

IN THE COUNTY COURT IN AND FOR SANTA ROSA COUNTY, FLORIDA  
SMALL CLAIMS DIVISION

Case # 2014-SC- [REDACTED]

Plaintiff(s) Emerald Coast Baths Inc. DBA ReBath

Address: 19201 Panama City beach Parkway, Panama City Beach, Fl. 32413

Telephone # 850-566-8466

VS

Defendant(s) Mike and Donna [REDACTED]

Address: [REDACTED]

Telephone # [REDACTED]

2014 OCT 23 PM 3 19  
SANTA ROSA COUNTY, FL  
CC FILED  
D. [REDACTED] CLERK OF COURT & COMPTROLLER

**STATEMENT OF CLAIM**

Plaintiff(s) claims the amount of \$ 4,576.50 as being due from the defendant(s) together with \$ 0.00 for interest plus court cost of \$ 350.00 which all totals \$ 4,926.50

and alleges that the basis of this suit is:

- Money due plaintiff upon accounts stated and agreed to between them
- Money loaned by plaintiff to defendant.
- Goods, wares, and merchandise sold by plaintiff to defendant.
- Rent due plaintiff for certain premises in Santa Rosa County, Florida.
- Plaintiff further states the suit is bases on a written instrument.
- Money due plaintiff for worthless check given by defendant.
- Money due plaintiff for labor and materials furnished to defendant.
- Defective goods, workmanship, or services furnished by plaintiff to defendant.

Describe defects, list of goods:

Damages due to auto collision.

Describe defendant's negligent act, which caused collision:

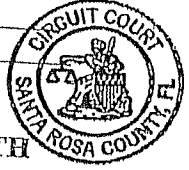
Other

**STATE OF FLORIDA COUNTY OF SANTA ROSA**

The undersigned, being duly sworn, says that the foregoing is a just and true statement of the amount owing by the defendant(s) to said plaintiff(s) exclusive of all set-offs and just grounds of defense:

Sworn and subscribed before me this 23 day of Oct 20 14

Plaintiff(s) [Signature]  
Deputy Clerk or Notary Beverly Boulton



**NOTICE: THIS DOCUMENT REQUIRES AN OFFICIAL COURT SUMMONS WITH SIGNATURE AND THE OFFICIAL COURT SEAL AFFIXED THERETO.**

**WORKSHEET FOR SMALL CLAIMS**

Case # 2014-SC-975

**Plaintiff:**  
Address: Emerald Coast Baths Inc. DBA ReBath  
19201 Panama City Beach Pkwy., Panama City Beach, Fl. 32413  
Telephone # 850-588-8466 850-258-4462

**Defendant:**  
Address: Mike & Donna  
[REDACTED]  
Telephone # [REDACTED]

**STATEMENT FOR CAUSE OF ACTION:** Brief statement pertaining to the facts of your claim. Include information such as who, what, where and when the action occurred.

On August 2, 2014 Mike and Donna [REDACTED] entered into a contract and or contracts with Emerald Coast Baths Inc. DBA ReBath to remodel two bathrooms located at there primary residence [REDACTED], Fl. 32570. Please see contracts attached. Due to the fact that a new salesperson wrote these up and there were questions the contracts were re-written on August 25, 2014. Attached. When these contracts were re-written both Mike and Donna [REDACTED] were present and were explained any and all changes and they both agreed on and Donna [REDACTED] not only signed the rewritten contracts but also initialed all detail.

On September 16, 2014 work commenced. During the process Donna [REDACTED] was kept up to speed on all aspects of the progress of the work. On September 19, 2014 we finished all work except for the painting, small details and the glass doors. Please see shower door agreement. Please note that the agreement allows for a 2-3 week window for the doors to be installed.

On September 22, 2014 we and the painters that we hired disagreed with what there scope of work was and we asked them not to come back. On September 23, 2014 we hired a new painter to scope out the work and please note Mrs. [REDACTED] was present. It was decided at that time the new painter would do the work and Mrs. [REDACTED] agreed to pay the paint contractor for 200.00 additional work. It was also decided that we would replace the vanity counter due to a 1/4 mis measurement that Mrs. [REDACTED] did not like, and she requested a color change because Mike here husband did not like the color. It was explained that since the door was going to take time to arrive and that the new vanity top had a 10 day lead time that we would not be back till they both arrived and that we would finish all of that work on the same day. And that the new painters would come in after to complete the project. On October 6, 2014 we came in and finished up with the glass doors, the new vanity top and a small punch list. On September 7, 2014 the painters started and finished on September 10, 2014.

On October 14, 2014 we showed up to collect the the balance of 4,576.50 we were told there would be no payment.

IN THE COUNTY COURT IN AND FOR SANTA ROSA COUNTY, FLORIDA  
FORM 7.350 FLORIDA SMALL CLAIMS RULES  
CORPORATE AUTHORIZATION TO ALLOW EMPLOYEE TO REPRESENT CORPORATION  
AT ANY STATE OF LAWSUIT

CASE NO: 2014-SC-975

Emerald Coast Baths Inc. DBA ReBath

**Plaintiff(s)**

Vs

Mike and Donna

**Defendant(s)**

AUTHORIZATION OF CORPORATE OFFICER

John David Bullard (850) 381-8434 (cell) is an employee of  
Emerald Coast Baths Inc. DBA ReBath

(Name of Corporation that is a party to this action)

This individual has authority to represent the corporation at any stage of the trial court proceedings, including mediation. The undersigned giving the authority is an officer of the corporation.

Pursuant to section 92.525, Florida Statutes, under penalties of perjury, I declare that I have read the foregoing Corporate Authorization and that the facts stated in it are true.

Dated: \_\_\_\_\_

Signing Authority: \_\_\_\_\_

Print Name: Mark Dufour

Print Title: President

(President, Vice President, Secretary, Treasurer)

Address: 19201 Panama City Beach Pkwy.

Panama City Beach, Fl. 32413

Phone No: 850-588-8466

(850)-258-4962 cell

I certify that a copy of this form has been furnished to (list all parties of this action):

Emerald Coast Baths Inc. DBA Re Bath

Mike and Donna

By \_\_\_\_\_ (hand delivery, mail or fax)

On \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

MARK DUFOUR  
SIGNATURE OF OFFICER

MARK DUFOUR  
NAME

President / Owner  
TITLE

IN THE COUNTY COURT OF THE FIRST JUDICIAL CIRCUIT  
IN AND FOR SANTA ROSA COUNTY,  
STATE OF FLORIDA  
SMALL CLAIMS DIVISION

EMERALD COAST BATHS INC., d/b/a  
REBATH,

Plaintiff,

vs.

MICHAEL and DONNA [REDACTED]

Defendants.

/ CASE NO. [REDACTED]

FILED  
2020 JUN 10 10 32 AM  
SANTA ROSA COUNTY  
FLORIDA

**ANSWER AND COUNTERCLAIM OF DEFENDANTS**

COME NOW the Defendants, Michael and Donna [REDACTED] in the above-styled action, and respond to the **STATEMENT OF CLAIM** filed by Emerald Coast Baths Inc., d/b/a Rebath (hereinafter "Rebath" or "Plaintiff") and state as follows:

**ANSWER**

The Defendants generally deny each and every allegation set forth in the Plaintiff's Statement of Claim.

**AFFIRMATIVE DEFENSES**

**First Affirmative Defense**

This action is barred by Plaintiff's own breaches of contract by not delivering what was promised by Plaintiff and/or Plaintiff's representatives.

**Second Affirmative Defense**

This action is barred due to fraudulent and misleading representations made by Plaintiff and/or Plaintiff's representatives. The representations made by Plaintiff and/or Plaintiff's

representatives were false and misleading, and Plaintiff knew such representations to be false at the time given. Plaintiff and/or Plaintiff's representations were made in an attempt to induce Defendant Donna [REDACTED] to enter into a contract. Had Defendant, Donna [REDACTED], known said representations to be false and misleading, she would have never entered into said contract. In entering into said contract, Defendant, Donna [REDACTED] was not aware of the falsity of the representations made by Plaintiff and/or Plaintiff's representatives, and at the time believed said misrepresentations to be true and thus could not have discovered their falsity by exercise of reasonable diligence.

#### **Third Affirmative Defense**

To the extent that Defendants are found to be liable to Plaintiff for any amount, Defendants are entitled to a credit or set-off due to Plaintiff and/or the various representatives of Plaintiff for their failure to timely and fully furnish what was promised.

#### **Fourth Affirmative Defense**

Plaintiff's claim against the Defendants are barred by the equitable doctrine of estoppel.

#### **Fifth Affirmative Defense**

Plaintiff's claim against Defendants are barred by the equitable doctrine of unclean hands.

This Defendants request that the Florida Laws of Civil Procedure apply and be followed in this action.

**COUNTERCLAIM OF DEFENDANTS**

1. This is an action for \$5,000.00.
2. Defendants are residents of Santa Rosa County, Florida.
3. EMERALD COAST BATHS INC., d/b/a REBATH (hereinafter "Rebath") is registered as an LLC doing business as a Florida Corporation and does business in Santa Rosa County, Florida.
4. The substantive events that give rise to this cause of action all occurred in Santa Rosa County, Florida.
5. FRAUD: Plaintiff committed fraud: by representing that Plaintiff was "licensed" to perform the work contracted; by assuring that the renovations would be performed a professional and timely manner; assuring the Defendants would be satisfied with the work performed; and failing to afford discounts initially promised to Defendants.
6. BREACH OF CONTRACT: Plaintiff failed to fulfill the contract by leaving the premises without completing the renovations in a professional and working manner.
7. Rebath failed to provide the discounts promised to the Defendants.

The Defendants request that the Florida Laws of Civil Procedure apply and be followed in this case.

**WHEREFORE**, Defendants requests judgment against Rebath for the \$5,000.00 against the Plaintiff for the inferior and incomplete renovations started but never completed by Plaintiff and , for any other relief this Court may deem just and proper.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been furnished by U.S. Mail to:

John David Bullard	Mark DuFour
Emerald Coast Baths Inc, d/b/a Rebath	Emerald Coast Baths Inc. d/b/a Rebath
19201 Panama City Beach Parkway	19201 Panama City Beach Parkway
Panama City Beach, FL 32413	Panama City Beach, FL 32413

John David Bullard	Mark DuFour
Emerald Coast Baths Inc, d/b/a Rebath	Emerald Coast Baths Inc. d/b/a Rebath
2475 East Nine Mile Road, Suite A	2475 East Nine Mile Road, Suite A
Pensacola, FL 32514-7796	Pensacola, FL 32514-7796

on this the 26th day of November, 2014.

December 1, 2014

**MARK DUFOUR**  
**DBA EMERALD COAST BATHS**  
19201 PANAMA CITY BEACH PARKWAY  
PANAMA CITY BEACH, FL 32413

RE: CASE NO. 2014049285

Dear MARK DUFOUR:

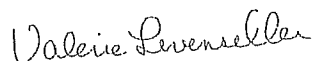
The Division of Regulation has received a complaint that alleges you have practiced as a Plumbing Contractor without a state license. Please understand that practicing without a proper license is a violation of state law and cases of unlicensed activity may be referred to the proper prosecuting authority.

We are providing you with a copy of the complaint filed against you as required by Florida law. You may submit a written response to this complaint; however, you are not required to respond. If you choose to respond you may do so within twenty (20) days of receipt of this letter and include your case number on any correspondence. Your response will be included in our investigative report. If we do not hear from you we will proceed with our investigation without your input.

The department understands your desire to provide services that require a license to the citizens of Florida and we encourage individuals to comply with state law by obtaining the necessary licenses to practice. Please contact our Customer Contact Center at 850.487.1395 for information on obtaining a license. A representative will be available to assist you Monday – Friday from 8:00AM – 6:00PM (Eastern Time).

If you have any questions, please do not hesitate to contact us at the number listed below.

Sincerely,



Valerie Levenseller  
Investigator Specialist II  
1720 W. Fairfield Drive Suite 404  
Pensacola, FL 32501  
Office: 850-595-0143  
cell: 850-217-8986  
Enclosure



NOTICE TO CEASE AND DESIST  
Section 455.228(1), Florida Statutes

To: Mark Dufour dba Emerald Coast Baths  
d/b/a: 19201 Panama City Beach Pkwy  
Panama City Beach, FL 32413  
850-588-8466

DBPR Case No. 2014-049285

The Department of Business and Professional Regulation ("Department") notifies you that it has probable cause to believe that you may be practicing as a(n) Plumbing Contractor without the professional license or certification required by Florida law, specifically Chapter 489.127(1)(f), Florida Statutes. Probable cause is based on the following facts:

On September 16, 2014 (date) at [REDACTED] (address) in the City of Milton, Santa Rosa County, Florida, you :

16 Performed Plumbing work at [REDACTED] Florida without pulling a permit for the plumbing work. The plumbing work was not performed by a licensed plumbing contractor (Bill Horner). Additionally, work was not completed.

Our records show that you are not currently licensed or certified by the Department as a(n) Plumbing Contractor, and Florida law, Chapter 489, requires you to have a license or certification to practice as a(n) Plumbing Contractor. If the above facts are true, they establish probable cause for the Department to believe you are violating Florida law by practicing a regulated profession without the required license or certification.

This Notice to Cease and Desist is not final agency action by the Department. If you have any questions, please call the Investigator/Inspector at the number listed below. For information on the law, go to [www.leg.state.fl.us/statutes](http://www.leg.state.fl.us/statutes). If you are engaged in the practice of unlicensed activity and do not stop your unlicensed practice, the Department can enforce this Notice to Cease and Desist in circuit court by injunction or writ of mandamus.

The Department is giving you this Notice to Cease the practice of Plumbing Contracting without a license or certification so you can follow the law by applying and qualifying for a license or certification. Information about licensure may be found online at [www.MyFloridaLicense.com/DBPR](http://www.MyFloridaLicense.com/DBPR). Pursuant to Section 455.2277 Florida Statutes, the Department shall report any criminal violation of any statute relating to the practice of a profession regulated by the department to the proper prosecuting authority for prompt prosecution. Please govern your future behavior accordingly.

ISSUED this 1 day of December, 2014.

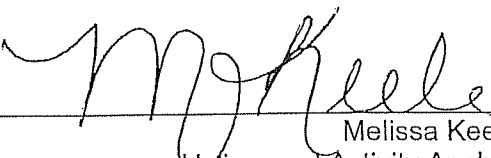
Valerie Levenseller  
By: Investigator/Inspector  
Telephone: 850-595-0143  
(Field Office)

Ken Lawson, Secretary

Rick Scott, Governor

### CERTIFICATE OF NON-LICENSURE

I, Melissa Keele, Unlicensed Activity Analyst, for the Division of Regulation, Department of Business and Professional Regulation (Department), State of Florida, am an employee of the Department. I have conducted a diligent search of the Department's electronic records that are prepared as a regular practice and maintained in Tallahassee, Florida. After diligent search of those records, I hereby certify that there is no evidence that **Emerald Coast Baths, Inc.; Re-Bath** was ever qualified by a contractor or had an active license as a construction business, in the State of Florida in accordance with Chapter 489, Florida Statutes.

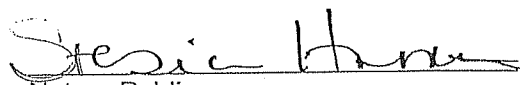
  
\_\_\_\_\_  
Melissa Keele  
Unlicensed Activity Analyst  
State of Florida

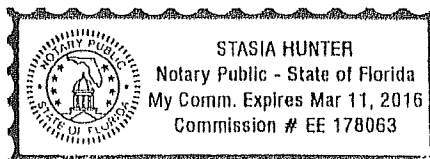
STATE OF FLORIDA )  
COUNTY OF LEON )

Before me personally appeared Melissa Keele, Unlicensed Activity Analyst for the Division of Regulation, whose identity is known to me, and who acknowledged and executed the foregoing instrument on behalf of the Department of Business and Professional Regulation.

Witness my hand and official seal, this 18<sup>th</sup> day of November 2014.



  
\_\_\_\_\_  
Notary Public  
State of Florida



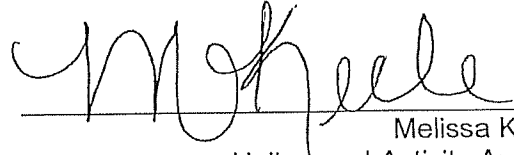
Note: Sections 90.803(10) and 90.902, Florida Statutes, provide that absence of a public record or entry, e.g., a certificate of non-licensure, is self-authenticating and admissible as evidence even though the declarant is available.

Ken Lawson, Secretary

Rick Scott, Governor

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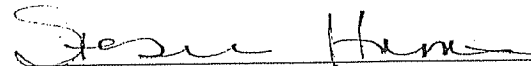


Melissa Keele  
Unlicensed Activity Analyst  
State of Florida

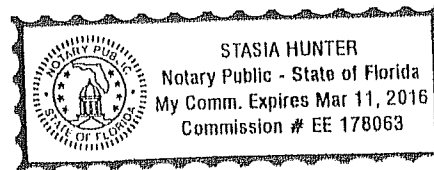
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COUNTY OF LEON )

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Notary Public  
State of Florida



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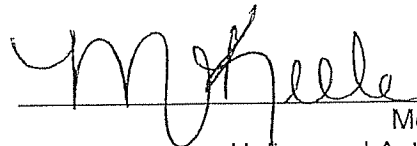
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850-258-4962 (cell)

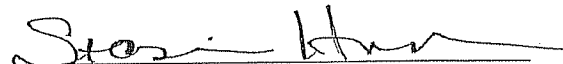
  
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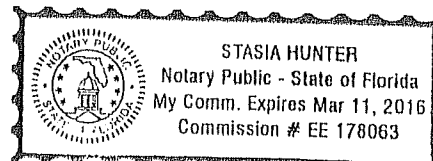
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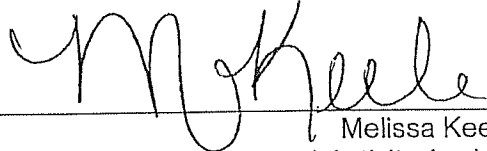
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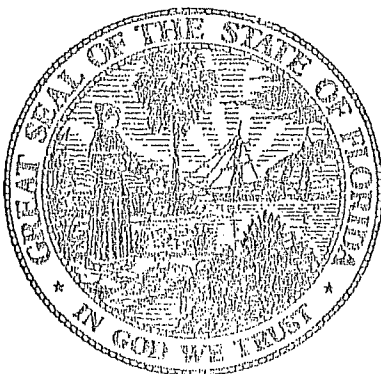
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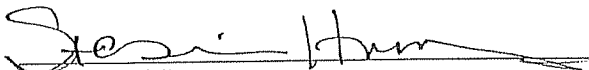
  
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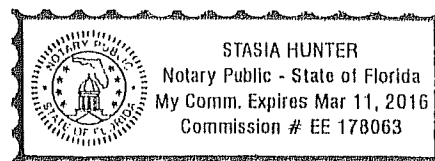
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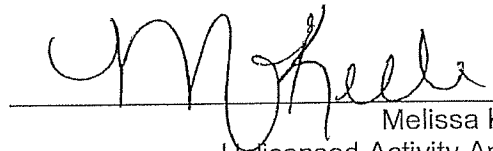
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850-381-8434 (cell)

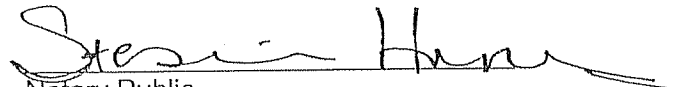


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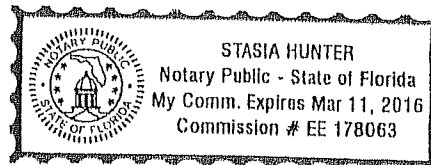
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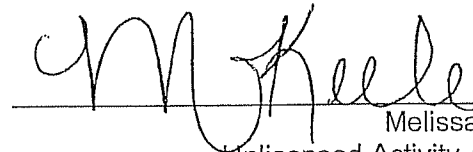
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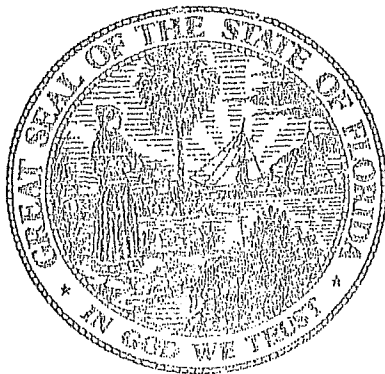
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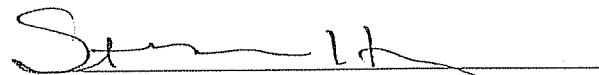
  
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State of Florida

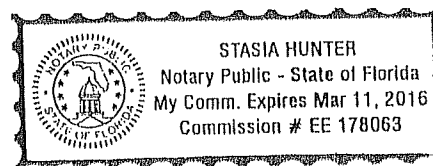
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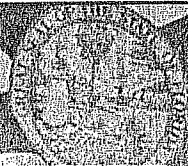
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Notary Public  
State of Florida



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## Detail by Entity Name

### Florida Profit Corporation

EMERALD COAST BATHS, INC.

### Filing Information

Document Number	P10000070028
FEI/EIN Number	273285719
Date Filed	08/26/2010
State	FL
Status	ACTIVE
Effective Date	08/20/2010
Last Event	AMENDMENT
Event Date Filed	02/10/2014
Event Effective Date	NONE

### Principal Address

19201 PANAMA CITY BEACH PARKWAY  
PANAMA CITY BEACH, FL 32413

Changed: 04/12/2011

### Mailing Address

19201 PANAMA CITY BEACH PARKWAY  
PANAMA CITY BEACH, FL 32413

Changed: 04/12/2011

### Registered Agent Name & Address

SOMBATHY, JULIE A  
434 MAGNOLIA AVENUE  
PANAMA CITY, FL 32401

### Officer/Director Detail

#### Name & Address

Title P, D

DUFOUR, MARK  
407 DERONDO STREET  
PANAMA CITY BEACH, FL 32413

Title VP

*(850) 258-4962 (cell)*





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## Fictitious Name Detail

### Fictitious Name

RE-BATH

### Filing Information

Registration Number G10000078749  
Status ACTIVE  
Filed Date 08/26/2010  
Expiration Date 12/31/2015  
Current Owners 1  
County BAY  
Total Pages 1  
Events Filed NONE  
FEI/EIN Number 27-3285719

### Mailing Address

407 DERONDO STREET  
PANAMA CITY BEACH, FL 32413

### Owner Information

EMERALD COAST BATHS, INC.  
407 DERONDO STREET  
PANAMA CITY BEACH, FL 32413  
FEI/EIN Number: 27-3285719  
Document Number: P10000070028

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