

STATE OF FLORIDA
CONSTRUCTION INDUSTRY LICENSING BOARD

Final Order No. BPR-2005-01173 Date: 3-10-05
FILED

FILED
2005 MAR 11 10 2 13 AM
DIVISION OF
ADMINISTRATIVE
HEARINGS

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Department of Business and Professional Regulation
AGENCY CLERK
Sarah Wachman, Agency Clerk

Petitioner,

By: Sarah Wachman

-vs-

AT

CASE NOS.: 2001-02735,
2001-02587
LICENSE NO.: CG C061494

DOUGLAS V. REYNAERT,
Respondent.

04-1546PL

CSH - CLOS

FINAL ORDER

THIS MATTER came before the Construction Industry Licensing Board pursuant to Sections 120.569 and 120.57(1), Florida Statutes at the duly noticed meeting on January 12-14, 2005, in Panama City Beach, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order of October 29, 2004 (attached). Petitioner was represented by Patrick F. Creehan, Esquire, who was present at the hearing. The Board was represented by Diane Guillemette. The Respondent was not present.

Findings of Fact

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

Conclusions of Law

2. The Board has jurisdiction over this matter pursuant to the provisions of Section 120.57 and Chapter 489, Florida Statutes.

3. The Revocation of Respondent's license in a prior case is not a mitigating circumstance to penalty as stated in Paragraph 55 of the Recommended order, but rather, is an aggravating circumstance to penalty.

4. The remaining conclusions of law set forth in the Recommended Order are consistent with the findings and are approved, adopted, and incorporated herein by reference.

Penalty

5. After review of the complete record, the Administrative Law Judge's recommendation of no fine is rejected as it is not consistent with the Construction Industry Licensing Board Rules 61G4-17.001 and 61G4-17.002, F.A.C. Based on prior complaints against the Respondent as evidenced by a prior revocation, and the findings that the Respondent violated Sections 489.129(1)(f), 489.129(1)(j), 489.129(1)(m), 489.129(6)(b), 489.1425(1), 489.129(1)(i), F.S., the Board finds that the appropriate fine is Twenty Two Thousand Dollars (\$22,000).

WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that the Respondent:

6. Respondent shall pay an administrative fine in the amount of Twenty Two Thousand Dollars (\$22,000). The fine shall be paid within thirty (30) days after the date of filing of the Final Order.

7. Respondent shall pay restitution in the amount of Six Thousand Dollars (\$6,000)* to Leila and Karen Gammie. Proof of restitution, must be provided to the

*Any attempt by victim to collect all or part of the restitution ordered from the Recovery Fund shall require strict documentary proof of unrecovered losses.

Executive Director at 1940 N. Monroe Street, Tallahassee, FL 32399-1039, within thirty (30) days of the date of the filing of the Final Order.

8. Respondent shall pay restitution in the amount of Eight Thousand One Hundred Twenty One Dollars (\$8,121)** to Homer Dietzman. Proof of restitution, must be provided to the Executive Director at 1940 N. Monroe Street, Tallahassee, FL 32399-1039, within thirty (30) days of the date of the filing of the Final Order.

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

DONE and ORDERED this 9th day of March 2005.


MICHELLE KANE, Chair
Construction Industry Licensing Board

NOTICE OF RIGHT TO APPEAL

THIS ORDER CONSTITUTES FINAL AGENCY ACTION AND MAY BE APPEALED BY ANY PARTY PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND RULES 9.110 AND 9.190, FLORIDA RULES OF APPELLATE PROCEDURE , BY FILING A NOTICE OF APPEAL CONFORMING TO THE REQUIREMENTS OF RULE 9.110(D), FLORIDA RULES OF APPELLATE PROCEDURE, BOTH WITH THE APPROPRIATE DISTRICT COURT OF APPEAL, ACCOMPANIED BY THE APPROPRIATE FILING FEE, AND WITH THE DEPARTMENT'S CLERK OF AGENCY PROCEEDINGS, WITHIN

**Any attempt by victim to collect all or part of the restitution ordered from the Recovery Fund shall require strict documentary proof of unrecovered losses.

THIRTY (30) DAYS OF RENDITION OF THIS ORDER.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by Certified Mail to: DOUGLAS V. REYNAERT, P.O. Box 613, Estrero, FL 33928, and 4815 Hidden Harbour Boulevard, Fort Myers, FL 33919 and by hand/interoffice delivery to the Construction Industry Licensing Board, 1940 N. Monroe Street, Tallahassee, Florida 32399-1039; Patrick F. Creehan, Esq., Chief Construction Attorney, Office of the General Counsel, 1940 N. Monroe St., Ste. 60, Tallahassee, Florida 32399-2202, and Diane L. Guillemette, Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050, on or before 5:00 p.m., this 10th day of March, 2005.

Sarah Wachman