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*Brief OK
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THE SUPREME COURT OF FLORIDA

MARIE Y. BIDON and :
ELIZABETH MOMPLAISIR :

Appellants

vs. : CASE NO: 77,997

STATE OF FLORIDA, DEPARTMENT :
OF PROFESSIONAL REGULATION, :
FLORIDA REAL ESTATE COMMISSION :

Appellee :

APPEAL FROM THE
FOURTH DISTRICT COURT OF APPEAL OF FLORIDA
CASE NO: 90-02211

JURISDICTIONAL BRIEF

COUNSEL FOR APPELLEE

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I. INTRODUCTION

This is a jurisdictional brief, in accordance with Rule 9.120(d), Florida Rules of Appellate Procedure, and is restricted to the issue of the Supreme Court's jurisdiction to hear this matter.

II. ARGUMENT

Pursuant to Rule 9.030(a)(2)(A)(iv), Florida Rules of Appellate Procedure, the discretionary jurisdiction of the Supreme Court may be sought to review conflicts in decisions between district courts of appeal. The Appellee concurs with the Appellants that the decision of the Fourth District Court of Appeal in Bidon and Momplaisir v. Department of Professional Regulation and Florida Real Estate Commission, No. 90-02211 (Fla. 4th DCA, filed April 24, 1991), expressly conflicts with the decision of the Fifth District Court of Appeal in the case of Tucker v. State Department of Professional Regulation, 521 So.2d 146 (Fla. 5th DCA 1988, reh. denied March 7, 1988).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was mailed to the attorney for the Appellants: John B. Rogers, P.A., 1881 University Drive, Suite 206, Coral Springs, FL 33071, this 18th day of June 1991.



Joselyn M. Price
Assistant Attorney General

JP:pep