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Department of Business and Professional Regulation

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DIVISION OF
ADMINISTRATIVE
HEARINGS

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FILED

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

-vs-

CASE NO.: 2003-081565
LICENSE NO.: CP C056443 &
CR C045849

STEPHEN WESLEY WILLIAMS,

Respondent.

05-1774 PL *BJS closed*

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 October 12-14, 2005, in Fort Lauderdale, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order of August 11, 2005 (attached). Petitioner was represented by Patrick F. Creehan, Esquire, who was present at the hearing. The Board was represented by Diane Guillemette. Respondent was not present.

Exceptions

1. Petitioner filed exceptions to the Recommended Order. The exceptions are found in paragraphs numbered 1-11. Petitioner's exceptions all flow from the Administrative Law Judge's finding of fact that Respondent is out of business and no longer a danger to the public.

Findings of Fact

2. After review of the entire record, the Board finds that the Administrative Law Judge's findings of fact are based on competent substantial evidence.

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

Conclusions of Law

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

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

Penalty

6. The Administrative Law Judge's recommended penalty, is approved, adopted, and incorporated in this Final Order of the Board.

WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that:

7. Petitioner's Exceptions are rejected.

8. Respondent shall pay administrative fines in the amounts listed as follows:

- a. One Hundred Dollars (\$100.00) to be deposited in the Construction Industries Recovery Fund for violation of Section 489.1425,
- b. Five Hundred Dollars (\$500) for abandonment of a construction job,
- c. Five Hundred Dollars (\$500) for misconduct, and
- d. One Hundred Dollars (\$500) for failure to put his license number on the

contract.

For a total of One Thousand Six Hundred Dollars (\$1,600).

In addition, the Department will issue a notice of noncompliance pursuant to Section 489.119(6)(e), F.S.

9. Respondent shall pay costs in the amount of Six Hundred Fourteen Dollars and Seventy Seven Cents (\$614.77).

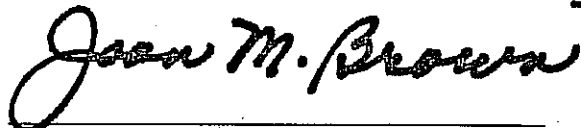
10. Respondent shall pay restitution in the amount of Three Thousand Seven Hundred Fifty Seven Dollars and Fifty Cents (\$3,757.50)¹ to Thomas and Denise Shinn.

11. Said restitution, 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, costs, and restitution, 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, costs and restitution, are paid to the Board within the thirty (30) days, the suspension imposed shall not take effect. Upon payment of the fine, costs and restitution after the thirty (30) days, the suspension imposed shall be lifted. If the licensee does not pay the fine, costs and restitution within said period, then immediately upon expiration of the stay, Respondent shall surrender his license to the Department of Business and Professional Regulation.

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

¹. 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.

DONE and ORDERED this 21ST day of NOVEMBER, 2005.



JOAN M. BROWN; 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 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: STEPHEN WESLEY WILLIAMS, 3146 Brachenbury Lane, Jacksonville, FL 32225 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 22ND day of November, 2005.

