

MUNICIPAL DISCIPLINARY ACTION BOARD

Petitioner,

Vs.

LICENSE #: _____

Respondent,

_____ /

ORDER

THIS MATTER coming to be heard before the Municipal Disciplinary Action Board on _____, 20____ for consideration of the Formal Complaint filed against _____, d/b/a _____. Service of the Formal Complaint was made by (certified mail/personal delivery/publication. The Respondent being duly advised was neither present nor represented by counsel at the hearing.

Upon consideration, it is determined that

1. It is charged that Respondent has violated _____.
2. The allegations of fact as set forth in the Formal Complaint are approved and adopted and incorporated herein by reference as findings of facts. (Consider restatement of facts).
3. The conclusions of law alleged and set forth in the Formal Complaint are approved and adopted and incorporated herein by referenced as conclusions of law. (Consider restatement of conclusions of law).

UPON THESE FINDINGS AND CONSLUSIONS OF LAW, by a vote of the board of _____ in favor to _____ opposed, it is hereupon **ORDERED AND ADJUED:**

1. That _____ permit privileges be suspended for _____ months; and
2. That _____ pay a fine in the amount of _____ (\$ _____). Said fine shall be paid within _____.

The parties are hereby notified that each party shall have 10 days in which to submit written exceptions to the recommended order set forth hereinabove. Failure to submit written exceptions to the City of _____ may result in the municipality accepting the recommended order as its Final Order. If the City of _____ accepts the above as its Final Order said Final Order may be appealed in accordance with the City of _____

_____ Ordinances or as otherwise provided by law.

FURTHER, the Municipal Disciplinary Action Board makes **RECOMMENDATION** to the Florida construction Industry Licensing Board ("CLIB") to impose on the state registration, the following penalty:

1. Issue an official written reprimand. (Sample)
2. Suspend state registration for two (2) months. (Sample)

In accordance with Florida Statutes, Chapter 489.131(7) (c) and (d). The disciplined contractor, the complainant, or the Department of Business and Professional Regulation may challenge the recommendation to the CLIB as set forth hereinabove. A challenge shall be filed within sixty (60) days after the issuance of the recommended penalty to the CLIB in Jacksonville, Florida. If challenged, there is a presumptive finding of probable cause and the case may proceed before the CLIB without the need for a probable cause hearing.

Failure of the disciplined contractor, the complainant, or the Department of Business and Professional Regulation to time period set forth shall constitute a waiver of the right to a hearing before the CLIB.

A waiver of the right to a hearing before the CLIB shall be deemed an admission of the violation, and the penalty recommended shall become a final order according to procedures developed by the CLIB rule without further CLIB action. The disciplined contractor may appeal this CLIB action to the district court in accordance with Florida law.

ORDERED by the Municipal Disciplinary Action Board effective the ____ day of _____, 20____.

Chairman

MBOE Municipal Board of Examiners, Inc. Alachua County