

Final Order No. BPR-2007-06711 Date: **8-24-07**
FILED

Department of Business and Professional Regulation
AGENCY CLERK

Sarah Wachman, Agency Clerk
By: *Brandon M. Nichol*

**STATE OF FLORIDA
CONSTRUCTION INDUSTRY LICENSING BOARD**

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

-vs-

CASE NO.: 2006-001485
LICENSE NO.: CR C057007

PAUL MARCHESE, JR.,
Respondent.

_____ /

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 July 12, 2007, in Boca Raton, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order of May 8, 2007 (attached). Petitioner was represented by April Hammonds, Esquire, who was present at the hearing. The Board was represented by Diane Guillemette. The Respondent was 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 conclusions of law set forth in the Recommended Order are consistent with the findings and are approved, adopted, and incorporated herein by reference.

Penalty

4. 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:

1. Respondent's license, CR C057007, is hereby **SUSPENDED**.

Respondent's license shall remain suspended until proof of satisfaction of the civil judgment obtained by American Builders & Contractors Supply Co., Inc., d/b/a ABC Supply Co., Inc., case No. 2003-7188-CC, in the County Court in and for Hillsborough County, has been provided to the Board. Proof of satisfaction must be supplied directly to Executive Director of the Construction Industry Licensing Board at 1940 N. Monroe Street, MS#N14, Tallahassee, FL 32399-1039.

2. Respondent shall pay an administrative fine in the amount of Five Thousand Dollars (\$5,000) and investigative costs in the amount of Two Hundred Eighty Eight Dollars and Sixty Eight Cents (\$288.68). Said fine and costs shall be paid within thirty (30) days after the date of filing of the Final Order.

In addition, Respondent is required to pay interest on the fine due to the Board at a rate of 18% per annum, beginning on the thirty-first (31st) day after the issuance of the Final Order.

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

DONE and ORDERED this 22nd day of August, 2007.


RAYMOND HOLLOWAY, 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: PAUL MARCHESE, JR., 1747 Cattlemen Road, Sarasota, FL 34232, and Jackson McGill, Esq., 2033 Main Street, Ste 202, Sarasota, FL 34237; and by hand/interoffice delivery to the Construction Industry Licensing Board, 1940 N. Monroe Street, MS#N14, Tallahassee, Florida 32399-1039; April Hammonds, Esq., Chief Construction Attorney, Office of the General Counsel, 1940 N. Monroe St., Ste. 60, Tallahassee, Florida 32399-2202, and Diane L. Guillemette, Senior Assistant Attorney General, PL-01 The Capitol, Tallahassee, Florida 32399-1050, on or before 5:00 p.m., this 24th day of August, 2007.

Diane L. Guillemette