NOT FINAL UNTIL TIME EXPIRES FOR REHEARING AND, IF FILED, DETERMINED

IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT IN AND FOR PINELLAS COUNTY, FLORIDA APPELLATE DIVISION

FRANK CORDAS,
Appellant,
vs.

Appeal No. 08-000049AP-88A
UCN522008AP000049XXXXCV

NAGAPEN PERIATOMBY,
Appellee.
_____/

Opinion Filed _____

Appeal from Final Judgment
Pinellas County Court
Judge Myra Scott McNary

Frank Cordas
Pro Se

Nagapen Periatomby
Pro Se

ORDER AND OPINION

THIS MATTER is before the Court on the appeal of Frank Cordas, Plaintiff below, from an Order of the Pinellas County Court entered November 19, 2008. After conducting a non-jury trial, the court found that Chapter 489, Florida Statutes, barred Cordas from enforcing a construction contract with Nagapen Periatomby because Cordas was not a licensed contractor at the pertinent time. The procedural history of this appeal is somewhat confusing, as an Order to Show Cause was inadvertently issued, to which Periatomby replied. Also, Cordas' briefs have yet to meet all the requirements of Florida Rule of Appellate Procedure 9.210.

Nonetheless, from a review of the parties' pleadings and the Record, this Court can ascertain the legal and factual issues in this matter. Therefore, given the *pro se* status of both parties, see Johnson v. Johnson, 992 So. 2d 399, 402 (Fla. 1st DCA 2008) (*pro se* pleadings are to be construed liberally), the Court finds Cordas' brief in substantial compliance with the appellate rules and will treat Periatomby's response to the Order to Show Cause as an answer brief. Having reviewed these briefs, legal authority, and being otherwise fully advised, this Court affirms the judgment of the Pinellas County Court for the reasons stated below.

On appeal, a trial court's decision is presumed correct, and the appellant has the burden of overcoming this presumption and demonstrating reversible error. Appellant has not provided a transcript or proper substitute of the proceedings below, and "[t]he most salient impediment to meaningful review of the trial court's decision is not the absence of findings, but the absence of a transcript." Esaw v. Esaw, 965 So. 2d 1261, 1264 (Fla. 2d DCA 2007). In fact, "where a trial transcript or proper substitute does not appear in the record on appeal, the trial court's order must be upheld unless the order is fundamentally erroneous on its face." Hoirup v. Hoirup, 862 So. 2d 780, 782 (Fla. 2d DCA 2003).

While the opinion below does not correctly cite or quote the applicable statute in this matter, the court did apply the law correctly. Under Florida Statutes section 489.128(1), "As a matter of public policy, contracts entered into on or after October 1, 1990, by an unlicensed contractor shall be unenforceable in law or in equity by the unlicensed contractor."[1] The court found that Cordas was unlicensed and that the work he was hired to perform required a license.

[1] The opinion below states, "[p]ursuant to Chapter 489.12, Florida Statutes, 'As a matter of public policy, contracts entered into on or after October 1, 1990, by an unlicensed contractor shall be unenforceable in law or in equity by the licensed contractor."

Without a transcript of the hearing in this case, and no fundamental error of law appearing on the face of the final judgment, an appellant cannot overcome the presumption of correctness of trial court's decision to demonstrate reversible error. Therefore, it is

ORDERED AND ADJUDGED that the Order of November 19, 2008, is **AFFIRMED**.

DONE AND ORDERED in Chambers at Clearwater, Pinellas County, Florida, this 16 day of February, 2010.

Original order entered on February 16, 2010 by Circuit Judges Linda R. Allan, George W. Greer, and John A. Schaefer.

Copies to:

Judge Myra Scott McNary

Frank Cordas
14170 Hetrick Circle So.
Largo, FL 33774-5213

Nagapen Periatomby
P.O. Box 783 453
Winter Garden, FL 34778