

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

ELECTION OF RIGHTS

DBPR v. Gary Konicek

Case No. 2011-027871

PLEASE CHECK ONLY ONE (1) OF THE THREE (3) OPTIONS.

Option (1) I do dispute the allegations of material fact in the Administrative Complaint. This is a petition for a hearing involving disputed material facts pursuant to Sections 120.569(2)(a) and 120.57(1), Florida Statutes, ("formal hearing") before an Administrative Law Judge of the Division of Administrative Hearings. I specifically dispute the following material facts alleged in the Administrative Complaint (attach extra pages or write on the back if needed)

see attached

In addition to the above election for formal hearing, if you wish to enter into settlement negotiations, check the box below:

Section 120.569(2)(a), Florida Statutes, requires the department to send this case to the Division of Administrative Hearings (DOAH) for a formal hearing within 15 days after receiving your Election of Rights. I am interested in settling this case and waive the 15 day requirement in order to enter into settlement negotiations with the department

Option (2) I do not dispute the allegations of material fact in the Administrative Complaint I wish to submit oral and written evidence in mitigation at a hearing pursuant to Section 120.57(2), Florida Statutes ("informal hearing") and that this oral and written evidence be considered before any penalty and fines are imposed.

Option (3) I do not dispute the allegations of material fact in the Administrative Complaint and waive my right to any form of hearing I request that a Final Order imposing a penalty and fines be entered in this case

THIS IS A LEGALLY BINDING DOCUMENT SEEK LEGAL ADVICE BEFORE SIGNING IF YOU DO NOT FULLY UNDERSTAND THE TERMS. YOUR SIGNATURE MUST BE NOTARIZED.

Gary Konicek - c/o Michael P. Randolph Esq
RESPONDENT

5551 Ridgwood Ave, Suite 101
Street Address

Naples FL 34108
City State Zip

239-552-4810 / 239-552-3164
Telephone Number and Fax Number (if any)

2/27/12
Date Received the Administrative Complaint

[Signature]
ATTORNEY OR QUALIFIED REPRESENTATIVE

5551 Ridgwood Ave, Suite 101
Street Address (where service shall be made)

Naples FL 34108
City State Zip

239-552-4810
Telephone Number

239-552-487 3/6/4
Facsimile Number

STATE OF Florida
COUNTY OF Lee

Before me, personally appeared Michael D. Randolph, whose identity is (known to me) or by _____ (type of identification) and who, acknowledges that his signature appears above.

Sworn to or affirmed by Affiant before me this 12th day of March 2012.

Deborah L. Helton
Notary Public

Deborah L. Helton
Type or Print Name

NOTARY PUBLIC-STATE OF FLORIDA
Deborah L. Helton
My Comm. Exp. Expires: DEC. 10, 2012
BONDED THRU ATLANTIC BONDING CO., INC.

THE ELECTION OF RIGHTS FORM AND ANY ATTACHMENTS SHOULD BE RECEIVED BY THE DEPARTMENT WITHIN 21 DAYS AND MAILED TO:

RECEIVED
MAR 13 2012

ATTN: Service of Process Unit
Office of the General Counsel
Department of Business and Professional Regulation
1940 N Monroe St, Tallahassee, FL 32399-2206
Telephone: (850) 488-0062 Fax: (850) 488-5700

DBPR Service of Process Unit

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

vs.

Case No. 2011-027871

GARY KONICEK,

Respondent.

MOTION TO DISMISS

Respondent, GARY KONICEK, moves to dismiss the Administrative Complaint and in support thereof states:

1. The material allegations giving rise to the Administrative Complaint were addressed before the Building Code Administrators & Inspections Board upon issuance of Respondent's license.
2. More specifically, the Notice of Intent to Deny (Respondent's application) dated May 12, 2003 expressly notes that "[y]our application indicates you have been employed by the City of Marco Island to perform the duties of plans examiner and/or inspector without being properly licensed to perform such duties." Exhibit "A". Also see Building Code Administrators and Inspectors Board Application Worksheets attached as Exhibit "B".
3. As a result of the Notice of Intent to Deny, Respondent filed a Petition for Administrative Hearing, a copy of which is attached as Exhibit "C". In the Petition for Hearing, this Respondent addresses the same issues of unlicensed activity raised in this Administrative Complaint.

4. As a result of the Petition for Hearing, a duly noticed hearing was set for August 7, 2003. See Exhibit "D".

5. At the duly noticed hearing the Building Code Administrators & Inspections Board accepted evidence and heard argument concerning Respondent's application, including allegations of the Respondent's alleged unlicensed activity. As a result of the evidence presented and arguments made at the hearing, the Board entered a Final Order on August 28, 2003 vacating the May 16, 2003 Intent to Deny and approved Respondent's provisional certification as mechanical inspector. See Exhibit "E".

6. The allegations contained in this Administrative Complaint were previously presented to the Board and the Board found in favor of Respondent and issued his license.

DATED this 12th day of March, 2012.



MICHAEL D. RANDOLPH
Florida Bar No. 119970
GrayRobinson P.A.
Attorneys for the Respondent
5551 Ridgewood Drive, Suite 101
Naples, FL 34108
(239) 598-3601
(239) 598-3164 facsimile
michael.randolph@gray-robinson.com

STATE OF FLORIDA
BUILDING CODE ADMINISTRATORS
AND INSPECTORS BOARD

FILED

Department of Business and Professional Regulation
DEPUTY CLERK

IN RE: THE APPLICATION
FOR LICENSURE OF

GARY L. KONICEK

CLERK

Brandon M. Nichols

DATE

5-16-2003

NOTICE OF INTENT TO DENY

1. You are hereby notified that the Building Code Administrators and Inspectors Board (hereinafter "the Board") voted to DENY your application for provisional certification as a mechanical inspector.

2. The Board reviewed and considered your application at a duly-noticed public meeting held in Tallahassee, Florida, on May 7, 2003, and has determined that your application should be DENIED on the following grounds:

Section 468.609, Florida Statutes, provides that one of the requirements for licensure is good moral character. Your application indicates that you lack the good moral character required for provisional certification as a mechanical inspector.


Section 468.621, Florida Statutes, provides that the Board may deny an application for licensure for violating or failing to comply with any provision of Part XII of Chapter 468, Florida Statutes. Section 468.607, Florida Statutes, provides that no person may be employed by a state agency or local governmental authority to perform the duties of a building code administrator, plans examiner, or building code inspector without being properly licensed. Your application indicates that you have been employed by the City of Marco Island to perform the duties of plans examiner and/or inspector without being properly licensed to perform such duties.

Section 468.609(7), Florida Statutes, provides that the Board may issue a provisional certificate to a newly employed or promoted building code inspector or plans examiner if the person demonstrates 5 years' experience in the field of construction or a related field, building code inspection, or plans review corresponding to the category sought. Your application does not demonstrate that you have the required experience relating to the category of licensure you seek.

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

DONE AND ORDERED, this 22nd day of May, 2003.

**BUILDING CODE ADMINISTRATORS
AND INSPECTORS BOARD**


Anthony B. Spivey, Executive Director
For Chairperson, Building Code
Administrators and Inspectors Board

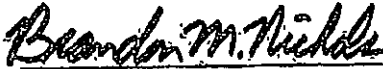
NOTICE TO APPLICANT

You may seek review of this Order, pursuant to Sections 120.569 and 120.57, Florida Statutes, by filing a petition with the Executive Director of the Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-2211, within 21 days of receipt of this Order. If you dispute any material fact upon which the Board's decision is based, you may request a hearing before an Administrative Law Judge pursuant to Section 120.57(1), Florida Statutes; your petition must contain the information required by Rule 28-106.201, Florida Administrative Code, a copy of which is enclosed, including a statement of the material facts which are in dispute. If you do not dispute any material fact, you may request a hearing before the Board pursuant to Section 120.57(2), Florida Statutes; your petition must include the information required by Rule 28-106.301, Florida Administrative Code, a copy of which is enclosed. If you request a hearing, you have the right to be represented by an attorney or other qualified representative, to take testimony, to call or cross-examine witnesses, to have subpoena and subpoena duces tecum issued, and to present written evidence or argument.

Pursuant to Section 120.573, Florida Statutes, you are hereby notified that mediation pursuant to that section is not available.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was provided by U.S. Mail to Gary Koricek, [REDACTED] this 16th day of May, 2003.


Brandon M. Nichols
Brandon M. Nichols
Deputy Agency Clerk

BUILDING CODE ADMINISTRATORS AND INSPECTORS BOARD APPLICATION WORKSHEET

Applicant Name: Konisek, Gary L.

Date Received: 1/28/03

Ratification Endorsement Examination Provisional Voluntary
 Government Non-Government

File #	Application #	Code	Description
_____	_____	5001	Standard Inspector (Category _____)
_____	_____	5002	Standard Plans Examiner (Category _____)
_____	_____	5003	Building Code Administrator
_____	_____	5004	Limited Inspector (Category _____)
_____	_____	5005	Limited Plans Examiner (Category _____)
_____	_____	5006	Provisional Building Code Administrator
_____	_____	5007	Provisional Building Inspector
_____	_____	5008	Provisional Building Plans Examiner
_____	_____	5009	Provisional Coastal Construction Inspector
_____	_____	5010	Provisional Commercial Electrical Inspector
_____	_____	5011	Provisional Electrical Plans Examiner
_____	_____	5012	Provisional 1 & 2 Family Dwelling Inspector
<u>330</u>	<u>109</u>	*5013	Provisional Mechanical Inspector*
_____	_____	5014	Provisional Mechanical Plans Examiner
_____	_____	5015	Provisional Plumbing Inspector
_____	_____	5016	Provisional Plumbing Plans Examiner
_____	_____	5017	Provisional Residential Electrical Inspector
_____	_____	5018	Standard Commercial Pool Inspector
_____	_____	5019	Standard Electrical Inspector (SEI)
_____	_____	5020	Standard 1 & 2 Family Dwelling Plans Examiner SFP
_____	_____	5021	Standard Modular Inspector SMI
_____	_____	5022	Standard Modular Plans Examiner
_____	_____	5023	Standard Roofing Inspector (SRI)
_____	_____	5024	Standard Residential Pool Inspector SRP
_____	_____	5025	Limited Building Code Administrator LBU

STAFF RECOMMENDATION. Approve Deny Refer to Board for Possible unlicensed activity for the City of Marco Island

BOARD MEMBER RECOMMENDATION

Approve Deny Margaret L. 9-23-03
 Signature Date
 Approve Deny _____
 Signature Date
 Approve Deny _____
 Signature Date

Board Member Comments: Lack of Good Moral Character Unlicensed Activity

BUILDING CODE ADMINISTRATORS AND INSPECTORS BOARD APPLICATION WORKSHEET

Applicant Name: Konicek, Gary L

Date Received: 1/28/03

Ratification Endorsement Examination Provisional Voluntary

Government Non-Government

File #	Application #	Code	Description
_____	_____	5001	Standard Inspector (Category _____)
_____	_____	5002	Standard Plans Examiner (Category _____)
_____	_____	5003	Building Code Administrator
_____	_____	5004	Limited Inspector (Category _____)
_____	_____	5005	Limited Plans Examiner (Category _____)
_____	_____	5006	Provisional Building Code Administrator
_____	_____	5007	Provisional Building Inspector
_____	_____	5008	Provisional Building Plans Examiner
_____	_____	5009	Provisional Coastal Construction Inspector
_____	_____	5010	Provisional Commercial Electrical Inspector
_____	_____	5011	Provisional Electrical Plans Examiner
_____	_____	5012	Provisional 1 & 2 Family Dwelling Inspector
<u>330</u>	<u>109</u>	*5013	Provisional Mechanical Inspector*
_____	_____	5014	Provisional Mechanical Plans Examiner
_____	_____	5015	Provisional Plumbing Inspector
_____	_____	5016	Provisional Plumbing Plans Examiner
_____	_____	5017	Provisional Residential Electrical Inspector
_____	_____	5018	Standard Commercial Pool Inspector
_____	_____	5019	Standard Electrical Inspector (SEI)
_____	_____	5020	Standard 1 & 2 Family Dwelling Plans Examiner SFP
_____	_____	5021	Standard Modular Inspector SMI
_____	_____	5022	Standard Modular Plans Examiner
_____	_____	5023	Standard Roofing Inspector (SRI)
_____	_____	5024	Standard Residential Pool Inspector SRP
_____	_____	5025	Limited Building Code Administrator LBU

STAFF RECOMMENDATION Approve Deny Refer to Board for Possible unlicensed activity for the City of Marco Island

BOARD MEMBER RECOMMENDATION

Approve Deny Gary Bal 4/25/03
 Signature Date
 Approve Deny _____ Date _____
 Signature Date
 Approve Deny _____ Date _____
 Signature Date

Board Member Comments _____

BUILDING CODE ADMINISTRATORS AND INSPECTORS BOARD APPLICATION WORKSHEET

Applicant Name: Konicek, Gary L.

Date Received: 1/28/03

Ratification Endorsement Examination Provisional Voluntary

Government Non-Government

File #	Application #	Code	Description
_____	_____	5001	Standard Inspector (Category _____)
_____	_____	5002	Standard Plans Examiner (Category _____)
_____	_____	5003	Building Code Administrator
_____	_____	5004	Limited Inspector (Category _____)
_____	_____	5005	Limited Plans Examiner (Category _____)
_____	_____	5006	Provisional Building Code Administrator
_____	_____	5007	Provisional Building Inspector
_____	_____	5008	Provisional Building Plans Examiner
_____	_____	5009	Provisional Coastal Construction Inspector
_____	_____	5010	Provisional Commercial Electrical Inspector
_____	_____	5011	Provisional Electrical Plans Examiner
_____	_____	5012	Provisional 1 & 2 Family Dwelling Inspector
<u>330</u>	<u>109</u>	*5013	Provisional Mechanical Inspector*
_____	_____	5014	Provisional Mechanical Plans Examiner
_____	_____	5015	Provisional Plumbing Inspector
_____	_____	5016	Provisional Plumbing Plans Examiner
_____	_____	5017	Provisional Residential Electrical Inspector
_____	_____	5018	Standard Commercial Pool Inspector
_____	_____	5019	Standard Electrical Inspector (SEI)
_____	_____	5020	Standard 1 & 2 Family Dwelling Plans Examiner SFP
_____	_____	5021	Standard Modular Inspector SMI
_____	_____	5022	Standard Modular Plans Examiner
_____	_____	5023	Standard Roofing Inspector (SRI)
_____	_____	5024	Standard Residential Pool Inspector SRP
_____	_____	5025	Limited Building Code Administrator LBU

STAFF RECOMMENDATION Approve Deny Refer to Board for *Possible unlicensed activity for the City of Marco Island*

BOARD MEMBER RECOMMENDATION

____ Approve ____ Deny
 Signature _____ Date _____

____ Approve ____ Deny
 Signature _____ Date _____

____ Approve ____ Deny
 Signature _____ Date _____

Board Member Comments _____

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION
BUILDING CODE ADMINISTRATORS
AND INSPECTORS BOARD

IN RE: APPLICATION FOR
LICENSURE OF

GARY L. KONICEK

CASE NO. _____

PETITION FOR ADMINISTRATIVE HEARING BEFORE
AN ADMINISTRATIVE LAW JUDGE PURSUANT TO
SECTION 120.57(1), FLORIDA STATUTES

NOW COMES Petitioner, Gary L. Konicek ("Petitioner"), by and through counsel, who hereby petitions for an administrative hearing before an Administrative Law Judge pursuant to Section 120.57(1), Florida Statutes. The reasons in support of this Petition are as follows:

1. Gary L. Konicek is the Petitioner. Petitioner's address is [REDACTED] and his phone number is [REDACTED].
2. Petitioner is an employee of the City of Marco Island, a Florida municipal corporation (the "City"). Petitioner was promoted to his current position with the City in November 2002 after extensive training.
3. Petitioner submitted an application for licensure as a Provisional Mechanical Inspector to the State of Florida, Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board (the "Board").

4. The Board held a hearing in Tallahassee, Florida on May 7, 2003, to consider Petitioner's application for Provisional Mechanical Inspector.

5. At said Board hearing, the Board denied Petitioner's application for Provisional Mechanical Inspector.

6. The Board issued a Notice of Intent to Deny dated May 12, 2003 with respect to the denial of Petitioner's application for Provisional Mechanical Inspector.

7. The Notice of Intent to Deny was received by Petitioner through regular United States Mail on May 19, 2003.

8. Petitioner has a substantial interest that will be affected by the Board's determination to deny Petitioner's application for Provisional Mechanical Inspector.

9. Petitioner was hired by the City to act in the capacity of Plumbing and Mechanical Inspector for the City.

10. Petitioner has previously received provisional certification from the Board as a Plumbing Inspector, but was denied provisional certification as a Mechanical Inspector.

11. Denial of the application for provisional certification as a Mechanical Inspector could jeopardize Petitioner's employment with the City.

12. There are three issues of material fact with respect to Petitioner's application and the Board's decision to deny such application.

13. First, the Board's Notice of Intent to Deny states that Petitioner's application indicates that he is lacking in good moral character. There is no evidence or information in Petitioner's application to warrant such a finding of fact. Moreover, the

Board has previously granted Petitioner provisional certification as a Plumbing Inspector which required a review of Petitioner's moral character.

14. Second, the Board found that Petitioner has been "employed by the City of Marco Island to perform the duties of plans examiner and/or inspector without being properly licensed to perform such duties." Chapter 468, Florida Statutes contemplates that newly employed persons may apply for provisional certification to be a building code inspector from the Building Code and Administrators Inspectors Board. Specific authorization for such an application is found in Section 468.609(7)(a), Florida Statutes. Notwithstanding that the Petitioner has been hired to perform the role of Mechanical Inspector, Petitioner's duty since his date of hire have been in full compliance with Chapter 468, Florida Statutes and Section 61G19-6.012(6), Florida Administrative Code.

15. Third, the Board states that Petitioner does not possess the necessary experience in the field for which the provisional certification is sought. The application of Petitioner clearly demonstrates that Petitioner has 5 years of experience in the field of mechanical installations and systems. Further, prior to Petitioner's employment experience in Florida outlined in the application, Petitioner had 9 years of related experience in Iowa.

16. Petitioner meets the qualifications for Mechanical Inspector set forth in Section 468.609(2) and (7). Accordingly, said sections require a reversal of the decision of the Board.

WHEREFORE, Petitioner requests that the Order of the Building Code Administrators and Inspectors Board dated May 12, 2003, finding a denial of Petitioner's

application for provisional certification as a Mechanical Inspector be reversed and
Petitioner's application for said license be granted.

Respectively submitted,



Richard D. Yovanovich, Esq.

Florida Bar No. 0782599

Gregory L. Urbancic, Esq.

Florida Bar No. 0151068

GOODLETTE, COLEMAN & JOHNSON, P.A.

4001 Tamiami Trail North, Suite 300

Naples, Florida 34103

(239) 435-3535

(239) 435-1218 Facsimile

Attorneys for Petitioner

Gary L. Konicek

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition for
Administrative Before An Administrative Law Judge Pursuant to Section 120.57(1),
Florida Statutes was sent via facsimile (850) 922-2918 and Federal Express to Anthony
B. Spivey, Executive Director, Building Code Administrators and Inspectors Board, 1940
North Monroe Street, Tallahassee, Florida 32399-0783 on this 6th day of June, 2003.



Gregory L. Urbancic, Esq.



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

July 16, 2003

Florida's Future.
**Right Here.
Right Now.**

Gary L. Konicek
[REDACTED]

Job Bush
Governor

Diana Carr
Secretary

Re: Application for Provisional Mechanical Inspector

Dear Mr. Konicek:

Division of
Professions and Regulation

Building Code
Administrators and
Inspectors Board

1940 North Monroe Street

Tallahassee, FL

92300-2211

VOICE

850 922 5012

FAX

850 927 2818

TDD

800 955-8771

INTERNET

www.myflorida.com

Your request for a hearing will be presented to the Building Code Administrators & Inspectors Board at their meeting scheduled for August 7, 2003 at 2:00 p.m. or as soon thereafter as possible. You are invited but not required to attend.

The meeting will be held at the following location:

Ritz-Carlton
1111 Ritz-Carlton Drive
Sarasota, FL 34236

If you have any questions, please do not hesitate to contact our office.

Sincerely,

Elise Rice
Government Analyst

Cc: Gregory L. Urbancic, Goodlette Coleman & Johnson, P.A., Northern

0906 1554 9000 0020 2002

U.S. Postal Service
CERTIFIED MAIL RECEIPT
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OFFICIAL USE

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Gary L. Konicek
[REDACTED]

To: _____

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or PO Box No.
City, State, ZIP+4

4351 9077

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OFFICIAL USE

Postage \$

Gregory L. Urbancic
Goodlette Coleman & Johnson, P.A.
Northern Trust Bank Building
4001 Tamiami Trail North
Naples, FL 34103

Send To
Street, Apt. No.,
or PO Box No.
City, State, ZIP+4

STATE OF FLORIDA
BUILDING CODE ADMINISTRATORS
AND INSPECTORS BOARD

IN RE: THE APPLICATION OF:

GARY L. KONICEK

Final Order No. BPR-2003-02656 Date: 9-10-03
FILED
Department of Business and Professional Regulation
AGENCY CLERK
Sarah Wachman, Agency Clerk

FINAL ORDER

By:

Brandon M. Nibola

THIS MATTER came before the Building Code Administrators and Inspectors Board (hereinafter "the Board"), on the request of the Petitioner, Gary L. Konicek (hereinafter "the Petitioner"), at a duly-noticed public meeting of the Board on August 7, 2003, in Sarasota, Florida, following the Board's May 12, 2003, Notice of Intent to Deny the Petitioner's application for certification as a Provisional Mechanical Inspector. The Petitioner timely requested a hearing pursuant to Section 120.57(1), Florida Statutes and also requested that the matter be reconsidered at the August 7, 2003 Board meeting. The Petitioner was present and represented by counsel at the August 7, 2003 meeting. The Board was represented by Jeffrey D. Jones, Senior Assistant Attorney General.

Upon consideration of the complete record, and arguments set forth by both parties, the Board makes the following findings:

FINDINGS OF FACT

1. Petitioner submitted an application to the Board for Provisional Certification as a Mechanical Inspector.
2. Section 468.609, Florida Statutes, provides that the Board may issue a standard

certificate to a person who demonstrates 5 years' experience in the field of construction or a related field, building code inspection, or plans review corresponding to the category sought. Rule 61G19-6.008, Florida Administrative Code, requires that individuals who wish to obtain a standard certificate in any certification category must submit a notarized affidavit for each separate period of work experience which has been prepared and signed by an architect, engineer, contractor, or building code administrator who has knowledge of the applicant's duties and responsibilities during the period indicated in the affidavit. Rule 61G19-6.0035 imposes the same requirement on individuals applying for provisional certification in any certification category.

3. At its public meeting held on May 7, 2003, the Board voted to deny the Petitioner's application based upon the Board's finding that, among other things, the application did not demonstrate, affirmed by affidavit signed by an architect, engineer, contractor, or building code administrator, that Petitioner had the required 5 years' experience.

4. There is competent, substantial evidence to support the above stated facts.

CONCLUSIONS OF LAW

5. The Board has jurisdiction of this matter pursuant to the provisions of Section 120.57, and Chapter 468, Part XII, Florida Statutes

6. The Board finds that the Petitioner meets the statutory and rule requirements for certification.


7. The Notice of Intent to Deny filed in this matter on May 16, 2003, is hereby

VACATED. Petitioner's application for provisional certification as a Mechanical Inspector is approved.

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

DONE AND ORDERED this 28th day of August, 2003.


BUILDING CODE ADMINISTRATORS
AND INSPECTORS BOARD


Anthony B. Spivey, Executive Director
for Chairperson, Building Code
Administrators and Inspectors Board

NOTICE OF RIGHT TO APPEAL

THIS ORDER CONSTITUTES FINAL AGENCY ACTION AND MAY BE APPEALED BY ANY PARTY PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND RULES 9.110 AND 9.190, FLORIDA RULES OF APPELLATE PROCEDURE, BY FILING A NOTICE OF APPEAL CONFORMING TO THE REQUIREMENTS OF RULE 9.110(D), FLORIDA RULES OF APPELLATE PROCEDURE, BOTH WITH THE APPROPRIATE DISTRICT COURT OF APPEAL, ACCOMPANIED BY THE APPROPRIATE FILING FEE, AND WITH THE DEPARTMENT'S CLERK OF AGENCY PROCEEDINGS, WITHIN THIRTY (30) DAYS OF RENDITION OF THIS ORDER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by United States Mail to Gary L. Konicek,  and Gregory L. Urbanac, Northern Trust Bank Building, 4001 Tamiami Trail North, Naples, Florida 34103, this 10th day of September, 2003.

