

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

JOSE RAUL LAMONACO, JR.

Petitioner,

v.

Case No. 2020-019344
CILB

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Respondent.

_____ /

FINAL ORDER ADOPTING SETTLEMENT AGREEMENT


The Department of Business and Professional Regulation (“Department”), in accordance with the provisions of section 120 57(4), Florida Statutes, hereby enters this Final Order incorporating and adopting *in toto* the Settlement Agreement entered into between Jose Raul Lamonaco and the Department, attached hereto as Exhibit 1 and incorporated by reference Upon consideration of the Settlement Agreement and being otherwise fully advised, it is hereby

ORDERED AND ADJUDGED:

1. The Settlement Agreement is approved, adopted, and incorporated herein by reference Accordingly, the parties shall adhere to and abide by all the terms of the Settlement Agreement.

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

DONE AND ORDERED this 14 day of May, 2020.



HALSEY BESHEARS, Secretary
Department of Business and
Professional Regulation
2601 Blair Stone Road
Tallahassee, FL 32399-2202

NOTICE OF RIGHT TO APPEAL

Unless expressly waived, any party adversely affected by this Final Order may seek judicial review by filing an original Notice of Appeal with the Clerk of the Department of Business and Professional Regulation, and a copy of the notice, accompanied by the filing fees prescribed by law, with the clerk of the appropriate District Court of Appeal within 30 days of the effective date of this order, in accordance with Florida Rule of Appellate Procedure 9.110, and section 120.68, Florida Statutes.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Final Order Adopting Settlement Agreement was provided to Respondent's attorney, Thomas S. Dolney, Esquire, Dolney Law, PLLC, 919 Lake Baldwin Lane, Suite A, Orlando, Florida 32814, by regular U.S Mail this 29th day of May, 2020



OFFICE OF THE AGENCY CLERK

Copy(s) Furnished to

Tom Thomas, Deputy General Counsel

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

JOSE RAUL LAMONACO, JR.

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DEPARTMENT OF BUSINESS AND
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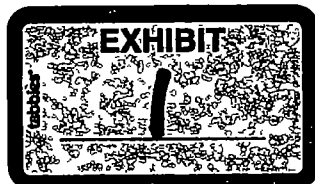
Respondent.

SETTLEMENT STIPULATION

JOSE RAUL LAMONACO, JR. ("Petitioner") and the DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION ("Department") stipulate and agree to the following joint Stipulation and to the entry of a Final Order of the Department incorporating this Stipulation and the agreement in the above-styled matter.

STIPULATED FACTS

1. On or about March 20, 2020, Petitioner applied for reinstatement of his null and void air conditioning contractor's license number CAC 1816296
2. The Department filed its Notice of Intent to Contingently Approve Petitioner's application to reinstate his null and void certified air conditioning contractor's license on April 1, 2020, and served such Notice on the Petitioner.
3. Petitioner filed his Petition for a Formal Hearing on April 15, 2020, challenging the underlying factors used by the Department in approving the application with contingencies.
4. Based on multiple conversations between Petitioner's Counsel and the Department's Counsel, it is mutually agreed that this settlement stipulation is the proper course



of action to resolve this matter.

STIPULATED DISPOSITION

5. To avoid the necessity of further administrative proceedings, Petitioner agrees to voluntarily withdraw his request for a hearing in this matter.

6. The Department agrees to reinstate Petitioner's null and void air conditioning contractor's license number CAC 1816296 to "Current, Inactive" status within twenty-one days of filing of the Final Order adopting this Stipulation.

7. Petitioner understands that following reinstatement to "Current, Inactive" status, he must apply for, and be approved, "Current, Active" status with the Construction Industry Licensing Board if he wishes to lawfully perform regulated services under his license.

8. Petitioner understands that the licensure decisions covered by this Stipulation are subject to payment of all applicable fees.

9. It is expressly understood that this Stipulation is subject to the approval of the Department. In this regard, the foregoing paragraphs shall have no force and effect unless a Final Order incorporating the terms of this Stipulation is entered by the Department.

10. Should this Stipulation be rejected, no statement made in furtherance of this Stipulation by the Parties may be used as direct evidence in any proceeding.

11. Petitioner and the Department fully understand that this joint Stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Department or the Construction Industry Licensing Board against Petitioner for acts or omissions that may occur in the future.

12. Upon the Department's adoption of this Stipulation, Petitioner expressly waives all further procedural steps and expressly waives all rights to seek judicial review of, or to

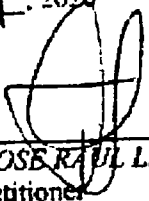
otherwise challenge or contest the validity of the Final Order of the Department incorporating said Stipulation, or any part thereof.

13. Upon the Department's adoption of this Stipulation, the parties hereby agree that the parties will bear their own attorney's fees and costs resulting from prosecution and/or defense of this proceeding, except as otherwise provided herein. Each party waives its right to seek any attorney's fees or costs from the other in connection with this proceeding.

14. This Stipulation may be signed in counterparts, and facsimile copies shall be treated as original.

ACCEPTED AND APPROVED BY AND BETWEEN

SIGNED this 5 day of MAY, 2020



JOSE RAUL LAMONACO, JR.
Petitioner

APPROVED this 7 day of MAY, 2020.



TOM THOMAS
DEPUTY GENERAL COUNSEL
For the Department

FILED	
Department of Business and Professional Regulation AGENCY CLERK	
CLERK	Ronda L. Bryan
Date	4/1/2020
File #	

Halsey Beshears, Secretary

March 26, 2020

Jose Lamonaco, Jr.
1376 Chaparral Lane
Winter Springs, FL 32708

RE: Notice of Intent to Contingently Approve your application to reinstate your null & void certified air conditioning contractor's license.

Dear Mr Lamonaco

This letter is to inform you that the Department of Business and Professional Regulation has reviewed your application to reinstate your null & void certified air conditioning contractor's license. At this time, the Department has issued a notice of approve your application contingent upon the following conditions being met

Applicant must show compliance with all final orders and citations, including payment of all fines, costs, interest, and restitution, within 180 days of the issuance of this order. Otherwise, the application is denied

Your application has not been approved. This is only a notice of *contigent approval*. Failure to meet the above condition(s) will cause your application to be denied. Please read the below information to understand your options if you wish to dispute the reasons on which the approval is based.

This Notice shall be placed in and become part of Applicant's official records and shall become effective upon filing with the Clerk of the Department of Business and Professional Regulation. This Notice will become a Final Order by operation of law if no action is taken within the time period below.

Done and Ordered this 27 day of March, 2020



Dan Biggins
Executive Director
Construction Industry Licensing Board

Notice of Rights

You may seek review of this Notice, pursuant to Sections 120.569 and 120.57, Florida Statutes, by filing a petition with the Executive Director of the Construction Industry Licensing Board, P.O. Box 5257, Tallahassee, Florida 32314-5257, within 21 days of this Order. If you do not dispute any material fact, you may request a hearing before the Department pursuant to Section 120.57(2), Florida Statutes; your petition must include the information required by Rule 28-106.301, Florida Administrative Code. If you dispute any material fact upon which the decision is based, you may request a hearing before an Administrative Law Judge pursuant to Section 120.57(1), Florida Statutes; your petition must also contain the information required by Rule 28-106.201, Florida Administrative Code, including a statement of the material facts which are in dispute. If you request a hearing, you have the right to be represented by an attorney or other qualified representative, to take testimony, to call or cross-examine witnesses, to have subpoena and subpoena duces tecum issued, and to present written evidence or argument. Pursuant to Section 120.573, Florida Statutes, you are hereby notified that mediation pursuant to that section is not available.

Certificate of Service

I hereby certify that a true and correct copy of the foregoing Notice has been provided by Certified Mail to: Jose Lamonaco, Jr., 1376 Chaparral Lane, Winter Springs, FL 32708; and by hand/interoffice delivery to the Construction Industry Licensing Board, 2601 Blair Stone Rd, Tallahassee, FL 32399-1039, this 1st day of April, 2020.



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<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total P&F	\$
Sent To	Jose Lamonaco, Jr.
Street or P.O. Box	1376 Chaparral Lane
City, State, ZIP+4®	Winter Springs, FL 32708

Postmark Here

PS Form 3800, October 2019