

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

FILED
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DIVISION OF
ADMINISTRATIVE
HEARINGS

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION

Final Order No. BPR-2007-01542 Date: 2-26-07
FILED
Department of Business and Professional Regulation
AGENCY CLERK
Sarah Wachman, Agency Clerk

Petitioner,

By: Brandon M. Nichol

vs.

CLIFFORD GRANDMONT,

DBPR CASE NOS. 2006-010131,
2006-011378, 2006-011632
DOAH CASE NOS. 06-3277,
06-3278, 06-3279

Respondent.

FINAL ORDER

THIS CAUSE came before the State of Florida, Department of Business and Professional Regulation, for the purpose of considering Administrative Law Judge (ALJ) Harry L. Hooper's Recommended Order, a copy of which is attached hereto as exhibit A, in the above styled cause. Petitioner filed timely exceptions to the Recommended Order.

After a review of the complete record in this matter, including consideration of the Recommended Order and Petitioner's Exceptions to the Recommended Order, the Department of Business and Professional Regulation ("Department") makes the following findings and conclusions:

Exceptions to Conclusions of Law

Petitioner urges in its exceptions that the last sentence in paragraph 18 of the Recommended Order in which, *inter alia*, there is addressed the subject of the assessment of reasonable investigative and legal costs for the prosecution of an unlicensed contractor be rejected by the Department. In place of that conclusion of law, Petitioner urges the Department

to make conclusions of law that under section 489.13 (3), *Florida Statutes*, the Department is justified in assessing reasonable investigative costs against Respondent.

The undersigned grants this exception and finds that the conclusion of law in the last sentence in paragraph 18 of the Recommended Order is incorrect because during the administrative hearing the Administrative Law Judge accepted into evidence Petitioner's Exhibits 3-5, all of which were Affidavits of Costs detailing the costs for all three (3) cases to the Department (Transcript Page 4, Line 23 through Page 5, Line 10). The undersigned finds that this substituted conclusion of law is as or more reasonable than that last sentence in paragraph 18 of the Recommended Order.

Findings of Fact and Other Conclusions of Law

The Administrative Law Judge's findings of fact in the Recommended Order that have not been modified by this Final Order, are approved, adopted, and incorporated herein by reference. Said findings are supported by competent substantial evidence.

The Administrative Law Judge's conclusions of law in the Recommended Order, that have not been modified by this Final Order, are approved, adopted, and incorporated herein by reference.

Recommended Penalty

The undersigned finds that after a review of the record the Penalty should be increased to assess the investigative costs associated with all three (3) cases based on the modified conclusion of law adopted above.

Having been otherwise fully advised in the premises, Department hereby **ORDERS AND ADJUDGES THAT:**

1. Respondent shall pay an administrative penalty in the amount of **\$30,000.00**, due and payable to the Department of Business and Professional Regulation, Northwood Centre,

1940 North Monroe Street, Tallahassee, Florida, 32399-2202, within thirty calendar days from the effective date of this Order.

2. Respondent shall pay the costs of the investigation and prosecution, excluding costs associated with an attorney's time, in the amount of **\$514.62**, due and payable to the Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida, 32399-2202, within thirty calendar days from the effective date of this Order. Please refer to I/O number 7813007, file number 1289 when making payment.

3. Respondent shall cease any further unlicensed activity that violates chapters 455 or 489, Florida Statutes.

4. This Final Order shall become effective on the date of filing with the Department's Agency Clerk.

DONE AND ORDERED this 23 day of February, 2007.



Holly Benson, Secretary
Department of Business and
Professional Regulation
Northwood Centre
1940 North Monroe Street
Tallahassee, FL 32399-0750

NOTICE OF RIGHT TO APPEAL

Unless expressly waived, any party substantially affected by this Final Order may seek judicial review by filing an original Notice of Appeal with the Clerk of the Department of Business and Professional Regulation, and a copy of the notice, accompanied by the filing fees prescribed by law, with the clerk of the appropriate District Court of Appeal within thirty days rendition of this Order, in accordance with Fla. App. P. 9.110, and section 120.68, Florida Statutes.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided via U.S. Mail to Clifford Grandmont, 7733 Park Road, Charlotte, North Carolina 28210 this 26th day of February, 2007.



Agency Clerk's Office

cc: Nancy Terrel, Hearing Officer
Brian Higgins, Assistant General Counsel
Mark Reddinger, Program Administrator, Bureau of Unlicensed Activity
Division of Administrative Hearings
Ella Arseneau, 5876 Cherokee Drive, Lake Worth, FL 33463
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