

**STATE OF FLORIDA
CONSTRUCTION INDUSTRY LICENSING BOARD**

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	1/5/2018
File #	2018-00067

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,
CONSTRUCTION INDUSTRY LICENSING
BOARD,

Petitioner,

vs.

MARK LEWIS JENKINS,

Respondent.

CASE NO.: 2016-006258
LICENSE NO.: CGC 1513481
DOAH CASE NO: 17-4510PL

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, at a duly-noticed public meeting on November 9, 2017, in Altamonte Springs, Florida, for consideration of the Honorable F. Scott Boyd's Recommended Order issued on August 22, 2017 (attached hereto as Exhibit "A").

APPEARANCES

For Petitioner: Ramsey D. Revell, Esquire
Department of Business and Professional Regulation
Capital Commerce Center
2601 Blair Stone Road
Tallahassee, Florida 32399-2202

For Respondent: Labeed A. Choudhry, Esquire
Ward Damon, Attorneys at Law
4420 Beacon Circle, Suite 100
West Palm Beach, Florida 33407-3281

Upon review of the Recommended Order, and having heard argument of the parties and after a review of the complete record in this case, the Board makes the following findings and conclusions:

EXCEPTIONS

1. Neither Respondent nor Petitioner filed Exceptions to the Recommended Order's Findings of Fact.

2. Neither Respondent nor Petitioner filed Exceptions to the Recommended Order's Conclusions of Law.

FINDINGS OF FACT

3. There is competent, substantial evidence to support the Findings of Fact made in the Recommended Order.

4. Accordingly, the Findings of Fact set forth in the Recommended Order are hereby approved, adopted, and incorporated by reference as the Findings of Fact of the Board.

CONCLUSIONS OF LAW

5. The Board has personal and subject matter jurisdiction of this cause pursuant to sections 120.569; 120.57(1); and Chapters 455; 489, *Florida Statutes*.

6. The Board does not find a more reasonable interpretation of the law than that which was found by the Administrative Law Judge.

7. Accordingly, the Conclusions of Law set forth in the Recommended Order are approved, adopted and incorporated herein by reference.

WHEREFORE, based on the Findings of Facts and Conclusions of Law, the Administrative Law Judge's Recommendation is **ACCEPTED**.

WHEREFORE, it is hereby **ORDERED** and **ADJUDGED** that the following penalty is imposed against the Respondent:

8. Respondent shall pay an administrative fine in the amount of \$8,500.00 and investigative costs in the amount of \$171.66. Fines and costs shall be paid within thirty (30) days after the date of filing of the Final Order. Payments should be made payable to the "Department of Business and Professional Regulation," and sent to the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-1039. To ensure proper credit, the Respondent's name, case number, and reason for payment should be included.

9. Respondent is hereby placed on PROBATION for two (2) years, with four (4) satisfactory appearances with the following conditions:

a. Respondent is required to appear before the Board at such times as directed by the Board Office, approximately every six (6) months. Respondent's first probationary appearance requires a full day attendance at the Board meeting. In connection with each probation appearance, Respondent shall answer questions under oath. In addition, Respondent shall provide such other information or documentation as is requested by either the Petitioner, Department, or the Board. Respondent shall forward said documentation to the Board at least 30 days in advance of the probation appearance or as otherwise directed.

b. The burden shall be solely upon Respondent to remember the requirement for said appearance and to take the necessary steps in advance of said appearance to contact the Board office and ascertain the specific time, date, and place of said appearance. Respondent shall not rely on notice of said appearance from the Board or the Department.

c. Should Respondent violate any condition of the probation, it shall be considered a violation of Section 489.129(1)(i), Florida Statutes, and shall result in further disciplinary action

by the Board.

d. Should the Respondent fail to make a satisfactory appearance as determined by the Board, the term of the probationary period shall automatically be extended by six (6) months, with 1 additional satisfactory appearance. If there occurs a second such failure then the term of probationary period will be extended an additional year, with 2 additional satisfactory appearances. Should the Board determine a third failure of the Respondent to make a satisfactory appearance, the stay of suspension of the Respondent's license to practice contracting shall be lifted and the license shall remain in suspended status unless and until a further stay is granted by the Board, or the time period for probation, with the addition of six (6) months, expires.

e. Should Respondent's license to practice contracting be placed on inactive status, the probation period shall be tolled during the period of inactivity and shall resume running at the time the Respondent reactivates the license and Respondent shall serve the time remaining on the term of probation.


f. To ensure successful completion of probation, Respondent's license to practice contracting shall be suspended for the period of probation, with the suspension stayed for the period of probation. The time of the suspension and the stay shall run concurrently with the period of probation. If Respondent successfully completes probation, the suspension shall terminate. If Respondent fails to comply with the requirements set forth in the Final Order imposed in this case, or fails to make satisfactory appearances as determined by the Board, the stay shall be lifted. Once the stay is lifted, the license shall remain in suspended status unless and until a further stay is granted by the Board, or the time period for probation, with the addition of six (6) months, expires.

10. In addition, Respondent shall complete seven (7) additional credit hours of live continuing education which must be related specifically to Chapter 489 and related rules, within one (1) year. The seven (7) hours ordered shall be in addition to the continuing education required by Rule 61G4-18.001, F.A.C. Proof of the seven (7) additional hours must be supplied directly to Executive Director of the Construction Industry Licensing Board at P.O. Box 5257, Tallahassee, FL 32314-5257. Failure to provide such proof direct to the Executive Director will result in a violation of this Order.

11. 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 15th day of December, 2017.



CHRISTOPHER M. COBB, Esq., 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 LEWIS JENKINS, 605 Belvedere Rd. #9, West Palm Beach, FL 33405 and Labeed Choudhry, Esq., 4420 Beacon Cir., West Palm Beach, FL 33407; and by hand/interoffice delivery to the Construction Industry Licensing Board, P.O. Box 5257, Tallahassee, FL 32314-5257; Ian Brown, Chief Construction Attorney, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-1039, and Rachel W. Clark, Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050, this 5th day of January, ~~2017~~ 2018 


Brandon M. Nichols