

1118.04

**STATE OF FLORIDA
CONSTRUCTION INDUSTRY LICENSING BOARD**

KAREN SCRAGG
MAY -5 P 2:27

Petitioner,
ADMINISTRATIVE
HEARINGS

v.

WFQ
CLOSED

DOAH CASE NO. 04-2076
DBPR CASE NO. 98-C0026

FILED
2005 MAY -5 P 2:
DIVISION OF
ADMINISTRATIVE
HEARINGS

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,
CONSTRUCTION INDUSTRY LICENSING BOARD,
CONSTRUCTION INDUSTRIES RECOVERY FUND,

Respondent.

Final Order No. BPR-2005-02369 Date: **5-4-05**
FILED
Department of Business and Professional Regulation
AGENCY CLERK
Sarah Wachman, Agency Clerk

By: Brandon M. Nichol
AT

FINAL ORDER

The Construction Industry Licensing Board (the "Board"), pursuant to section 120.57(1), Florida Statutes, enters this Final Order in the above-styled matter. This matter came before the Board on March 11, 2005, in Tampa, Florida for consideration of a Recommended Order from the Administrative Law Judge (a copy of which is attached hereto as Exhibit "A"). At the hearing, the Petitioner and a personal representative were present, but Petitioner was not represented by counsel. The Respondent was represented by its attorney. Upon consideration of the Recommended Order, the arguments of the parties, and a review of the complete record presented at the Division of Administrative Hearings, the Board makes the following rulings, findings of fact and conclusions of law:

RULINGS ON EXCEPTIONS:

1. No exceptions were filed to the Recommended Order by either party.

FINDINGS OF FACT:

2. The Administrative Law Judge's Findings of Fact are supported by a preponderance of the evidence.


3. The Findings of Fact set forth in the Recommended Order are approved, adopted in full and incorporated herein by reference.

CONCLUSIONS OF LAW:

4. This Board has jurisdiction over this matter pursuant to the provisions of section 120.57(1) and Chapter 489, Part I, Florida Statutes.
5. The Conclusions of Law set forth in paragraphs 13 through 20 of the Recommended Order are supported by the findings and are approved, adopted and incorporated herein by reference.
6. The claim is **DENIED**.

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

Done and ordered this 11th day of March 2005.

A handwritten signature in black ink, appearing to read 'Michelle B. Kane', written over a horizontal line.

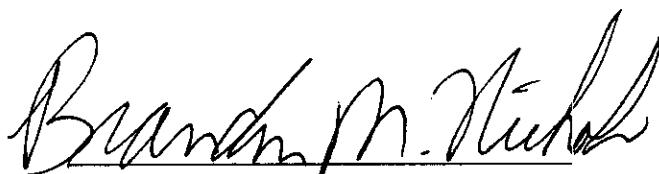
MICHELLE B. KANE, CHAIR
Construction Industry Licensing Board

NOTICE OF RIGHT OF APPEAL

THIS FINAL ORDER CONSTITUTES FINAL AGENCY ACTION AND MAY BE APPEALED BY ANY PARTY SUBSTANTIALLY AFFECTED BY THIS FINAL ORDER PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND RULE 9.110, 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 AGENCY CLERK, DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, AT 1940 NORTH MONROE STREET, TALLAHASSEE, FLORIDA 32399-1007 WITHIN THIRTY (30) DAYS OF THE RENDITION OF THIS ORDER.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing order has been provided by U.S. CERTIFIED MAIL to: I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by U.S. Certified Mail to: Karen W. Scragg, 9085 Leisure Lane, North, Largo, Florida 33773; and to the Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, on this 4th day of May 2005.

A handwritten signature in black ink that reads "Brandon M. Nichols". The signature is written in a cursive style with a horizontal line underneath the name.

Brandon Nichols, Deputy Clerk

Copies Furnished To:
Adrienne Rodgers
Assistant General Counsel
DBPR