

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

v

Case No 2019-032988
CILB

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 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

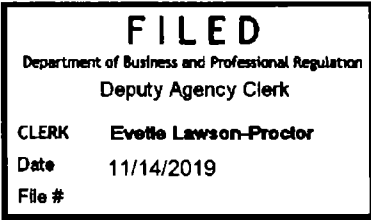
I HEREBY CERTIFY that a true and correct copy of this Final Order on Waiver was provided to Felix Rafael Lopez at 148 Maui Drive, Palmetto, Florida 34221 by regular U S Mail this 15th day of April, 2020

Brandon M. Nichols

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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_____ /

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 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. 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 construction contracting services, including but not limited to, relocate the shower head from a standard wall mount to an overhead rainfall shower head, at 6103 121st Avenue E., Parrish, Florida 34219.



6. On or about June 18, 2019, Respondent advertised regulated construction 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 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...”

10. 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 TWO

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

12. Section 489.127(1)(f), Florida Statutes, provides that “no person shall advertise himself or herself or a business organization as available to engage in the business or act in the capacity of a contractor without being duly registered or certified.”

13. Based upon the foregoing, Respondent violated section 489.127(1)(f), Florida Statutes, by advertising himself or his business organization as a licensee in violation of section 489.127(1)(f), 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

BAEE 25E2 2000 3ITE 5007

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OFFICIAL USE

Postage	\$	Received Here
Central Fee		
Return Receipt Fee (Endorsement Required)	NOV 14 2013	
Registered Delivery Fee (Endorsement Required)		

Felix Rafael Lopez
 2019-032988, 2013-032987 CONREC UL
 148 Maui Drive
 Palmetto, FL 34221

PS Form 3800, June 2012 See Reverse for Instructions

EXHIBIT
B

Administrative
Complaint

NOV 14 2019

Felix Rafael Lopez
2019-032988, 2019-032987 GONIEC UL
148 Maui Drive
Palmetto, FL 34221

SENDER COMPLETE THIS SECTION

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

1. Article Addressed to:
Administrative 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

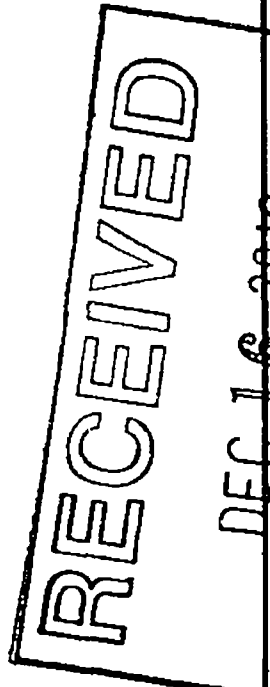


COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery
 Felix Lopez 12-10-19

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



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

Domestic Return Receipt