

**FILED**  
Department of Business and Professional Regulation  
Deputy Agency Clerk  
CLERK Brandon Nichols  
Date **3/30/2011**  
File # **2011-02245**

STATE OF FLORIDA  
BUILDING CODE ADMINISTRATORS AND INSPECTORS BOARD

DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION,  
BUILDING CODE ADMINISTRATORS  
AND INSPECTORS BOARD,

2011 MAR 31 A 11:37  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

Petitioner,

DBPR Case No. 2009-010144  
DOAH Case No. 10-2883PL

vs.

MORRIS TESH,

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 February 17, 2011, in Fernandina Beach, Florida for the purpose of considering the Administrative Law Judge’s Recommended Order, a copy of which is attached hereto as Exhibit “A.”<sup>1</sup> The Petitioner was not present. The Department of Business and Professional Regulation (“Department”), was represented by Elizabeth Duffy, Assistant General Counsel.

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

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<sup>1</sup> Board members Robert McCormick and Fred Dudley were excused from participating in this proceeding, having served on the Probable Cause Panel in this matter. *See* § 455.225(6), Fla. Stat. (2010).

**FINDINGS OF FACT**

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

**ORDER OF DISMISSAL**

8. The Administrative Law Judge's ultimate recommendation in this matter is that the Complaint be dismissed. The Board adopts this recommendation.

**WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED** that the Administrative Complaint in this matter is **DISMISSED**.

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

**DONE AND ORDERED** this 29th day of March, 2011.

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 Morris Tesh, Post Office Box 474, Bunnell, FL 32110, and by interoffice delivery to: Timothy E. Dennis, Assistant Attorney General, The Capitol, PL-01, Tallahassee, FL 32399-1050; Elizabeth Henderson, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe St., Tallahassee, FL 32399; and Lisa Shearer Nelson, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida, 32399-3060 this 30<sup>th</sup> day of March, 2011.

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.