

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

TONY FINNO d/b/a TRUE
POWER ELECTRIC, INC.,

Appellant,

v.

DEPARTMENT OF BUSINESS
AND PROFESSIONAL
REGULATION,

Appellee.

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CASE NO. 1D11-6208

CORRECTED PAGES: pg 2
CORRECTION IS UNDERLINED IN RED
MAILED: December 3, 2012
BY: SDE

Opinion filed November 30, 2012.

An appeal from an order of the Department of Business and Professional
Regulation.

Diane S. Perera and Adam D. Sherman, Miami, for Appellant.

J. Layne Smith, General Counsel, and Garnett W. Chisenhall, Chief Appellate
Counsel, Department of Business and Professional Regulation, Tallahassee, for
Appellee.

PER CURIAM.

In this appeal of a final order of the Electrical Contractors' Licensing Board
of the Department of Business and Professional Regulation, Tony Finno, d/b/a

True Power Electric, Inc., challenges an order of restitution following a finding by the Board that appellant violated sections 489.533(1)(m)1 and 489.533(1)(m)3, Florida Statutes. The Board concedes that restitution was improperly ordered under the specific facts of this case. Accordingly, the final order is reversed insofar as restitution is ordered and the cause is remanded for consideration of an appropriate penalty pursuant to section 120.68(7)(e)4, Florida Statutes.

REVERSED and REMANDED.

WOLF, VAN NORTWICK, and LEWIS, JJ., CONCUR.