

**STATE OF FLORIDA  
CONSTRUCTION INDUSTRY LICENSING BOARD**

WILLIAM AND MARLENE GRUBB,

Petitioners,

v.

DOAH CASE NO. 04-3047  
DBPR CASE NO. 98-C0216

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

Respondent.

Final Order No. BPR-2005-01429 Date: **3-23-05**  
FILED  
Department of Business and Professional Regulation  
AGENCY CLERK  
Sarah Wachman, Agency Clerk  
By: *Brandon M. Nichols*

**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 February 11, 2005, in St. Augustine, 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 Petitioners were not present, nor were they represented by counsel. The Respondent was represented by its attorney, Adrienne C. Rodgers. 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**

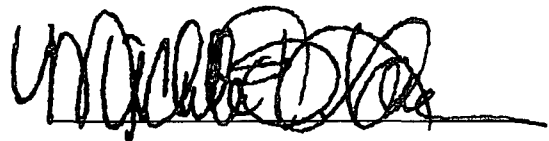
2. The Administrative Law Judge's Findings of Fact are supported by a preponderance of the evidence.
3. The Findings of Fact set forth in the Recommended Order are approved, adopted in full and incorporated herein by reference.

## 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 14 through 24 are supported by the findings and are approved, adopted and incorporated herein by reference.
6. The actual damages suffered as a result of the injury caused by the licensed contractor who originally preformed the roof repair were \$1,025.00.
7. Pursuant to section 489.143, Florida Statutes (2003), the maximum amount that the Recovery Fund can pay on a single claim is \$25,000.00. Thus, the claim for restitution from the Recovery Fund is **APPROVED** in the amount of \$1,025.00.
8. In accordance with rule 61G4-21.005, Florida Administrative Code, the Secretary of the Florida Department of Business and Professional Regulation is directed to pay the claim from the Recovery Fund after forty-five (45) days from the date upon which the Final Order is filed with the Agency Clerk.
9. Pursuant to section 489.143(6), Florida Statutes (2003), upon payment of the claim from the Recovery Fund, Licensee's licensure to practice contracting is **AUTOMATICALLY SUSPENDED** without any further administrative action.
10. Pursuant to section 489.143(2), Florida Statutes (2003), upon receipt by Claimant under section 489.143(1), Florida Statutes (2003) of payment from the Recovery Fund, Claimant shall assign his or her additional right, title, and interest in the judgment or restitution order, to the extent of such payment, to the Board, and thereupon the Board shall be subrogated to the right, title, and interest of the Claimant; and any amount subsequently recovered on the award, judgment or restitution order by the Board, to the extent of the right, title, and interest of the Board therein, shall be for the purpose of reimbursing the Recovery Fund.

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 February 2005.



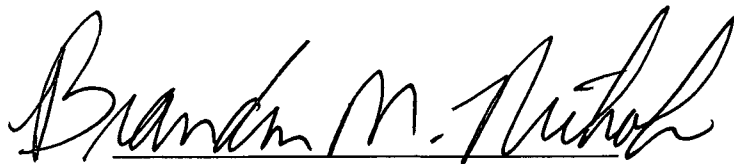
MICHELLE B. KANE, CHAIR  
CONSTRUCTION INDUSTRY  
LICENSING BOARD

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: William And Marlene Grubb, 10551 NW 21st Court, Sunrise, Florida 33322; Norman Levinsky, 2600 Hammondville Road, Suite 41, Pompano Beach, Florida 33069; and to the Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, on this 23<sup>rd</sup> day of March 2005.



Brandon Nichols, Deputy Clerk

Copies Furnished To:  
Adrienne Rodgers  
Assistant General Counsel  
DBPR