

**STATE OF FLORIDA
CONSTRUCTION INDUSTRY LICENSING BOARD**

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	11/4/2013
File #	2013-06572

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

vs.

CASE NO . 2012-020619
LICENSE NO.: CRC 057893

MARK ANTHONY MCGUIRE,

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(2), Florida Statutes, on August 15, 2013, in Sarasota, Florida, for consideration of the Recommended Order from Lisa Shearer Nelson, Administrative Law Judge, dated May 29, 2013, Case No. 13-0238PL (attached hereto as Exhibit A), in the above styled case. Petitioner has filed a Motion for Final Order. Petitioner was represented by Kyle Christopher, Esquire Respondent was not present.

Upon consideration, the Board FINDS:

- 1 The Petitioner's Motion is granted.
- 2 The Board accepts the Findings of Fact, Conclusions of Law and the Recommendation contained in the ALJ's Recommended Order.
3. The Board did not consider Respondent's exceptions because they were not in proper form and did not reference the transcript of the hearing or the exhibits pursuant to 120 57(1)(k) FS.

4. Respondent violated section 489.216(2)(a) FS and therefore violated section 489.219(1)(i) FS.

THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

1. Respondent shall pay an administrative fine in the amount of \$5,000.00 and investigative costs in the amount of \$363.80. 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 \$56,731.00 to Theresa Smith. 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.

4. In order to ensure timely payment of the fine, costs, interest, and restitution; Respondent's license is hereby suspended for the period of two years from the date of the Final Order. Respondent's license to practice contracting shall be

suspended beyond the 2 year period if Respondent fails to pay the fine, costs, interest, and restitution required by 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 21st day of October, 2013.



ROBERT W. MOODY, JR., 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: MARK ANTHONY MCGUIRE, 900 Cesery Boulevard, Suite 109, Jacksonville, Florida 32211, and by hand/interoffice delivery to the Construction Industry Licensing Board, P.O. Box 5257, Tallahassee, FL 32314-5257; Lisa Shearer Nelson, Administrative Law Judge, Division of Administrative Hearings, The Desoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; Kyle Christopher, Esq., Chief Construction Attorney, Office of the General Counsel, 1940 N Monroe St., Ste. 60, Tallahassee, Florida 32399-2202, and Tom Barnhart, Special Counsel, PL-01, The Capitol, Tallahassee, Florida 32399-1050, on or before 5.00 p.m., this 4th day of November, 2013

Brandon M. Nicks