

10-4-99

STATE OF FLORIDA
ELECTRICAL CONTRACTORS' LICENSING BOARD

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DIVISION OF
ADMINISTRATIVE
HEARINGS

KENNETH J. MAXWELL,

Petitioner,

AT

CA-CLOS

CASE NO.: 98-3468

vs.

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,
ELECTRICAL CONTRACTORS'
LICENSING BOARD,

Final Order No. BPR-99-01943 Date 3-31-99
FILED
Department of Business and Professional Regulation
AGENCY CLERK
Sarah Wachman, Agency Clerk

Respondent.

By: Branda M. Nichols

FINAL ORDER

This matter came on to be heard on March 10, 1999, in Lake Buena Vista, Florida, before the Electrical Contractors' Licensing Board for consideration of a Recommended Order from the Division of Administrative Hearings pursuant to Section 120.57(1), Florida Statutes.

Petitioner was present and waived presence of counsel, Oscar Syger. Respondent was represented by Ann Cocheu, Assistant Attorney General.

On January 4, 1999, Administrative Law Judge Claude B. Arrington issued a Recommended Order after a formal hearing on Petitioner's challenges to denial of licensure by examination as a Certified Alarm System Contractor I; a copy of said Recommended Order is attached to and made a part of this Final Order.

EXCEPTIONS

Petitioner filed "Exceptions to Proposed Order and Request for Leave to Supplement." All Board members had reviewed the entire record furnished to it. The

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exceptions merely sought to reargue the case. There was competent substantial evidence to support the Administrative Law Judge's findings of fact. The exceptions are rejected. Heifetz v. Department of Business Regulation, 475 So.2d 1277 (Fla. 1st DCA 1985); Florida Power & Light Co. v. State, 693 So.2d 1025 (Fla. 1st DCA 1997).

FINDINGS OF FACT

The Board adopts paragraphs 1-16 of the Recommended Order as its Findings of Fact.

CONCLUSIONS OF LAW

The Board adopts paragraphs 17-25 of the Recommended Order as its Conclusions of Law.

CONCLUSION

Based upon the Findings of Fact and Conclusions of Law, the Board denies Petitioner's application to sit for the certified alarm system contractor I licensure examination.

This Order constitutes final agency action. Pursuant to Section 120.68, Florida Statutes, the parties are notified that they may appeal this Order by filing a Notice of Appeal, along with the appropriate filing fees, in the District Court of Appeal. Such notice must be filed with the Clerk of the Department and with the District Court of Appeal within thirty calendar days of the date of this Order or further review of this action will be barred.

This Order is final upon filing with the Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this _____ day of _____, 1999.

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ELECTRICAL CONTRACTORS'
LICENSING BOARD

Keneath Robinson
KENEATH ROBINSON
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a copy of this Order has been sent by Certified Mail to Oscar Syger, Esquire, Biscayne Building, Suite 810, 19 W. Flagler Street, Miami, Florida 33130 and Kenneth Maxwell, 20030 NW 34th Avenue, Miami, Florida 33056 and by Interoffice Mail to Ann Cocheu, Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 312399-1050, and Claude B. Arrington, Administrative Law Judge, Division of Administrative Hearings, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060 this _____ day of _____, 1999.
