

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

v.

Case No. 2019-032997
ECLB

FELIX RAFAEL LOPEZ,

Respondent.

FINAL ORDER ON WAIVER

The Department of Business and Professional Regulation (hereinafter "Petitioner") issues this Final Order against Felix Rafael Lopez (hereinafter "Respondent") as follows:

1. An Administrative Complaint was filed in this case on November 14, 2019, alleging that Respondent violated certain provisions of chapter(s) 455 and 489, Florida Statutes. A copy of the Administrative Complaint is attached hereto as Exhibit A.
2. The Administrative Complaint, Election of Rights form, an Explanation of Rights, and a cover letter were mailed to Respondent via Certified and regular U.S. Mail on November 14, 2019. Proof of mailing by Certified and regular U.S. Mail is attached hereto as Exhibit B.
3. The Administrative Complaint, Election of Rights form, an Explanation of Rights, and cover letter were served on Respondent via Certified U.S. Mail on December 10, 2019. Proof of service by Certified U.S. Mail is attached hereto as Exhibit C.
4. The Election of Rights form, Explanation of Rights, and cover letter informed Respondent that a written response to the Administrative Complaint, including the right to request a hearing, was due within 21 days of actual service of the Administrative Complaint. See section 120.569(1), Florida Statutes, and rule 28-106.111, Florida Administrative Code.

5. Petitioner made all reasonable efforts to provide actual notice to Respondent.
6. Petitioner informed Respondent that the failure to file a timely response to the Administrative Complaint shall be deemed a waiver of the right to a hearing.
7. Respondent has not filed a timely response to the Administrative Complaint. Respondent has not submitted any evidence or made any allegations that would support the application of the doctrine of equitable tolling.

Having considered the Administrative Complaint, the evidence of Petitioner's reasonable attempts to provide actual notice to Respondent, and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED:

8. The allegations of fact and the conclusions of law in the Administrative Complaint are adopted in their entirety herein.
9. Respondent must pay a total administrative fine of \$3,000.00 pursuant to the penalty/disciplinary guidelines of rule 61-5.007, Florida Administrative Code.
10. Pursuant to section 455.227(3)(a), Florida Statutes, which provides that "the department... may assess costs related to the investigation and prosecution of the case, excluding costs associated with an attorney's time," Respondent must pay costs of \$96.88.
11. Payment of the fine and costs by check or money order issued to the Department of Business and Professional Regulation must be received by the Department of Business and Professional Regulation, Revenue Unit, 2601 Blair Stone Road, Tallahassee, Florida 32399-2202 within 30 calendar days of the effective date of this Final Order. **Your case number(s) must be clearly referenced when making payment.**
12. This Final Order is effective on the date it is filed with the Agency Clerk of the

Department of Business and Professional Regulation as indicated on the first page of this Final Order.

DONE AND ORDERED this 7 day of February, 2020.



Halsey Beshears, Secretary
Department of Business and
Professional Regulation
2601 Blair Stone Road
Tallahassee, Florida 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

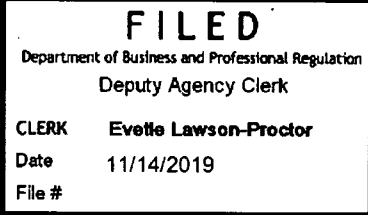
I HEREBY CERTIFY that a true and correct copy of this Final Order on Waiver was provided to Felix Rafael Lopez at 148 Maui Drive, Palmetto, Florida 34221 by regular U.S. Mail this 14th day of February, 2020.



OFFICE OF THE AGENCY CLERK

Copy(s) Furnished to:

Maureen White, Chief Attorney - ULA



STATE OF FLORIDA
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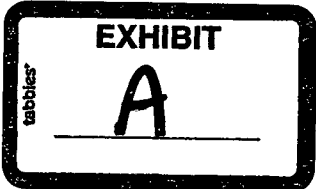
FELIX RAFAEL LOPEZ,

Respondent.

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation ("Petitioner") files this Administrative Complaint against Felix Rafael Lopez ("Respondent"), and alleges:

1. Petitioner is the state agency charged with regulating the practice of electrical contracting pursuant to section 20.165, Florida Statutes, and chapters 455 and 489, Florida Statutes.
2. Petitioner has jurisdiction over the unlicensed practice of electrical contracting pursuant to sections 455.227, 455.228, and 489.531, Florida Statutes.
3. At no time material hereto was Respondent duly registered or certified to engage in the practice of electrical contracting pursuant to chapter 489, Florida Statutes.
4. Respondent's last known address is 148 Maui Drive, Palmetto, Florida 34221.
5. On or about June 18, 2019, Respondent offered, contracted, or performed regulated electrical contracting services, including but not limited to, electrical work to the removal of an overhead recessed light in the shower and install eight recessed lights in the living room, at 6103 121st Avenue E., Parrish, Florida 34219.



6. On or about June 18, 2019, Respondent advertised regulated electrical contracting services via the internet at Craigslist.com in Florida.

7. Respondent offered, contracted, or performed the regulated services at issue for compensation.

COUNT ONE

8. Petitioner realleges and incorporates by reference the allegations set forth in paragraphs one through seven as though fully set forth herein.

9. Section 455.227(1)(q), Florida Statutes, provides “violating... the applicable professional practice act...” shall constitute grounds for which disciplinary actions may be taken.

10. Section 489.531(1)(a), Florida Statutes, provides “a person may not practice [electrical] contracting unless the person is certified or registered.”

11. Based upon the foregoing, Respondent violated section 455.227(1)(q), Florida Statutes, by practicing electrical contracting without the requisite license, in violation of section 489.531(1)(a), Florida Statutes.

COUNT TWO

12. Petitioner realleges and incorporates by reference the allegations set forth in paragraphs one through seven as though fully set forth herein.

13. Section 489.531(1)(b), Florida Statutes, provides, “a person may not use the name or title ‘electrical contractor’ or ‘alarm system contractor’ or words to that effect, or advertise himself or herself or a business organization as available to practice electrical or alarm system contracting, when the person is not the holder of a valid certification or registration issued pursuant to this part.”

14. Based upon the foregoing, Respondent violated section 455.227(1)(q), Florida Statutes, by advertising himself or his business organization as a licensee in violation of section 489.531(1)(b), Florida Statutes.

WHEREFORE, Petitioner requests that a Final Order be entered imposing one or more of the following: an administrative fine, assessment of costs related to the investigation, and/or any other relief the Department is authorized to impose pursuant to chapters 455 and 489, Florida Statutes, and the rules promulgated thereunder.

Signed this 30th day of October, 2019.

HALSEY BESHEARS, Secretary
Department of Business and
Professional Regulation

By: /s/ Maureen White

Maureen White
Florida Bar No. 0106794
Chief Attorney
Office of the General Counsel
Unlicensed Activity
Department of Business and
Professional Regulation
2601 Blair Stone Road
Tallahassee, FL 32399-2202
(850) 717-1234

PC Found: October 30, 2019

By: DBPR

KY

NOTICE OF RIGHTS

Please be advised that mediation under section 120.573, Florida Statutes, is not available for administrative disputes involving this type of agency action.

Please be advised that Respondent has the right to request a hearing to be conducted in accordance with sections 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoenas and subpoenas duces tecum issued on his or her behalf if a hearing is requested. Any request for an administrative proceeding to challenge or contest the charges contained in the administrative complaint must conform to Rule 28-106.2015, *Florida Administrative Code*. Rule 28-106.111, *Florida Administrative Code*, provides in part that if Respondent fails to request a hearing within 21 days of receipt of an agency pleading, Respondent waives the right to request a hearing on the facts alleged.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to section 455.227(3)(a), Florida Statutes, the Board, or the Department when there is no Board, may assess costs related to the investigation and prosecution of the case excluding costs associated with an attorney's time, against Respondent in addition to any other discipline imposed.

7005 3100 0002 2557 3994

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Felix Rafael Lopez
 2019-032988, 2019-032997 CON/EC UL
 148 Maui Drive
 Palmetto, FL 34221

PS Form 3800, June 2012

tabbier

EXHIBIT

B

Administrative
Complaint

NOV 14 2019

Felix Rafael Lopez
2019-032988, 2019-032997 C&N/EC UL
148 Maui Drive
Palmetto, FL 34221

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space **Administrative**

1. Article Addressed to:
Complaint

Felix Rafael Lopez
 2019-032988, 2019-032997 CON/EC UL
 148 Maui Drive
 Palmetto, FL 34221

2. Article Number (Transfer from service label)
 7005 3110 0002 2357 3399

PS Form 3811, July 2015 PSN 7530-02-000-9053



COMPLETE THIS SECTION ON DELIVERY

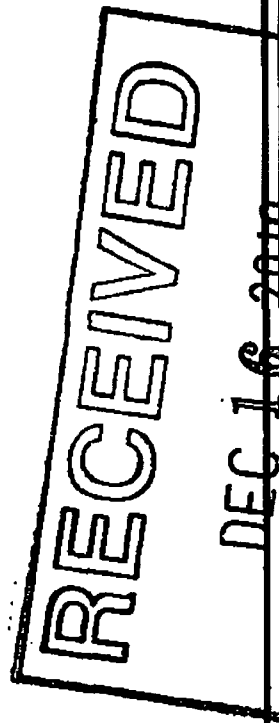
A. Signature

- Agent
- Addressee

B. Received by (Printed Name)
 Felix Lopez

C. Date of Delivery
 12-10-19

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: NO



3. Service Type
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 - Adult Signature Restricted Delivery
 - Certified MailSM **Service of Process Unit**
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Domestic Return Receipt