

**JUL 24 2018**

Date filed with Clerk of Contractor Review Board

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FLAGLER COUNTY  
CONTRACTOR REVIEW BOARD  
FLAGLER COUNTY, FLORIDA

**Palm Coast,  
Complainant,**

**James Cigler/The Gutter Guy  
Respondent,**

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ORDER

THIS MATTER came before the Flagler County Contractor Review Board (County Board) on July 18, 2018. Service of Notice of Hearing and Administrative Complaint filed against James Cigler/The Gutter Guy was made by certified mail delivery and first class mail. Respondent, James Cigler/The Gutter Guy did not personally appear at the time the case was presented before the Board. Having heard testimony by Palm Coast Staff and considered the evidence provided to the Board in exhibits C1-C14 and the Administrative Complaint, the Board finds on Count I Respondent, James Cigler/The Gutter Guy, did violate the Florida Building Code, Flagler County Ordinance 2007-10/2008-23 Section 8-17(1) Count I by failing to be properly licensed as a Contractor while performing work at 47 Woodlawn Drive Palm Coast, FL.

Upon consideration, it is ORDERED:

1. The County Board hereby makes the following findings of fact:

(a) James Cigler/The Gutter Guy did violate Florida Building Code and Flagler County Ordinance 2007-10/2008-23 Section 8-17(1) Count I by failing to be properly licensed as a Contractor.

The County Board hereby makes the following conclusions of law:

UPON THESE FINDINGS, by a unanimous vote of the Board, it is therefore ORDERED:

1. James Cigler/The Gutter Guy shall be fined \$500.00 (five hundred dollars) on Counts I. The fine shall be made payable to Flagler County Board of County Commissioners and shall be remitted to Flagler County Central Permitting upon receipt of this Order.
2. James Cigler/The Gutter Guy shall pay \$1,500.00 (one thousand five hundred dollars) restitution to Frances T. Parker of 47 Woodlawn Drive Palm Coast, FL upon receipt of this Order.

DONE AND ORDERED THIS 18th DAY OF July, 2018.



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Luis Medeiros, Chairman

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RIGHT TO APPEAL THIS ORDER

An aggrieved party, including the local governing body, may appeal a final administrative order of the Contractor Review Board to the circuit court of Flagler County. Such an appeal shall not be a hearing de novo (no new evidence and no evidentiary hearing), but shall be limited to appellate review of the record created before the Contractor Review Board. The original notice of appeal shall be filed with the Contractor Review Board and a copy of the notice, accompanied by any required court fees, shall be filed with the circuit court no later than thirty (30) calendar days of the filing date shown above.

RIGHT TO CHALLENGE RECOMMENDED STATE FINES

In accordance with Florida Statutes, Chapter 489.131 (7)(d), the disciplined contractor, the complainant, or the Department of Business of Professional Regulation may challenge the Flagler County Contractor Review Board's recommended penalty to the State Construction Industry Licensing Board. A challenge shall be filed within sixty (60) calendar days of the filing date shown above to the Construction Industry Licensing Board in Jacksonville, Florida. If challenged, there is a presumptive finding of probable cause and the case may proceed before the State Construction Industry Licensing Board without the need for a probable cause hearing.

Failure of the disciplined contractor, the complainant, or the Department of Business and Professional Regulation to challenge the Flagler County Contractor Review Board's recommended penalty within 60 days shall constitute a waiver of the right to a hearing before the State Construction Industry Licensing Board.

A waiver of the right to a hearing before the State Construction Industry Licensing Board shall be deemed an admission of the violation, and the penalty recommended shall become a final order without further action of the State Construction Industry Licensing Board in accordance with Florida State Statutes.