

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

SPRAGUE OWINGS,

Petitioner,

DOAH Case No. 09-1335

vs.

BUILDING CODE ADMINISTRATORS
AND INSPECTORS BOARD,

Respondent.

FINAL ORDER

THIS CAUSE came before the Building Code Administrators and Inspectors Board ("Board"), pursuant to Sections 120.569 and 120.57(1), *Florida Statutes*, on August 6, 2009, in Fort Lauderdale, Florida for the purpose of considering the Administrative Law Judge's Recommended Order, a copy of which is attached hereto as Exhibit "A."¹ The Petitioner was not present. The Board, in its role as Respondent in this proceeding, was represented by Timothy E. Dennis, Assistant Attorney General. The Board, in its role as the Agency Head in this proceeding, was represented by Elizabeth Duffy, Assistant General Counsel. No exceptions to the Recommended Order were filed.

Upon review and consideration of the Recommended Order and after a review of the record in this proceeding, the Board arrives at the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. The findings of fact set forth in the Recommended Order are approved, adopted, and

¹ Board member Robert McCormick recused himself from participating in the consideration of the Recommended Order in this proceeding, as he was a witness for the Board in the underlying administrative hearing.

incorporated herein by reference.

2. The findings of fact are supported by competent substantial evidence in the record.

CONCLUSIONS OF LAW

3. The Board has jurisdiction of this matter pursuant to Sections 120.569, 120.57(1), and Part XII, Chapter 468, *Florida Statutes*.

4. The conclusions of law set forth in the Recommended Order are consistent with the findings of fact and are approved, adopted, and incorporated herein by reference.

RECOMMENDATION

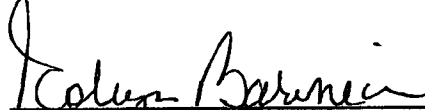
5. The Administrative Law Judge's recommendation is hereby approved and adopted.

WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that Petitioner's application for certification as a voluntary roofing inspector is **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 26th day of August, 2009.

BUILDING CODE ADMINISTRATORS
AND INSPECTORS BOARD



Robyn Barneau, Executive Director
for Chairperson, Building Code
Administrators and Inspectors Board

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via certified United States Mail to Sprague Owings, Post Office Box 1270, Yulee, Florida 32041-1270, and by interoffice delivery to Timothy E. Dennis, Assistant Attorney General, Administrative Law Section, PL 01, The Capitol, Tallahassee, FL 32399-1050, and T. Kent Wetherell, II, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida, 32399-3060 this 28th day of August, 2009.

Brandon M. Nichols

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 A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, AND A 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.

STATE OF FLORIDA
BUILDING CODE ADMINISTRATORS
AND INSPECTORS BOARD

FILED

Department of Business and Professional Regulation
DEPUTY CLERK

IN RE: THE APPLICATION
FOR LICENSURE OF

SPRAGUE OWINGS

CLERK *Brandon M. Nichols*
DATE 11-12-2008

NOTICE OF INTENT TO DENY

1. You are hereby notified that the Building Code Administrators and Inspectors Board (hereinafter the Board) voted to **DENY** your application for certification as a roofing inspector.

2. The Board reviewed and considered your application at a duly-noticed public meeting held in Ocala, Florida on October 17, 2008, and has determined that your application should be **DENIED** based upon the following information and grounds:

Your application does not demonstrate compliance with the provisions of Rule 61G19-6.016(3), Florida Administrative Code, in that you have not shown you have the requisite experience or that you are a certified roofing or general contractor.

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

DONE AND ORDERED, this 10th day of November, 2008.

**BUILDING CODE ADMINISTRATORS
AND INSPECTORS BOARD**

Robyn Barineau
Robyn Barineau, Executive Director
For Chairperson, Building Code Administrators
and Inspectors Board

EXHIBIT
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Resp. Ex. 1

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NOTICE OF RIGHTS

You may seek review of this Notice, pursuant to Sections 120.569 and 120.57, Florida Statutes, by filing a petition in writing with the Executive Director of the Building Code Administrators and Inspectors Board, P.O. Box 5377, Tallahassee, Florida 32314-5377, within 21 days of receipt of the Order. If you dispute any material fact upon which the Board's decision is based, you may request an evidentiary hearing before an Administrative Law Judge pursuant to Section 120.57(1), Florida Statutes. Your petition must contain the information required by Rule 28-106.201, Florida Administrative Code. This must include a statement of the material facts which are in dispute; mere dispute with the Board's decision should not be sufficient to forward the case to the Division of Administrative Hearings. You would be entitled to be represented by an attorney or other qualified representative, to have discovery or witness subpoenas or subpoenas duces tecum issued, to call or cross-examine any witnesses, and to present written evidence or argument.

If you do not dispute any material fact, you may request an informal hearing before the Board pursuant to Section 120.57(2), Florida Statutes. This must be in writing and include the information required by Rule 28-106.301, Florida Administrative Code. Any petition not meeting the requirements for hearing before the Division of Administrative Hearings will be considered by the Board. If you have additional documents, affidavits, and other matters which you believe may be useful to supplement your original application, it is requested you supply them as soon as possible. That way they may be sent to the board members in the next available meeting agenda for their review prior to the hearing.

Pursuant to Section 120.573, Florida Statutes, mediation pursuant to that section is not available.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was provided by Certified Mail to: **Sprague Owings**, P.O. Box 1270, Yulee, FL 32041-1270, and by interoffice to **Ann Cocheu**, Assistant Attorney General, PL 01, The Capitol, Tallahassee, FL. 32399-1050, this 12th day of November, 2008.

