

**STATE OF FLORIDA
CONSTRUCTION INDUSTRY LICENSING BOARD**

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,
Petitioner,

vs.

VICTOR HARRIS,
Respondent.

CASE NO.: 2006-003419,
2006-006820
LICENSE NO.: CC C057995

FINAL ORDER

THIS MATTER came before the Construction Industry Licensing Board (hereinafter referred to as the "Board") pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on July 15, 2010 in Saint Augustine, Florida, for consideration of the Recommended Order entered in this case by R. Bruce McKibben, Administrative Law Judge dated January 6, 2010. Respondent was. Petitioner was represented by Jeff Kelly, Esquire. Respondent was not present.

Petitioner filed Exceptions to the Recommended Order. A copy of those Exceptions is attached to and incorporated by reference. After reviewing the complete record accompanying the Recommended Order, the Recommended Order, the Exceptions, and being fully advised in the premises, the Board granted the requested Exceptions as modified orally at the hearing and set out below. As the Exceptions were to the recommendation, the Board adopted the written citations to the record made by Petitioner to justify the changes to the recommendation and the citations are incorporated herein.

The Panel hereby adopts the findings of fact, (paragraphs 1-17), and conclusions of law, (paragraphs 18-28), contained in the Recommended Order. A copy of the Recommended Order, attached to and made a part hereof, is hereby adopted in full and becomes the Final Order of the Education Practices Commission.

Upon consideration, the Board FINDS:

1. Respondent shall pay an administrative fine in the amount of \$1,000.00 and investigative costs in the amount of \$297.00. Said fine and costs shall be paid within thirty (30) days after the date of filing of the Final Order.

In addition, the 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.

2. Respondent shall pay restitution in the amount of \$4,837.00 to Bobby and/or Eva McElroy. Proof of restitution, or acknowledgment of satisfaction must be provided to the Executive Director of the Construction Industry Licensing Board, at P.O. Box 5257, Tallahassee, FL 32314-5257 within thirty (30) days of the date of the filing of the Final Order.

3. The Administrative Complaint against Respondent is DISMISSED as to the Mesler project.

DONE AND ORDERED this 1st day of September, 2010.


WILLIAM S. SHEEHAN, 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 U.S. Mail to: VICTOR HARRIS, 1134 Calle Ensenada Street, Marathon, Florida 33050; and by hand/interoffice delivery to the Construction Industry Licensing Board, P.O. Box 5257, Tallahassee, FL 32314-5257; Jeff Kelly, Esq., Chief Construction Attorney, Office of the General Counsel, 1940 N. Monroe St., Ste. 60, Tallahassee, Florida 32399-2202, and Daniel Biggins, Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050, on or before 5:00 p.m., this 7th day of October, 2010.

Brandon M. Nichols

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