

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

v.

Case No. 2019005105
ECLB

ODED HACHIMI,

Respondent.

_____ /

FINAL ORDER ON WAIVER

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

1. An Administrative Complaint was filed in this case on September 13, 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 September 13, 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 September 16, 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. Verification of Waiver is attached hereto as Exhibit D.

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 has had previous violation(s) of chapter 489, Florida Statutes, which resulted in the issuance of a Final Order in Department Case Number 2016056883.

10. Respondent must pay a total administrative fine of \$4,000.00 pursuant to the penalty/disciplinary guidelines of rule 61-5.007, Florida Administrative Code


11. 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 \$84.61.

12. 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.**

13. 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.



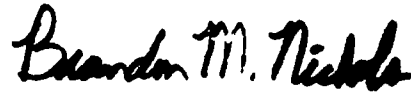
Halsey Beshears, Secretary
Department of Business and
Professional Regulation
2601 Blair Stone Road
Tallahassee, Florida 32399-2202

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 Oded Hachimi, 663 Dover St., #1, Boca Raton, FL 33487 by regular U.S. Mail this 9th day of March, 2020.

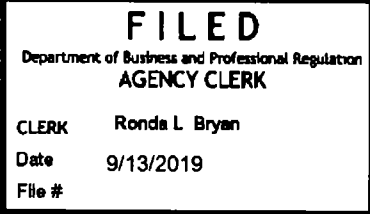


OFFICE OF THE AGENCY CLERK

Copy(s) Furnished to:

Daniel A. David, Asst General Counsel - ULA

Respondent



STATE OF FLORIDA
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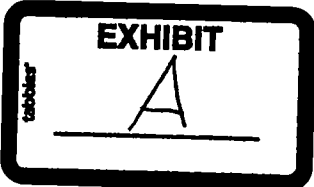
Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation (“Petitioner”) files this Administrative Complaint against Oded Hachimi (“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 construction contracting pursuant to sections 455.227, 455.228, 489 531, and 489.127(1)(f) 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. At no time material hereto was ICU Surveillance System an entity properly qualified under the provisions of chapter 489, Florida Statutes.
5. Respondent’s last known address is 663 Dover Street, Unit 1, Boca Raton, Florida 33487.



6. On or about January 31, 2019, an investigation revealed Respondent, D/B/A ICU Surveillance System, offered via advertisement on a website regulated electrical contracting services, including but not limited to installation of an alarm and monitoring system.

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

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

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

10. 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 4th day of September, 2019.

HALSHEY BESHEARS, Secretary
Department of Business and
Professional Regulation

By: /s/ Daniel A. David
Daniel David
Florida Bar No. 0650412
Assistant General Counsel
Office of the General Counsel
Unlicensed Activity
Department of Business and
Professional Regulation
2601 Blair Stone Road
Tallahassee, FL 32399-2202
Ph. (850) 488-0062

PC Found: 9/4/19
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.

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

7019 0140 0000 6235 4220

Certified Mail Fee

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy)
- Return Receipt (electronic)
- Certified Mail Restricted Delivery
- Adult Signature Required
- Adult Signature Restricted Delivery

SEP 13 2019

Postmark
Here

Postage

Total Post

Sent To

Street an

City, State

Oded Hachimi
2019-005105 EC UL
663 Dover Street, Unit 1
Boca Raton, FL 33487

PS Form 3800, April 2015

EXHIBIT
B

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

2601 Blair Stone Road
Tallahassee, Florida 32399
www.MyFloridaLicense.com

Administrative
Complaint

Oded Hachimi
2019-005105 EC UL
663 Dover Street, Unit 1
Boca Raton, FL 33487

SEP 18 2019

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

Oded Hachimi
2019-005105 EC UL
663 Dover Street, Unit 1
Boca Raton, FL 33487

7019 0140 0000 6235 4220

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



COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Handwritten Signature]

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

9/16/19

is delivery address different from delivery address below: Yes No

OCT 03 2019

DBPR

Service of Process Unit

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

Halsey Beshears, Secretary

Ron DeSantis, Governor

MEMORANDUM

TO: File
FROM: Service of Process Unit
SUBJECT: Verification of Waiver
DATE: October 08, 2019

Please be advised as of this day no response has been received in the SOP Unit regarding the following case(s) The file(s) is being returned to Legal today

Name
HACHIMI, ODED

Case No
2019005105

