

Final Order No. BPR-2008-11117

Date:

12/31/08

FILED

Department of Business and Professional Regulation

AGENCY CLERK

Sarah Wachman, Agency Clerk

By:

Sarah Wachman

STATE OF FLORIDA
BOARD OF PROFESSIONAL ENGINEERS

THOMAS NORRIS,

Petitioner,

vs.

DOAH Case No.: 08-0724

BOARD OF PROFESSIONAL ENGINEERS,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF PROFESSIONAL ENGINEERS (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on December 4, 2008, in Tallahassee, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order, a copy of which is attached hereto as Exhibit A, in the above-styled cause. Petitioner was present. Respondent was represented by Michael Flury, Assistant Attorney General.

Upon review of the Recommended Order, Petitioner's Exception, and after a review of the complete record in this case, the Board makes the following findings and conclusions.

RULING ON PETITIONER'S EXCEPTION AND RESPONDENT'S
MOTION TO STRIKE SUPPLEMENTAL INFORMATION

Petitioner timely filed an Exception to the Recommended order, which included supplemental information not included in the record presented in the formal hearing.

Respondent filed a Response to the Petitioner's Exception and moved to strike Petitioner's supplemental information.

IT IS ORDERED AND ADJUDGED:

1. Respondent's Motion to Strike Petitioner's supplemental information is hereby DENIED, however, the Board did not consider the supplemental information presented by Petitioner in making its determination.

2. Petitioner's Exception is hereby DENIED.

FINDINGS OF FACT

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

2. There is competent substantial evidence to support the findings of fact.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 471, Florida Statutes.

2. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

DISPOSITION

Upon a complete review of the record in this case, the Board determines that the disposition recommended by the Administrative Law Judge be ACCEPTED.

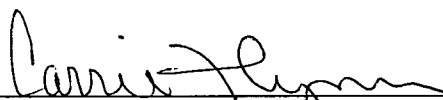
WHEREFORE,

IT IS HEREBY ORDERED AND ADJUDGED that Petitioner's application by ENDORSEMENT is hereby DENIED.

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

DONE AND ORDERED this _____ day of _____, 2008.

BOARD OF PROFESSIONAL ENGINEERS



Carrie Flynn, Executive Director
for John Burke, PE, Chair

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 FLORIDA ENGINEERS MANAGEMENT CORPORATION 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 U.S. Mail to THOMAS NORRIS, 7808 Southwest 99th Lane, Gainesville, Florida ; Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by interoffice delivery to Michael T. Flury, Assistant Attorney General, PL-01 The Capitol, Tallahassee FL 32303 this _____ day of _____, 2008.
