENT BELOW.

The requested constitutional rule is narrow: when a State seeks permanent revocation of an existing professional license on disputed factual and profession-specific grounds not otherwise adjudicated, and a meaningful evidentiary process is practicable, timely invoked, and actually scheduled, due process requires a procedure capable of testing those grounds before the deprivation becomes final.

The Constitution does not require Florida to use one particular administrative model in every case. But once the State proceeds on disputed grounds, it may not avoid meaningful factfinding merely by labeling those grounds “undisputed” and then make the disputed findings necessary for permanent revocation.

This case is unlike the summary-action decisions in which immediate governmental interests or previously established objective facts justified postponing fuller process. *Dixon v. Love*, 431 U.S. 105 (1977), and *Mackey v. Montrym*, 443 U.S. 1 (1979), involved summary administrative action tied to objective statutory triggers and prompt later procedures. *FDIC v. Mallen*, 486 U.S. 230 (1988), involved a temporary suspension linked to an independently established event and a statutory post-suspension process. Here, by contrast, the State imposed permanent revocation on disputed profession-specific grounds without the trial-type merits factfinding that Applicant had timely invoked and that had already been scheduled.

McKinney v. Pate, 20 F.3d 1550, 1562-64 (11th Cir. 1994) (en banc), is also distinguishable. *McKinney* involved an employee who received pretermination process and principally alleged bias in a decisionmaking body, with available state corrective remedies. Applicant alleges a different defect: the foreseeable withholding of the first-instance merits factfinding specifically designated for disputed facts after that process had been timely invoked and scheduled. Applicant then pursued the available Florida corrective process; it did not supply the missing evidentiary adjudication.

Under *Bell and Mathews*, a majority of the United States Supreme Court could therefore conclude that the procedure was constitutionally inadequate and vacate or reverse the judgment sustaining final revocation, leaving Florida free to provide constitutionally adequate proceedings on remand. That disposition would respect Florida's regulatory authority while enforcing the federal minimum process required before the State permanently revokes an existing protected occupational license.

IV. APPLICANT FACES IRREPARABLE PROFESSIONAL HARM WITHOUT A STAY.

The harm is not merely monetary. DBPR's Final Order permanently revokes the credential that legally permits Applicant to practice as a Florida Community Association Manager. Once enforcement resumes, the revocation directly affects professional status, eligibility for licensed employment, ability to preserve or renew licensure, reputation in the regulated field, and continuity of a career that cannot be reconstructed after the fact merely by refunding money.

The state appellate stay request made the same point: enforcement while United States Supreme Court review is being pursued may further impair licensure, employment, professional reputation, and the effort to obtain meaningful federal review. The threatened harm follows from enforcement of the permanent revocation itself: loss of the credential required for licensed work, interruption of professional continuity, and the resulting reputational and employment consequences while federal review remains pending.

If certiorari is later granted and Applicant ultimately prevails, lost licensed work, lost professional continuity, and the consequences of an intervening permanent revocation cannot be fully restored. A limited stay prevents that irreparable interim harm without deciding the merits.

V. THE BALANCE OF EQUITIES AND THE PUBLIC INTEREST FAVOR A LIMITED STAY.

The balance of equities favors a limited preservation stay. The State retains its full authority to administer ordinary licensing requirements and to enforce generally applicable rules unrelated to the challenged revocation. A temporary stay would not erase the Final Order, grant merits relief, or prevent enforcement if certiorari is denied. It would only prevent the challenged permanent revocation from becoming operative before this Court can decide whether to review the preserved federal claim. The extended procedural chronology—the September 2020 events underlying the disciplinary matter, the formal DOAH proceedings and settlement-related closure in September 2022, DBPR’s August 2024 move to an informal-hearing track, the January 2025 hearing, the March 2025 Final Order, and state appellate proceedings continuing through August 31, 2026—also confirms that a short preservation period would maintain, rather than disrupt, the course of review that has existed for years. Applicant does not seek to avoid any ordinary renewal requirement or to prevent DBPR from enforcing generally applicable licensing rules unrelated to the challenged revocation.

A stay also preserves, rather than changes, the practical status quo that existed while state judicial review was underway. It does not erase the Final Order, exonerate Applicant, or prevent future enforcement if certiorari is denied. It simply prevents the most severe professional sanction from becoming operative while the Court determines whether to review the preserved federal due process issue.

The public interest likewise favors confidence that final occupational-license revocation follows constitutionally adequate procedures. The question extends beyond the merits of one disciplinary dispute: it concerns the minimum process required before government permanently revokes a protected occupational license on contested grounds. Preserving the status quo for the short federal-review period protects both the State's legitimate regulatory authority and the public interest in lawful, reliable administrative adjudication.

CONCLUSION AND RELIEF REQUESTED

For these reasons, Applicant respectfully requests that the Circuit Justice: (1) enter an immediate administrative stay sufficient to preserve the status quo while this Application is considered; (2) stay enforcement of the April 30, 2026 judgment of the Florida Fourth District Court of Appeal in No. 4D2025-1015 and, to the extent necessary to preserve the status quo, enforcement of the March 10, 2025 DBPR Final Order revoking CAM License No. 34177; (3) direct that, during the stay and provided Applicant satisfies the ordinary nondisciplinary renewal requirements applicable to all CAM licensees, the challenged revocation not be treated as a bar to otherwise lawful renewal or continued active licensure; (4) maintain that stay

pending Applicant's timely filing of the Petition for a Writ of Certiorari and, upon filing, pending the United States Supreme Court's disposition of the Petition; (5) if certiorari is granted, maintain the stay pending final disposition unless otherwise ordered; and (6) grant such other or further interim relief as is necessary to prevent enforcement from defeating meaningful federal review before the United States Supreme Court can act.

In the alternative, Applicant requests any shorter stay the Circuit Justice deems sufficient to permit orderly filing and consideration of the forthcoming Petition for a Writ of Certiorari without irreversible professional consequences in the interim.

Respectfully submitted,



Charles F. Cheleden

Applicant, pro se

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Chad.Cheleden@LibertyPMG.com

Date: September 14, 2026

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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.

PER CURIAM. Affirmed. CIKLIN, GERBER and LOTT, JJ., concur.

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

APPENDIX B

Fourth District Order Denying 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 C

Fourth District Order Denying Stay and Leave to Supplement Stay

Request — August 31, 2026

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA —
FOURTH DISTRICT, 110 SOUTH TAMARIND AVENUE, WEST PALM BEACH,
FL 33401

CHARLES F. CHELEDEN *W*, 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 August 6, 2026 'time-sensitive motion to stay issuance of mandate pending petition for writ of certiorari to the Supreme Court of the United States' and August 11, 2026 'time-sensitive motion for leave to supplement pending motion to stay issuance of mandate with material published fourth district precedent' are denied.

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

I HEREBY CERTIFY that the foregoing is a true copy of the court's order.
LONN WEISSBLUM, Clerk, Fourth District Court of Appeal.

APPENDIX D

Fourth District Order Denying Record Correction

November 5, 2025

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA

FOURTH DISTRICT, 110 SOUTH TAMARIND AVENUE, WEST PALM BEACH,

FL 33401

CHARLES F. CHELEDEN *W*, 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:

Upon consideration of the agency clerk's October 31, 2025 response, it is ORDERED
that appellant's October 6, 2025 motion to correct record is denied.

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

I HEREBY CERTIFY that the foregoing is a true copy of the court's order.

4D2025-1015 November 5, 2025

LONN WEISSBLUM, Clerk

Fourth District Court of Appeal

IN THE
SUPREME COURT OF THE UNITED STATES

No. _____

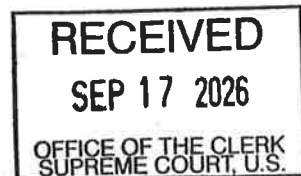
CHARLES F. CHELEDEN, Applicant

v.

FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION, Respondent

DECLARATION OF CHARLES F. CHELEDEN IN SUPPORT OF
EMERGENCY APPLICATION FOR STAY

1. I am the Applicant in this matter and the licensee identified in the Florida Department of Business and Professional Regulation Final Order as Community Association Manager License No. CAM34177.
2. The DBPR Final Order at issue orders the permanent revocation of that Community Association Manager license.
3. My ability to accept or perform work for which an active Florida Community Association Manager license is legally required depends on the continued validity of that professional credential.
4. My current Community Association Manager license is active through September 30, 2026. I understand that I remain responsible for satisfying the ordinary renewal requirements applicable to CAM licensees, and I do not ask the Supreme Court to excuse those requirements. I seek interim relief so that the challenged permanent



revocation is not enforced or treated as a barrier to otherwise lawful renewal and continued active licensure while I pursue Supreme Court review.

5. The alleged condominium incident underlying the disciplinary cases occurred on or about September 28, 2020.

6. In September 2022, after the parties represented that they had reached a settlement, the parties jointly moved for DOAH to relinquish jurisdiction. On September 28, 2022, DOAH closed the files and cancelled the scheduled formal hearing, while expressly providing leave to request reopening if the settlement was disapproved by the Regulatory Council of Community Association Managers.

7. DBPR did not move to place the cases on an informal-hearing track until August 21, 2024, nearly twenty-three months after the DOAH files were closed. I filed a written objection on August 29, 2024 and requested return to formal DOAH adjudication.

8. During my appeal in the Florida Fourth District Court of Appeal, I repeatedly sought supplementation and correction of the official appellate record after identifying audiovisual evidence that remained absent. On November 5, 2025, the Fourth District denied my motion to correct the record.

9. On April 30, 2026, the Fourth District entered a per curiam affirmance. I timely filed a motion for panel rehearing, rehearing en banc, and a written opinion on May 13, 2026. The Fourth District denied that motion on August 5, 2026.

10. After the August 5 denial, I sought a stay from the Fourth District to preserve the status quo while I pursued review in the United States Supreme Court. On

August 31, 2026, the Fourth District denied my stay request and my request for leave to supplement it.

11. During this period I also sought independent executive review by Florida state officials of a detailed 62-item ledger identifying claimed legal and procedural failures in the DBPR proceedings and appellate review. I did not understand or treat that nonjudicial request as extending the deadline for seeking review in the United States Supreme Court.

12. I am actively arranging Rule 33.1-compliant printing for my Petition for a Writ of Certiorari. The Fourth District did not deny my requested stay until August 31, 2026. I will file the Petition no later than November 3, 2026. I seek this interim relief to preserve meaningful federal review, not for purposes of delay.

13. The September 30, 2026 date is the regular end of the current CAM licensure cycle. The emergency I ask the Court to prevent is not ordinary expiration standing alone; it is the use or enforcement of the challenged permanent revocation in a manner that prevents otherwise lawful renewal or continued active licensed status before the Supreme Court can consider my timely Petition.

14. Enforcement of the permanent revocation while I am pursuing Supreme Court review would impair my professional status, my ability to accept or retain licensed work, the continuity of my professional career, and my reputation in the regulated field. Lost professional opportunities and career continuity during that period cannot be fully restored by a later monetary remedy.

I declare under penalty of perjury that the foregoing is true and correct. Executed
on September 14, 2026, at Deerfield Beach, Florida.



Charles F. Cheleden, Applicant, pro se

IN THE
SUPREME COURT OF THE UNITED STATES

No. _____

CHARLES F. CHELEDEN, Applicant

v.

FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION, Respondent

DECLARATION OF SERVICE - EMERGENCY APPLICATION FOR STAY
AND SUPPORTING DECLARATION

I, Charles F. Cheleden, declare that on September 14, 2026, I served the Emergency Application for Stay Pending Timely Filing and Disposition of a Petition for a Writ of Certiorari, together with the Supporting Declaration of Charles F. Cheleden, on Respondent through counsel identified below. One paper copy of each document was served, as required for a Rule 33.2 filing, and electronic PDF copies were transmitted to the electronic service address listed below.

Method of paper service:

☐ United States Postal Service, first-class mail (including Priority or Express Mail), postage prepaid.

☒ Third-party commercial carrier for (FedEx) delivery within three business days.

Counsel for Respondent:

Matthew Harrison Mears, Esq. and Andrew Fier, Esq.

Office of General Counsel, Division of Professions

Florida Department of Business and Professional Regulation

2601 Blair Stone Road

Tallahassee, Florida 32399-0760

Telephone: (850) 717-1513

Email: matthew.mears@myfloridalicense.com; Andrew.Fier@myfloridalicense.com;
ronda.bryan@myfloridalicense.com; danielle.walker@myfloridalicense.com;
alvan.balant@myfloridalicense.com

I declare under penalty of perjury under 28 U.S.C. § 1746 that the foregoing is true and correct and that all parties required to be served have been served.

Date: September 14, 2026



Charles F. Cheleden

Applicant, pro se