

STATE OF FLORIDA
CONSTRUCTION INDUSTRY L

Final Order No. BPR-2003-03877 Date: 12-24-03
FILED

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Department of Business and Professional Regulation
AGENCY CLERK

Sarah Wachman, Agency Clerk

Petitioner,

AT

By: Brandon M. Nichol

vs.

DOAH CASE NO: 03-1993PL
DBPR CASE NO.: 2001-06684
LICENSE NO.: CP C052530 &
CB C037867 04

MIKE H. KARGAR,

Respondent.

BJS-CWS

FILED
JUL 15 AM 11:04
ADMINISTRATIVE
HEARINGS

FINAL ORDER

This matter was heard by the Construction Industry Licensing Board, (hereinafter the "Board") pursuant to Section 120.57(1), Florida Statutes, on November 13, 2003, in Fort Lauderdale, Florida, for consideration of Recommended Order entered by Administrative Law Judge Barbara J. Staros. (a copy of which is attached hereto as "Exhibit A"). The Petitioner was represented by Patrick F. Creehan, Esquire. Respondent was not present at the hearing.

After reviewing the entire record, including the transcript and the exhibits, the Board makes the following findings and conclusions:

FINDINGS OF FACT

1. The Administrative Law Judge's Findings of Fact are approved and adopted in toto and are incorporated herein by reference.
2. There is competent, substantial evidence to support the Board's findings.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of the parties and subject matter of this case pursuant to Sections 120.569 and 120.57, Florida Statutes, and Chapter 489, Part I,

Florida Statutes.

2. The Administrative Law Judge's Conclusions of Law are approved and adopted in its entirety and are incorporated herein by reference.

3. The violations set forth warrant disciplinary action by the Board.

THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

1. Respondent shall pay an administrative fine in the amount of One Hundred Dollars (\$100.00) and investigative costs in the amount of Three Hundred Eighty-Four Dollars and Sixty-Three Cents (\$384.63). Said fine and costs shall be paid within thirty (30) days after the date of filing of the Final Order.

To assure payment of the fine and costs, it is further ordered that Respondent's license to practice contracting shall be suspended with the imposition of the suspension being stayed for thirty (30) days from the date of the filing of the Final Order. If the ordered fine and costs are paid within that thirty (30) day period, the suspension imposed shall not take effect. Upon payment of the fine and costs after the thirty (30) days, the suspension imposed shall be lifted. If the licensee does not pay the fine and costs within said period, then immediately upon expiration of the stay, he shall surrender his license to the Department of Business and Professional Regulation.

In addition, the Respondent will be required to pay interest on fines due to the Board at a rate of 18% per annum, beginning on the thirty-first (31st) day after the issuance of the final order.

A change in your licensure status, including the suspension, revocation, voluntary relinquishment, or involuntary relinquishment of your license does not relieve you of your obligation to pay any fines, costs, interest, or restitution imposed in this

order..

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

DONE AND ORDERED this 19 day of December, 2003.



EDWARD M. WELLER, Chair
Construction Industry Licensing Board

NOTICE TO APPLICANT

You may seek review of this Order, pursuant to Sections 120.569 and 120.57, Florida Statutes, by filing a petition with the Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399, within 21 days of receipt of this Order. If you dispute any material fact upon which the Board's decision is based, you may request a hearing before an Administrative Law Judge pursuant to Section 120.57(1), Florida Statutes; your petition must contain the information required by Rule 28-106.201, Florida Administrative Code, including a statement of the material facts which are in dispute. If you do not dispute any material fact, you may request a hearing before the Board pursuant to Section 120.57(2), Florida Statutes; your petition must include the information required by Rule 28-106.301, Florida Administrative Code. If you request a hearing, you have the right to be represented by an attorney or other qualified representative, to take testimony, to call or cross-examine witnesses, to have subpoena and subpoena duces tecum issued, and to present written evidence or argument.

Pursuant to Section 120.573, Florida Statutes, you are hereby notified that

mediation pursuant to that section is not available.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT a true and correct copy of the foregoing has been forwarded by United States Mail to: Mike Kargar c/o Barry E. Hughes, Esquire, 2001 South Ridgewood Avenue, South Daytona, Florida 32119; by hand delivery/United States Mail to the Construction Industry Licensing Board, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783; and to Patrick F. Creehan, Esq., Chief Construction Attorney, Office of the General Counsel, 1940 N. Monroe St., Ste. 60, Tallahassee, Florida 32399-2202, on or before 5:00 p.m., this 24th day of December, 2003.

Brandon M. Nichols