

1-30-01

AT

Final Order No. BPR-2001-02045 Date: 5-3-01

FILED

Department of Business and Professional Regulation  
AGENCY CLERK

Sarah Wachman, Agency Clerk

By:

*Brandon M. Nichol*

MAY 4 AM 11:45

STATE OF FLORIDA  
CONSTRUCTION INDUSTRY LICENSING BOARD

JERMADO EMMANUEL TURNER,

Petitioner,

-vs-

CASE NO.: 2000-06348

DOAH CASE NO.: 00-4175

JIBC

DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION,  
BUREAU OF TESTING,

Respondent.

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FINAL ORDER

THIS MATTER came before the Construction Industry Licensing Board (hereinafter referred to as the "Board") pursuant to Section 120.57(1)(l), F.S., on March 16, 2001, in Orlando, Florida, for consideration of the Recommended Order (a copy of which is attached hereto and incorporated herein by reference) issued by the Administrative Law Judge in the above styled case. The Petitioner was not present nor was he represented by Counsel at the Board meeting. The Respondent was represented by Paul J. Martin, Esq.

Upon consideration of the Administrative Law Judge's Recommended Order and the arguments of the parties and after a review of the complete record in this matter, the Board makes the following findings:

### FINDINGS OF FACT

1. The Administrative Law Judge's Findings of Fact are hereby approved and adopted and incorporated herein by reference.
2. The preponderance of the evidence adduced supports the Administrative Law Judge's Findings of Fact.

### CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to the provisions of Section 120.57(1), and Chapter 489, Florida Statutes.
2. The Administrative Law Judge's Conclusions of Law, are hereby approved and adopted in toto and incorporated herein by reference.
3. Respondent did not meet the requirements for licensure pursuant to Section 489.113(1), Florida Statutes, and Rule 61G4-16.001(21), Florida Administrative Code.
4. The preponderance of the evidence supports the Board's findings and conclusions.

#### THEREFORE, IT IS ORDERED AND ADJUDGED:

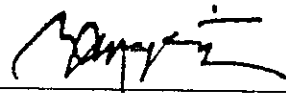
1. Petitioner's challenge to questions 41 and 48 on the February 2000 Construction Building Contractors (Contract Administration) examination is hereby DENIED.
2. Petitioner's application for licensure as a Building Contractor is DENIED for failure to receive a passing grade on all tests required for certification by examination for a Building Contractor pursuant to Section 489.113(1), Florida Statutes, and Rule 61G4-16.001(21), Florida Administrative Code.

Pursuant to Section 120.68, Florida Statutes, the Parties are hereby notified that they may appeal this Order by filing an original Notice of Appeal with the Clerk of The Department of Business and Professional Regulation, Northwood Centre, 1940 N. Monroe

Street, Tallahassee, Florida 32399-0792, and by filing the filing fee and one copy of the Notice of Appeal with the District Court of Appeal within thirty (30) days of the effective date of this Order.

This Order shall become effective upon filing with the clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 20<sup>th</sup> day of April, 2001.



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PAUL T. MCKITRICK, Chair  
Construction Industry Licensing  
Board

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to: Jermado Emmanuel Turner, 6511 John Alden Way, Orlando, Florida 32818; to Jeff B. Clark, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; by hand delivery/United States Mail to the Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467; and to Robert A. Crabill, Esq., Lead Construction Attorney, Office of the General Counsel, 1940 North Monroe Street, Suite 60, Tallahassee Florida 32399, on or before 5:00 p.m., this 3<sup>rd</sup> day of May, 2001.

Brandon M. Nichols