

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

v.

Case No. 2018-059016
CILB

CIRO ALTAMIRANO RODRIGUEZ,

Respondent.

_____ /

FINAL ORDER ON WAIVER

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

1. An Administrative Complaint was filed in this case on October 10, 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 10, 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 25, 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. On or about November 27, 2019, Respondent timely responded to the Administrative Complaint by returning his Election of Rights and selecting option 3, indicating he waives his right to any form of hearing. A copy of the Election of Rights 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 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 \$308.56.

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 13 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.

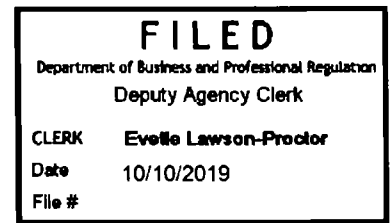
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Final Order on Waiver was provided to Ciro Altamirano Rodriguez at 801 Yarbrough Road, Harvest, Alabama 35749 by regular U.S. Mail this 15th day of April, 2020.


OFFICE OF THE AGENCY CLERK

Copy(s) Furnished to:

Maureen White, Chief Attorney - ULA



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

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CIRO ALTAMIRANO RODRIGUEZ,

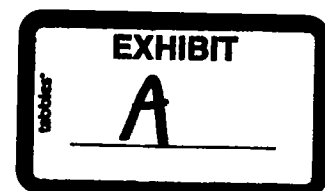
Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation ("Petitioner") files this Administrative Complaint against Ciro Altamirano Rodriguez ("Respondent") and alleges:

1. Petitioner is the state agency charged with regulating the practice of construction 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, and 489.13, Florida Statutes.
3. At no time material hereto was Respondent duly registered or certified to engage in the practice of construction contracting pursuant to chapter 489, Florida Statutes.
4. At no time material hereto was CA Rodriguez Construction LLC an entity properly qualified under the provisions of chapter 489, Florida Statutes.
5. Respondent's last known address is 801 Yarbrough Road, Harvest, Alabama 35749.



6. On or about November 14, 2018, Respondent, D/B/A CA Rodriguez Construction LLC, offered, contracted, or performed regulated construction contracting services, including but not limited to, installing a roof, at 1708 Illinois Avenue, Lynn Haven, Florida 32444.

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

8. 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. .”

9. 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.

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 23rd day of September, 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

PC Found: September 23, 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

7019 0160 0000 7027 6327

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Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

Postage \$ _____

CIRO ALTAMIRANO RODRIGUEZ
2018-059016 CON UL
801 YARBROUGH RD
HARVEST, AL 35749

OCT 10 2019

Postmark Here

US Form 3800, April 2015 PSN 7530-02-000-9007 See reverse for instructions

EXHIBIT
B

Administrative Complaint

Ciro Altamirano Rodriguez
2018-059016 CON UL
801 Yarbrough Rd
Harvest, AL 35749

OCT 10 2019

7005 3110 0002 2357 2781

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Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)	NOV 19 2019	
Total Pr		

Sent To R
 Street, A or PO Box
 City, Sta
Ciro Altamirano Rodriguez
2018-059016 CON UL
801 Yarbrough Road,
Harvest, Alabama 35749

PS Form 3800, August 2013 Edition

Administrative Complaint

NOV 19 2019 R

Ciro Altamirano Rodriguez
2018-059016 CON UL
801 Yarbrough Road,
Harvest, Alabama 35749

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**

R
 Ciro Altamirano Rodriguez
 2018-059016 CON UL
 801 Yarbrough Road,
 Harvest, Alabama 35749

2. Article Number (Transfer from service label)
 7005 3110: 0002 2357 2781

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* Agent
 Addressee

B. Received by (Printed Name) *[Signature]* Addressee

C. Date of Delivery *11-25-19* Yes No

Is delivery address different from item 1? Yes No

If YES, enter delivery address below:

RECEIVED

DEC 16 2019

3. Service Type Priority Mail Express® Registered Mail™ Registered Mail Restricted Delivery

Adult Signature DBPR Return Receipt for Merchandise

Adult Signature Restricted Delivery Signature Confirmation™ Signature Confirmation Restricted Delivery

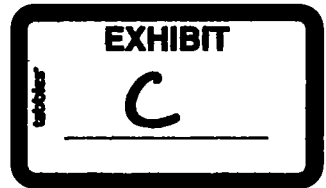
Certified Mail® Return Receipt for Merchandise

Certified Mail Restricted Delivery Signature Confirmation™

Collect on Delivery Signature Confirmation Restricted Delivery

Collect on Delivery Restricted Delivery Restricted Delivery

Domestic Return Receipt



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

ELECTION OF RIGHTS

DBPR v. Ciro Altamirano Rodriguez

Case No. 2018-059016

PLEASE CHECK ONLY ONE OF THE THREE OPTIONS.

Option (1) I do not dispute the allegations of material fact in the Administrative Complaint I wish to submit oral and written evidence in mitigation at a hearing pursuant to section 120 57(2), Florida Statutes ("informal hearing") and that this oral and written evidence be considered before any penalty and fines are imposed

Option (2) I do dispute the allegations of material fact in the Administrative Complaint This is a petition for a hearing involving disputed material facts pursuant to sections 120 569(2)(a) and 120 57(1), Florida Statutes, ("formal hearing") before an Administrative Law Judge of the Division of Administrative Hearings I specifically dispute the following paragraphs in the Administrative Complaint (attach extra pages or write on the back if needed)

In addition to the above election for formal hearing, if you wish to enter into settlement negotiations, check the box below:

Section 120 569(2)(a), Florida Statutes, requires the Department to send this case to the Division of Administrative Hearings (DOAH) for a formal hearing within 15 days after receiving your Election of Rights. I am interested in settling this case and waive the 15-day requirement in order to enter into settlement negotiations with the Department.

Option (3) I do not dispute the allegations of material fact in the Administrative Complaint and waive my right to any form of hearing I request that a Final Order imposing a penalty and fines be entered in this case.

THIS IS A LEGALLY BINDING DOCUMENT SEEK LEGAL ADVICE BEFORE SIGNING IF YOU DO NOT FULLY UNDERSTAND THE TERMS

Ciro Altamirano Rodriguez
PRINTED NAME

801 Yarbrough Rd.
Street Address

Harvest, AL 35749
City State Zip

256-221-1702
Telephone Number Facsimile Number (if any)

CiroRodriguez2061@gmail.com
E-mail

C Altamirano 11/22/19
Signature Date

ATTORNEY OR QUALIFIED REPRESENTATIVE

Street Address (where service shall be made)

City State Zip

Telephone Number Facsimile Number (if any)

E-mail

Signature Date

THE ELECTION OF RIGHTS FORM AND ANY ATTACHMENTS SHOULD BE RECEIVED BY THE DEPARTMENT WITHIN 21 DAYS AND MAILED TO:

ATTN: Service of Process Unit
Office of the General Counsel
Department of Business and Professional Regulation
2601 Blair Stone Road, Tallahassee, FL 32399-2202
Telephone: 850.488.0062 Fax: 850.488.5700

