

Final Order No. BPR-2008-04994 Date: **6-12-08**
FILED

Department of Business and Professional Regulation
AGENCY CLERK

Sarah Wachman, Agency Clerk
By: Brandon M. Nichols

**STATE OF FLORIDA
CONSTRUCTION INDUSTRY LICENSING BOARD**

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

-vs-

CASE NO.: 2006-045940
LICENSE NO.: RM14016953

RAFAEL PEREZ,
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 November 15, 2007, in Orlando, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order of September 6, 2007 (attached). Petitioner was represented by Jeff Kelly, Esquire, who was present at the hearing. The Respondent was not present.

The Board hereby adopts the findings of fact, paragraphs 1-24, and the conclusions of law, paragraphs 25-38, contained in the Recommended Order. The Board adopts the portions of the recommendation contained in the Recommended Order that Respondent's registration be revoked and that costs be paid in the amount

of \$32.66. However, the Board increases the administrative fine from \$5,000.00 recommended by the administrative law judge to a total fine of \$7,500.00. This was done on the basis of a Board finding that \$7,500.00 was within the penalty guidelines for the violations found by the administrative law judge. A copy of the Recommended Order is attached to and made a part hereof this Final Order as described above.

THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

1. Respondent's license, RM14016953, is hereby **REVOKED**.

Respondent shall immediately surrender or mail all evidence of his license to the Executive Director, Construction Industry Licensing Board, Department of Business and Professional Regulation, 1940 North Monroe Street, MS#N14, Tallahassee, Florida 32399-1039.


2. Respondent shall pay an administrative fine in the amount of \$7,500.00 and investigative costs in the amount of \$32.66. 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. A change in your licensure status, including the suspension, revocation, voluntary relinquishment, or involuntary relinquishment of your license does not relieve you of your obligation to pay any fines, costs, interest or restitution imposed in this order.

**This Final Order shall become effective upon filing with the clerk of the
Department of Business and Professional Regulation.**

DONE AND ORDERED this 6th day of June, 2008.



RAYMOND HOLLOWAY, Chair
Construction Industry Licensing Board

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by Certified Mail to: Rafael Perez, 8031 SW 37th Terrace, Miami, FL 33155, and Yehuda D. Bruck, Law Offices of Schwartz & Associates, 200 Southeast 1st St., Miami, FL 33131; and by hand/interoffice delivery to the Construction Industry Licensing Board, 1940 N. Monroe Street, MS#N14, Tallahassee, Florida 32399-1039; Jeff Kelly, Esq., Chief Construction Attorney, Office of the General Counsel, 1940 N. Monroe St., Ste. 60, Tallahassee, Florida 32399-2202, and William Oglo, Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050, on or before 5:00 p.m., this 12th day of JUNE, 2008.

A handwritten signature in black ink, reading "Brandon M. Nichols". The signature is written in a cursive, flowing style with a horizontal line underneath the name.