Date: May 5thth, 2014

\*\* AMENDED NOTICE \*\*

WARDLOW BUILDING GROUP INC Christopher Wardlow, President 2341 Settlers Trail Saint Cloud, Plorida 34772

> License # CGC1511775 Certified Mail# 7013-2630-0000-9565-3527

regular mail 6-244

City Municipal Code Section 2-322(a)(1)

The Contractors Examining Board shall have the power to determine if a license or certificate of competency of any <u>contractor</u> should be suspended for any violation of chapter 14, article III of chapter 18 and article II of chapter 34 and fix the length of time for such suspension.

YOU ARE HEREBY NOTIFIED of your alleged violation of the City of Key West Code of Ordinances.

Factual basis for the charge:

Sec. 18.117 Acts Declared Unlawful

It shall be unlawful for any contractor, as defined in section 18-116, operating anywhere within the city, licensed individually or as a firm contractor, or any officers, directors or qualified representatives of a firm contractor to commit any one or more of the acts or omissions set forth in this section. It shall also be unlawful for any property owner to commit any one or more of the acts or omissions set forth in this section as it may pertain to a property owner who directly employs others to perform construction work at a property. Violations of this section by a property owner shall be subject to the authority of the special master. The following acts are declared unlawful:

(1)

Contract or do any work outside the scope of operation, as set out in the definition of the particular type of contractor for which he is qualified, or to perform or offer to purport to perform any architectural or engineering or surveying services in violation of state statutes.

Abandon without legal excuse a construction project or operation in which he is engaged or under contract as a contractor.

(3)

Divert funds or property received for the execution or completion of a specific construction project or operation or for a specified purpose to any other use whatsoever.

(4)

Depart from or disregard in any material respect the plans or specifications of a construction job without the consent of the owner or his duly authorized representative.

(5)

Disregard or violate, in the performance of his contracting business, any of the building, safety, health insurance or worker's compensation laws of the state or resolutions of the city commission concerning such.

(6)

Misrepresent any material fact in his application and supporting papers in obtaining a license under this article.

(7)

Fail to fulfill his contractual obligation through inability to pay all creditors for material furnished or work or services performed in the operation of his business for which he is licensed under this article.

# Sec. 2-322. Powers and duties.

- (a) The contractors examining board shall have the power to:
  - (1) Determine if a license or certificate of competency of any contractor should be suspended for any violation of chapter 14, article ill of chapter 18 and article ill of chapter 34 and fix the length of time for such suspension;
  - (2) Revoke the license or certificate under the provisions of chapter 14, article III of chapter 18 and article II of chapter 34;
  - (3) Appoint a city employee to investigate any complaints made against a licensed contractor and determine whether it shall take administrative action against the contractor, including the levying of a fine in accordance with section 2-324;
  - (4) Direct the city's investigator to initiate prosecution for an alleged violation against the contractor; and
  - (5) Call upon members of the industry to advise and assist it.
- (b) The examining board shall have the power to examine and issue certification to plumbers and electricians, as set forth in section 2-325.

(Code 1986, § 14.07)

# Sec. 2-324. Disciplinary proceedings.

- (a) Report of complaint; petition of bankruptcy. The secretary of the contractors examining board may upon his own motion or shall upon a sworn complaint in writing of any person investigate or cause to be investigated by a special investigator appointed by the board the charges against any contractor qualified and submit a written report to the examining board. Irrespective of the foregoing, upon the filing of petition of bankruptcy by or against a qualified contractor, the secretary of the board shall immediately suspend the certificate of competency and report the matter to the examining board for revocation action.
- (b) Decision on report. The examining board, upon receipt of a report conveyed to it pursuant to subsection (a) of this section, shall decide if the report makes a prima facie showing of a violation of chapter 14, article III of chapter 18 and article II of chapter 34 and, if so, shall take one or both of the following actions:
  - (1) Instruction of the secretary to send, by registered mail, a letter to the qualified contractor to his last known address, as shown by the board's records, setting out the name of the complainant, the time of commission of the alleged offense, and the specific section of the contractors' regulations in article III of chapter 18 alleged to be violated, and notification of the qualified contractor to appear before the board at a time and place fixed, not sooner than 20 days from the mailing of the registered letter, to show cause why his certificate of competency should not be suspended or revoked.
  - (2) Instruction of the investigator or complainant to file a sworn affidavit for the arrest of the qualified contractor if he has violated any of the sections of chapter 14, article III of chapter 18 and article II of chapter 34.
- (c) Hearing. A hearing shall be conducted in accordance with the following:
  - (1) The administrative hearing provided for in subsection (b) of this section shall be open to the public.
  - (2) The proceedings at the hearing shall be recorded and may be transcribed at the expense of the party requesting the transcript.

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