

1-10-03

STATE OF FLORIDA
ELECTRICAL CONTRACTORS' LICENSING BOARD

FILED
03 APR 11 PM 1:59
DIVISION OF
ADMINISTRATIVE
HEARINGS

KEVIN HARRINGTON,
Petitioner,

AT
JBC-CWS

vs.

DOAH Case No.: 02-1322

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

Final Order No. BPR-2003-01047 Date: 4-10-03
FILED
Department of Business and Professional Regulation
AGENCY CLERK
Sarah Wachman, Agency Clerk

By: Brandon M. Nichols

FINAL ORDER

THIS CAUSE came before the ELECTRICAL CONTRACTORS' LICENSING BOARD (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on March 21, 2003, in Tampa, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order and Respondent's Exceptions to Recommended Order. (copies of which are attached hereto as Exhibits A and B respectively) in the above-styled cause. Petitioner nor his attorney made an appearance at the hearing. Respondent was represented by Rosanna Catalano, Assistant Attorney General. Gail Scott-Hill, Chief Attorney at the Department of Business and Professional Regulation advised the Board during this hearing.

Upon review of the Recommended Order, the argument of the parties, and after a review of the complete record in this case, the Board makes the following findings and conclusions.

RULINGS ON EXCEPTIONS

1. The Board voted to reject Petitioner's first exception (I) to the Recommended Order.
2. The Board voted to reject Petitioner's second exception (II) to the Recommended Order.

3. The Board voted to reject Petitioner's third exception (III) to the Recommended Order.

4. The Board voted to reject Petitioner's fourth exception (IV) to the Recommended

Order.

The Board found competent substantial evidence in the record to support the Administrative Law Judge's recommended order.

FINDINGS OF FACT

1. The findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

2. There is competent substantial evidence to support the findings of fact.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 489, Florida Statutes.

2. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

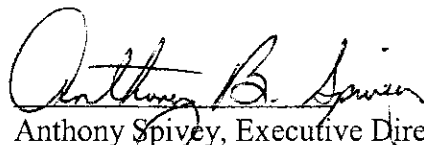
Upon a complete review of the record in this case, the Board determines that the recommendation by the Administrative Law Judge be ACCEPTED.

WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that the Board's denial of Petitioner's application to take the Certified Electrical Contractor's Licensure Examination be upheld.

This Final Order shall take effect upon being filed with the Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 8th day of April, 2003.

ELECTRICAL CONTRACTORS' LICENSING BOARD


Anthony Spivey, Executive Director
for Michele Poole, Chair

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 THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

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 Kevin Harrington c/o Rosemary Hanna Hayes, Esquire, 3117 Edgewater Drive, Orlando, Florida 32804; to Jeff B. Clark, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by interoffice delivery to Rosanna Catalano, Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, FL 32399-1050 this 10th day of April, 2003.

Brandon M. Nichols