

**FILED**  
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DIVISION OF  
ADMINISTRATIVE  
HEARINGS

**STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATIONS  
CONSTRUCTION INDUSTRY LICENSING BOARD  
DIVISION I & II**

DEPARTMENT OF BUSINESS  
AND PROFESSIONAL REGULATIONS,

Petitioner,

v.

DANIEL F. ACEVEDO, SR.,

Respondent.

Case No. 2006-003454  
License No. CGC1506071  
CCC1326888  
QB 26737

**FINAL ORDER**

THIS MATTER came before the Construction Industry Licensing Board (hereinafter the "Board"), pursuant to Sections 120.569 and 120.57(1), Florida Statutes, at the duly noticed meeting on May 13-15, 2009, in Altamonte Springs, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order entered on March 11, 2009 (attached hereto as *Exhibit A*) in the above-style cause. At the meeting, Petitioner was represented by Daniel Biggins, Assistant Attorney General; Respondent was neither present nor represented by legal counsel.

Upon consideration of the Recommended Order and being otherwise advised in the premises,

1. The Findings of Fact set forth in the Recommended Order are approved, adopted and incorporated herein by reference.

2. The Board has jurisdiction over this matter pursuant to the provisions of Chapters 120 and 489, Florida Statutes.

3. The Conclusions of Law set forth in the Recommended Order are consistent with the findings and are approved, adopted and incorporated herein by reference.

4. The recommended penalty set forth in the Recommended Order are approved, adopted and incorporated herein by reference.

Wherefore, it is hereby ORDERED and ADJUDGED that:

1. Respondent is hereby placed on PROBATION for TWO years.

(A) Respondent is required to appear before the Probation Committee of the Board at such times as directed by the Board Office, approximately every six (6) months. Accordingly, Respondent shall make four (4) satisfactory appearances as determined by the Board. Respondent's first probationary appearance requires a full day attendance at the Board meeting. In connection with each probation appearance, Respondent shall answer questions under oath. In addition, Respondent shall provide such other information or documentation as is requested by either the Petitioner, Department, the Board or the Probation Committee. Respondent shall forward said documentation to the Board in advance of the probation appearance.

(B) The burden shall be solely upon Respondent to remember the requirement for said appearance and to take the necessary steps in advance of said appearance to contact the Board office and ascertain the specific time, date, and place of said appearance. Respondent shall not rely on notice of said appearance from the Board or

the Department.

(C) Should Respondent violate any condition of the probation, it shall be considered a violation of Section 489.129(1)(i), Florida Statutes, and shall result in further disciplinary action by the Board.

(D) Should the licensee fail to make a satisfactory appearance as determined by the Board, the term of the probationary period shall automatically be extended by six (6) months. If there occurs a second such failure then the term of probationary period will be extended an additional year. Should the Board determine a third failure of the licensee to make a satisfactory appearance, the stay of suspension of the licensee's licensure to practice contracting shall be lifted and the license shall be suspended.

(E) Should Respondent's license to practice contracting be suspended or otherwise placed on inactive status, the probation period shall be tolled and shall resume running at the time Respondent reactivates the license, and Respondent shall serve the time remaining in the term of probation.

(F) To ensure successful completion of probation, Respondent's license to practice contracting shall be suspended, with the suspension stayed for the period of probation. If Respondent successfully completes probation, the stay of suspension shall be permanent and the suspension shall not take effect. If Respondent fails to comply with the requirements set forth in the Final Order imposed in this case, or fails to make satisfactory appearances as Determined by the Board, the stay shall be lifted. Once the stay is lifted, the license shall be suspended.

2. Respondent shall pay to the Board an administrative fine in the sum of **three thousand, two hundred, fifty dollars and zero cents (\$3,250.00)** and investigative costs

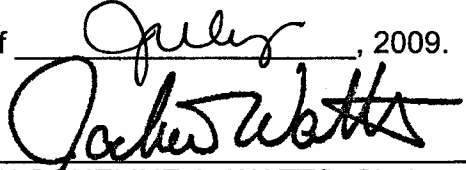
in the sum of **three hundred, eighty-one dollars and eighty-three cents (\$381.83)**. Said fine and costs shall be paid within 30 days after the date of filing of the Final Order. In addition, Respondent is required to pay interest on the fine due to the Board at a rate of 18% per annum, beginning on the 31st day after the issuance of the Final Order.

3. To ensure timely payment of the fine, costs and restitution, Respondent's license in the State of Florida is hereby suspended, with the imposition of the suspension being stayed thirty (30) days from the date of the filing of this Final Order. If the fine, costs and restitution are paid within the 30-day time period, the suspension of Respondent's license shall be automatically vacated. Upon payment of the fine, costs and restitution after the 30-day period, the suspension imposed shall be lifted. In the event Respondent fails to pay the fine, costs and restitution within the 30-day period, Respondent shall immediately surrender the license to the Executive Director, Construction Industry Licensing Board, Department of Business and Professional Regulation, Post Office Box 5257, Tallahassee, Florida 32314-5257.

4. A change in licensure status, including the suspension, revocation, voluntary relinquishment, or involuntary relinquishment of license does not relieve Respondent of the obligation to pay any fines, costs, interest or restitution imposed in this Final Order.

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

DONE AND ORDERED this 9<sup>th</sup> day of July, 2009.

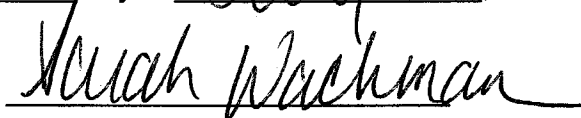
  
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JACQUELINE A. WATTS, Chair  
Construction Industry Licensing Board

**NOTICE OF RIGHTS OF JUDICIAL REVIEW**

A party who is adversely affected by this Final Order is entitled to judicial review, pursuant to Section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Clerk of the Department of Business and Professional Regulation and a second copy, accompanied by filing fees prescribed by law, with the First District Court of Appeal or the District Court of Appeal in the appellate district where the party resides. The Notice of Appeal must be filed within 30 days of rendition of this Final Order.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been provided by U.S. Certified Mail to **Daniel F. Acevedo, Sr.**, 6942 Southwest 196 Avenue, Suite 33, Ft. Lauderdale, Florida 33332, 2813 Executive Park Drive, Weston, Florida 33331 and 845 Vanda Terrace, Weston, Florida 33327, and **Kenneth Stein, Esquire**, 8436 West Oakland Park Boulevard, Sunrise, Florida 33351; by hand or interoffice delivery to **Construction Industry Licensing Board**, Post Office Box 5257, Tallahassee, Florida 32314-5257, **Jeffrey J. Kelly, Esquire**, Chief Construction Attorney, Office of the General Counsel, Post Office Box 5257, Tallahassee, Florida 32314-5257, and **Carrol Y. Cherry**, Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050, by hand or interoffice delivery, this 16<sup>th</sup> day of July, 2009.

  
\_\_\_\_\_  
Sarah Wachman

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