ORIGINAL

BEFORE THE STATE BOARD OF CONTRACTORS

STATE OF IDAHO

In the Matter of the Registration of: RICK GRIFFITH, Registration No. RCT-8015, Respondent.	Case No. CON-2007-74 **FINAL ORDER**

THIS MATTER is before the Board pursuant to the Default Order and Findings of Fact, Conclusions of Law and Recommended Order issued by Michael J. Elia, the designated Hearing Officer, on November 20, 2008. Because the Respondent, Rick Griffith failed to answer or appear in this matter, a Default Order was issued. The factual allegations set forth in the Complaint against Respondent were deemed true, and therefore, no formal hearing was held.

The Board, having conducted an independent review of the record and having considered the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommended Order and all other matters of record, and good cause appearing therefor, the Board adopted the following Order.

IT IS HEREBY ORDERED as follows:

1. Default is hereby entered as against Respondent, and the Hearing Officer's Findings of Fact and Conclusions of Law are hereby adopted and incorporated herein by this reference.

2. That the factual allegations set forth in the Complaint as against this Respondent shall be deemed true.

3. That Respondent's actions constitute a violation of Idaho Code Section 54-5215(2)(g), and further constitute grounds for disciplinary action against Respondent's registration to practice as a contractor in the state of Idaho pursuant to Idaho Code Section 54-5215. The Board therefore imposes the following disciplinary sanctions upon Respondent:

a. That Respondent's registration and right of reinstatement or renewal shall be revoked.

b. That Respondent shall pay the costs and attorney fees incurred by the State. The State shall submit an Affidavit of Costs and Attorney Fees incurred in this matter within fifteen (15) days from the date of this Order. Respondent shall submit any objection to the costs and fees submitted by the State and request a hearing within fifteen (15) days from the receipt of the State's Affidavit. Thereafter, the Board shall determine the amount of costs and fees awarded against Respondent, and in the event Respondent fails to object to the costs and fees claimed by the State, Respondent shall pay the costs and fees set forth in its Affidavit. The Respondent shall pay the costs and fees as determined by the Board, or as set forth in this section, within ninety (90) days from the date of this Order.

c. That Respondent shall pay a fine in the amount of One Thousand Dollars ($1,000.00). The fine shall be paid within sixty (60) days from the date of this Order.

4. This is the Final Order of the Board.

a. Any party may file a Petition for Reconsideration of this Final Order within fourteen (14) days of the service date of this Final Order. The Board will dispose of the Petition for Reconsideration within twenty-one (21) days of its receipt, or the Petition will be considered denied by the operation of law. (*See*, Idaho Code Section 67-5247(4)).

b. Pursuant to Idaho Code Sections 67-5270 and 57-5272, any party aggrieved by this Final Order, or orders previously issued in this case, may appeal this Final Order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which: (i) a hearing was held; (ii) the final agency action was taken; or (iii) the party seeking review of this Final Order resides.

c. An appeal must be taken within twenty-eight (28) days: (i) of the service date of this Final Order; (ii) of any order denying petition for reconsideration; or (iii) of the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. (*See*, Idaho Code Section 67-5273.) The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

5. The Bureau Chief of the Bureau of Occupational Licenses shall cause a true and correct copy of this Final Order to be served upon the Respondent and the State's attorney by mailing a copy to them at their addresses as provided.

DATED this 11TH day of NOV, 2008.

IDAHO STATE CONTRACTORS BOARD

By _____
Art Elliot, Chairman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 13th day of November, 2008, I caused to be served, by the method(s) indicated, a true and correct copy of the foregoing upon:

Rick Griffith P.O. Box 50247 Boise, ID 83705-0965	✓ U.S. Mail __ Hand Delivered __ Federal Express ✓ Certified Mail
Michael S. Gilmore Deputy Attorney General Office of the Attorney General P.O. Box 83720 Boise, ID 83720-0010	__ U.S. Mail __ Hand Delivered __ Federal Express ✓ Statehouse Mail

Tana Cory

Tana Cory, Bureau Chief

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