

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

v.

Case No. 2019-025856
CILB/ECLB

TIMOTHY SIMPLER,

Respondent.

_____ /

FINAL ORDER ON WAIVER

The Department of Business and Professional Regulation (hereinafter “Petitioner”) issues this Final Order against Timothy Simpler (hereinafter “Respondent”) as follows:

1. An Administrative Complaint was filed in this case on October 30, 2019, alleging that Respondent violated certain provisions of chapter 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 October 31, 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 November 2, 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 \$368.58.

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 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 3 day of March, 2020.



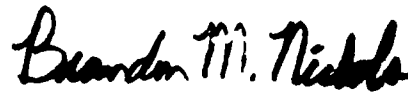
Halsey Beshears, Secretary
Department of Business and
Professional Regulation
2601 Blair Stone Road
Tallahassee, Florida 32399-2202

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 Timothy Simpler at 1344 Sexton Drive, Baker, Florida 32531, by regular U.S. Mail this 6th day of March, 2020.



OFFICE OF THE AGENCY CLERK

Copy(s) Furnished to:

Maureen White, Chief Attorney - ULA

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK **Evette Lawson-Proctor**
Date 10/30/2019
File #

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

v.

Case No 2019-025856
CILB/ECLB

TIMOTHY SIMPLER,

Respondent

_____ /

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation (“Petitioner”) files this Administrative Complaint against Timothy Simpler (“Respondent”), and alleges

1. Petitioner is the state agency charged with regulating the practices of construction and electrical contracting pursuant to section 20 165, Florida Statutes, and chapters 455 and 489, Florida Statutes

2. Petitioner has jurisdiction over the unlicensed practices of construction and electrical contracting pursuant to sections 455 227, 455.228, 489.13, and 489 531, Florida Statutes

3. At no time material hereto was Respondent duly registered or certified to engage in the practice of construction or electrical contracting pursuant to chapter 489, Florida Statutes

4. At no time material hereto was Florida Home Masters LLC an entity properly qualified under the provisions of chapter 489, Florida Statutes

5. At no time material hereto was Presergistics LLC, an entity properly qualified under the provisions of chapter 489, Florida Statutes

6. Respondent’s last known address is 1344 Sexton Drive, Baker, Florida 32531

EXHIBIT
A

7. On or about March 18, 2018, Respondent, D/B/A Presergistics LLC, contracted, or performed regulated construction and electrical contracting services, including but not limited to home remodel to include structural, electrical, and plumbing work at 114 East Cedar Avenue, Crestview, Florida 32536

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

COUNT I

9 Petitioner realleges and incorporates by reference the allegations set forth in paragraphs one through eight as though fully set forth herein

10 Section 489.13(1), Florida Statutes, provides “any person performing an activity requiring licensure under [chapter 489, part I, Florida Statutes] as a construction contractor is guilty of unlicensed contracting if he or she does not hold a valid active certificate or registration authorizing him or her to perform such activity ”

11. Based upon the foregoing, Respondent violated section 489.13(1), Florida Statutes, by performing an activity requiring licensure under chapter 489, part I, Florida Statutes, as a construction contractor without the requisite license

COUNT II

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

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

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

15 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.

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

(SIGNATURE PAGE FOLLOWS)

Signed this 24th day of October, 2019

HAISEY BESHEAR, Secretary
Department of Business and
Professional Regulation

By. Maureen Y. White
Maureen Yvonne White
Chief Attorney-Unlicensed Activity
Florida Bar No 0106794
Office of the General Counsel
Department of Business and
Professional Regulation
2601 Blair Stone Rd
Tallahassee, Florida 32399
(850)717-1234 Telephone
Maureen White@myfloridalicense.com

PC Found: October 24, 2019
By: DBPR

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 3110 0002 2357 2613

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total	

OCT 31 2019

Postmark Here

Sent To
Street, or PO
City, S

Timothy Simpler
2019-025856 CON UL
1344 Sexton Dr
Baker, FL 32531

PS Form 3800, June 2002

See Reverse for Instructions

EXHIBIT
B

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
2601 Blair Stone Road
Tallahassee, Florida 32399
www.MyFloridaLicense.com

Administrative
Complaint

OCT 31 2019

Timothy Simpler
2019-025856 CON UL
1344 Sexton Dr
Baker, FL 32531

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 permits.

1. Article Addressed to:

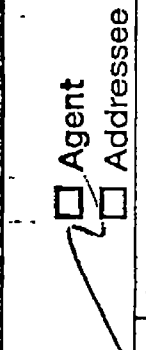
Administrative
Complaint

 Timothy Simplor
 2019-025856 CON UL
 1344 Sexton Dr
 Baker, FL 32531

2 7005 3110 0002 2357 2613 (over \$500)

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent Addressee

B. Received by (Printed Name) _____ C. Date of Delivery **11/2/19**

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

RECEIVED

DEC 10 2019

3. Service Type DBPR Priority Mail Express® Registered Mail™
 Adult Signature Restricted Delivery Signature Confirmation™
 Certified Mail® Registered Mail Restricted Delivery Return Receipt for Merchandise
 Collect on Delivery Signature Confirmation Restricted Delivery

Domestic Return Receipt

