

FILED	
<small>Department of Business and Professional Regulation</small>	
<small>Deputy Agency Clerk</small>	
CLERK	Brandon Nichols
Date	4/14/2011
File #	2011-02657

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

FILED

2011 APR 15 A 11:46

DEPARTMENT OF BUSINESS AND)
PROFESSIONAL REGULATION,)

Petitioner,)

v.)

DOAH Case No. 10-6134
DBPR Case No. 2008-040905

EARNEST KNIGHT,)

Respondent.)

DIVISION OF
ADMINISTRATIVE
HEARINGS

FINAL ORDER

This cause came before the State of Florida, Department of Business and Professional Regulation ("Department"), for the purpose of considering the Recommended Order issued by Administrative Law (ALJ) Judge W. David Watkins on February 7, 2011, after a formal hearing conducted on November 12, 2010, pursuant to Section 120.57(1), Florida Statutes. Upon consideration of the Administrative Complaint (Exhibit A), the Recommended Order (Exhibit B), Petitioner's Exception to Recommended Order (Exhibit C), the transcript of the formal hearing and the exhibits received into evidence, the Department makes the following findings and conclusions:

EXCEPTION

1. Petitioner's Exception (Exhibit C) was considered and is GRANTED. The Exception is accepted, adopted and incorporated by reference.

FINDINGS OF FACT

2. The findings of fact set forth in the Recommended Order (Exhibit B) are approved, adopted, and incorporated by reference. These findings are supported by competent substantial evidence.

CONCLUSIONS OF LAW

3. The conclusions of law set forth in the Recommended Order (Exhibit B) are approved, adopted, and incorporated by reference with the exception of paragraph 39 which shall read:

The Department is authorized to "waive up to one-half of any fine imposed if the unlicensed contractor complies with certification or registration within one year after imposition of the fine under this subsection." § 489.13(3), Fla. Stat.

4. For the reasons set forth in Petitioner's Exception, this conclusion of law is as or more reasonable than that which was modified.

WHEREFORE, IT IS ORDERED AND ADJUDGED THAT:

1. Respondent shall pay an administrative fine of \$2,000 for violation of Section 489.127(1)(f), F.S., with \$1,000

payable upon entry of the Final Order and the other \$1,000 payable one year from that date, unless Respondent provides satisfactory evidence to the Department that he obtained a state contractor's license within that period.


2. Respondent shall pay the Department's investigative costs of \$195.49.

3. All amounts due hereunder are due and payable to the Department of Business and Professional Regulation, Revenue Unit, 1940 North Monroe Street, Tallahassee, Florida 32399-2202 as indicated above. Please refer to case number 2008-040905 when making payment.

4. Respondent shall cease any further unlicensed activity that violates Chapters 455 or 489, Florida Statutes.

5. This Final Order shall become effective on the date of filing with the Agency Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 13th day of APRIL, 2011.



Charlie Liem, Secretary
Department of Business and
Professional Regulation
Northwood Center
1940 North Monroe Street
Tallahassee, FL 32399-0750

NOTICE OF RIGHT TO JUDICIAL REVIEW

Unless expressly waived, any party adversely affected by this Final Order may seek judicial review by filing an original Notice of Appeal with the Clerk of the Department of Business and Professional Regulation, and a copy of the notice, accompanied by the filing fees prescribed by law, with the clerk of the appropriate District Court of Appeal within 30 days of the effective date of this order, in accordance with Rule 9.110, Florida Rules of Appellate Procedure, and Section 120.68, Florida Statutes.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to Respondent, Earnest Knight, 3301 Sunnyside Drive, Tallahassee, Florida 32310 this 14th day of April, 2011.

AGENCY CLERK'S OFFICE



Brandon Nichols, Deputy Agency Clerk

COPIES FURNISHED:

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