

Final Order No. BPR-2007-07344 Date: **9-19-07**
FILED

Department of Business and Professional Regulation
AGENCY CLERK

Sarah Wachman, Agency Clerk
By: Brian M. Nibel

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

v.

DBPR Case Numbers: 2006-050340
2006-033043

WILLIS WITTMER
AND JR WITTMER'S REMODELING, INC.,

Respondent.

_____ /

FINAL ORDER

UPON CONSIDERATION of the Administrative Complaint attached hereto as Exhibit "A," the transcript of the corresponding Division of Administrative Hearings (DOAH) case and the exhibits received into evidence, the Recommended Order filed by the Administrative Law Judge in this matter and attached hereto as Exhibit "B", and the Exceptions to Recommended Order filed by the Petitioner and attached hereto as exhibit "C", and being otherwise fully advised of the premises, it is hereby,

ORDERED AND ADJUDGED THAT:

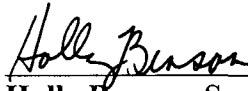
1. The findings of fact and the recommended penalty as detailed in the Recommended Order is adopted *in toto* and the Administrative Complaint filed herein is dismissed.

2. The Petitioner's Exceptions to conclusions of law found in paragraphs 15, 17 and 18 of the Recommended Order are granted and adopted *in toto*.

3. The remaining conclusions of law as detailed in the Recommended Order are adopted to the extent that they are not inconsistent with the Petitioner's Exceptions to the Recommended Order adopted herein.

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

DONE AND ORDERED this 12 day of September, 2007.



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

NOTICE OF RIGHT TO APPEAL

Unless expressly waived, any party adversely 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 (30) days of rendition of this order, in accordance with Rule 9.110, Florida Rules of Appellate Procedure, 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 Willis Wittmer and Jr. Wittmer's Remodeling, Inc., c/o Garvin Bowden at 1300 Thomaswood Drive, Tallahassee, FL 32308 and at 29 Rainbow Lane, Palm Coast, Florida 32164 this 19th day of September, 2007.

Shawn Wachman
Agency Clerk's Office

Copy furnished to:

Nancy Terrel, Hearing Officer
Laura P. Gaffney, Chief Attorney, Unlicensed Enforcement
Michael Green, Program Administrator, Division of Regulation
Kenneth Hatin, 33 Botany Lane, Palm Coast, Florida 32137