

JUL 28 2014

Date filed with Clerk of Contractor Review Board

**FLAGLER COUNTY
CONTRACTOR REVIEW BOARD
FLAGLER COUNTY, FLORIDA**

FLAGLER COUNTY,

Complainant,

vs.

Daniel Priotti / Agua Construction Company

Respondent,

_____ /

ORDER

THIS MATTER came before the Flagler County Contractor Review Board (Board) on July 16, 2014. Service of Notice of Hearing and Administrative Complaint filed against Daniel Priotti/Agua Construction Company Agua Construction Company as made by Certified Mail, First Class Mail and Hand Delivery to Daniel Priotti/Agua Construction Company at 4 Office Park Drive Suite 260 Palm Coast, FL 32137 did personally appear. Having heard testimony by Building Staff and considered the evidence provided to the Board in exhibits P1 – P74 and the Administrative Complaint, the Board finds Respondent, Daniel Priotti/Agua Construction Company / Agua Construction Company did violate the Florida Statute 489 Part II and Flagler County Ordinance 2007-10/2008-23 Section-17A and 8-18 by engaging in unlicensed contracting activity.

Upon consideration, it is ORDERED:

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

(a) Daniel Priotti/Agua Construction Company / Agua Construction Company Respondent, is an unlicensed Electrical Contractor.

(b) Daniel Priotti/Agua Construction Company / Agua Construction Company, Respondent, did offer and commence to perform unlicensed contracting at 62 Bannerwood Lane, Palm Coast 32137

2. The County Board hereby makes the following conclusions of law:

(a) Daniel Priotti/Agua Construction Company / Agua Construction Company did violate Florida Statute 489 Part II and the Florida Building Code and Flagler County Ordinance 2007-10/2008-23 Section 8-17 A and 8-18 by failing to properly be licensed as an Electrical Contractor in the State of Florida or Flagler County.

UPON THESE FINDINGS, by vote of 5 Ayes and 2 Nays of the Board, it is therefore ORDERED

1. Daniel Priotti/Agua Construction Company / Agua Construction Company shall be assessed a fine in the amount of \$500.00 (Five Hundred Dollars) per Count for a total of \$500.00. The fine shall be made payable to Flagler County Board of County Commissioners and shall be remitted to Flagler County Central Permitting.

2. Daniel Priotti/Agua Construction Company / Agua Construction Company shall be required to attend Business & Law Course which shall be completed within 90 days.

DONE AND ORDERED THIS 24th DAY OF JULY 2014.



Luis Medeiros, Chairman

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 and 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.