

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	10/4/2011
File #	2011-06768

**STATE OF FLORIDA
CONSTRUCTION INDUSTRY LICENSING BOARD**

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,
Petitioner,

vs

CASE NO.:2008-035785
LICENSE NO.: CBC 039025

THOMAS COLAN,
Respondent.

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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 14, 2011, in Kissimmee, Florida, for consideration of the Recommended Order (attached hereto as Exhibit A), in the above styled case. Petitioner was represented by Paul Waters, Esquire. Respondent was not present.

Upon consideration, the Board FINDS:

After reviewing the complete record accompanying the Recommended Order, the Recommended Order, and being fully advised in the premises, the Board hereby adopts the findings of fact, conclusions of law, and the recommendation 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 Board.

THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

1. Respondent shall pay an administrative fine in the amount of \$3,000 00 and

investigative costs in the amount of \$299.36. 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 \$30,083.04 to Kathleen and Robert Masten. 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. A change in licensure status, including the suspension, revocation, voluntary relinquishment, or involuntary relinquishment of license does not relieve Respondent of the obligation to pay any fines, costs, interest or restitution imposed in this Order.

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

DONE AND ORDERED this 1st day of September, 2011.



MARK PIETANZA, 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 THOMAS COLAN, 222 Parkview Drive, Venice, Florida 34293 and Gregg M. Horowitz, P.O Box 2927, Sarasota, Florida 34230; and by hand/interoffice delivery to the Construction Industry Licensing Board, P O. Box 5257, Tallahassee, FL 32314-5257; Paul Waters, 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 4th day of October, 2011.

Brandon M. Nichols