

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

v.

Case No. 2019-016502
CILB

JONATHAN RODRIGUEZ,

Respondent.

_____ /

FINAL ORDER ON WAIVER

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

1. An Administrative Complaint was filed in this case on or about August 19, 2019 alleging that Respondent violated certain provisions of chapters 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 August 19, 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 or about August 22, 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.

8. 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:

9. The allegations of fact and the conclusions of law in the Administrative Complaint are adopted in their entirety herein.


10. Respondent must pay a total administrative fine of \$1,500.00 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 \$122.55.

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 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 Jonathan Rodriguez, 19863 NW 78th Place, Hialeah, FL 33015 by regular U.S. Mail this 15th day of April, 2020.



OFFICE OF THE AGENCY CLERK

Copy(s) Furnished to:

Daniel A. David, Assistant General Counsel - ULA

Respondent

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK **Evelle Lawson-Proctor**
Date **8/19/2019**
File #

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 Jonathan 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, 489.13, 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 construction contracting pursuant to chapter 489, Florida Statutes.
4. At no time material hereto was Jonathan Plumbing Inc an entity properly qualified under the provisions of chapter 489, Florida Statutes.
5. Respondent’s last known address is 19863 NW 78th Place, Hialeah, FL 33015.
6. On or about March 29, 2019, an investigation revealed Respondent, D/B/A Jonathan Plumbing Inc., offered via advertisement on a vehicle regulated construction

EXHIBIT
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contracting services, including but not limited to, installation of bathtubs, water heaters, and faucets.

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

8. 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.”

9. 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 489.127(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.

(SIGNATURE PAGE FOLLOWS)

Signed this 9th day of August, 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: 8/9/19
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

7006 0810 0005 9844 3045

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	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

AUG 10 2019

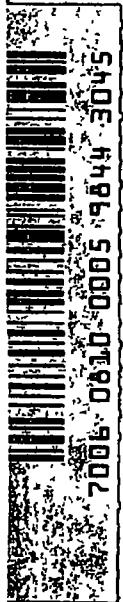
Total

Sent To: Jonathan Rodriguez
2019-016502 CON UL

Street, or PO: 19863 NW 78th PI

City, State: Hialeah, FL 33015

EXHIBIT
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8



AUG 19 2019

Jonathan Rodriguez
2019-016502 CON UL
19863 NW 78th PI
Hialeah, FL 33015

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- 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.

A. Signature Agent
 Address

B. Received by (Printed Name) C. Date of Delivery

Date delivery address different from item 1? Yes
If YES, enter delivery address below: No

1. Article Addressed to: **Administrative Complaint**

Jonathan Rodriguez
 2019-016502 CON UL
 19863 NW 78th PI
 Hialeah, FL 33015

RECEIVED
 OCT 03 2019

2. **7006 0810 0005 9844 3045**

3. Service Type Priority Mail Express

Adult Signature Registered Mail™

Adult Signature Restricted Delivery Registered Mail Restr

Certified Mail Return Receipt for Merchandise

Collect on Delivery Signature Confirmation

Insured Mail Restricted Delivery (over \$500) Signature Confirmation Restricted Delivery



Halsey Beshears, Secretary

Ron DeSantis, Governor

MEMORANDUM

TO: File
FROM: Service of Process Unit
SUBJECT: Verification of Waiver
DATE: September 18, 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, however, pursuant to Executive Order number 18-276, and by Emergency Order executed by Secretary Beshears on August 31, 2019, " [a]ll time requirements, notice requirements and deadlines for filing responses to notices of intended agency action pursuant to s 120 569, Florida Statutes (2018) are suspended and tolled until September 30, 2019, unless extended by subsequent order "

Name
RODRIGUEZ, JONATHAN

Case No
2019016502

