

STATE OF FLORIDA  
CONSTRUCTION INDUSTRY LICENSING BOARD

<b>FILED</b>	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	<b>Evette Lawson-Proctor</b>
Date	<b>11/18/2016</b>
File #	<b>2016-08973</b>

TONY L. PHILLIPS,

Petitioner,

vs.

Application Number: 151398  
DOAH Case No.: 15-5003

DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION,  
CONSTRUCTION LICENSING BOARD,

Respondent.

/

**FINAL ORDER**

THIS CAUSE came on to be heard before the Department of Business and Professional Regulation, Construction Licensing Board (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on November 11, 2016, in Orlando, Orange County, Florida, for the purpose of considering Administrative Law Judge Suzanne Van Wyk's Recommended Order in the above styled case. A copy of said Recommended Order is attached hereto and incorporated as Exhibit "A."

Petitioner was not present and Petitioner's counsel was not present. The Respondent was represented by Jennie Schwartz, Assistant General Counsel for the Department of Business and Professional Regulation, Division of Real Estate, Orlando, Orange County, Florida.

After a review of the complete record in this matter, including consideration of the Administrative Law Judge's Recommended Order and the arguments of each party, the Board makes the following findings of fact and conclusions of law:

**Findings of Fact:**

1. The Administrative Law Judge's findings of fact as set forth in the Exhibit "A" are approved, adopted and incorporated by reference.

2. There is competent, substantial evidence to support the Administrative Law Judge's findings of fact as adopted by the Board.

**Conclusions of Law**

3. The Board has jurisdiction of this matter pursuant to Sections 120.569 and 120.57(1), Florida Statutes, Chapter 489, Part I, Florida Statutes.
4. The Administrative Law Judge's conclusions of law as set forth in Exhibit "A" are approved, adopted, and incorporated herein by reference.
5. There is competent, substantial evidence to support the Administrative Law Judge's conclusions of law in Exhibit "A" as adopted by the Board.

**Ruling on Exceptions**

6. Upon a complete review of the record in this case and Petitioner's Exceptions to Recommended Order, the Board denies the exceptions 1-6(a) and 6(b).

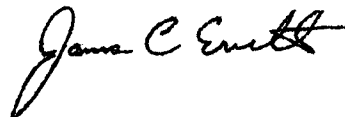
**Disposition**

7. The Administrative Law Judge's Recommendation is approved and adopted by the Board in its entirety.

WHEREFORE, IT IS HEREBY ORDERED and ADJUDGED that:

Petitioner's application for licensure as a Certified Building Contractor is hereby DENIED. This Final Order shall take effect upon being filed with the Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 18<sup>th</sup> day of November, 2016, by the Florida Construction Industry Licensing Board.



By: JAMES EVETTS, 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 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 Tony L. Phillips, 2954 Ravine Hill Drive, Middleburg, Florida, 32068; Rosemary Hanna Hays, Hayes Law, PL, 830 Lucerne Terrace, Orlando, Florida, 32801 and [rhayes@const-law.com](mailto:rhayes@const-law.com); Suzanne Van Wyk, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060 and online filing; and Rachel Clark and Robert Milne, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida, 32399-1050 and [Rachel.Clark@myfloridalegal.com](mailto:Rachel.Clark@myfloridalegal.com) and [Robert.milne@myfloridalegal.com](mailto:Robert.milne@myfloridalegal.com), on this 18<sup>th</sup> day of November, 2016.

*Leveth L. Proctor*