

STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION,

Petitioner,

v

Case No 2018-039217  
ECLB

DOUG HEATH,

Respondent

\_\_\_\_\_ /

FINAL ORDER ON WAIVER

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

1 An Administrative Complaint was filed in this case on December 12, 2018, 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 26, 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 January 27, 2020. 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 has had previous violation(s) of chapter 489, Florida Statutes, which resulted in the issuance of Final Order(s), in Department Case Number 2003-042071.

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 \$211.35.

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 1 day of May, 2019



Halsey Beshgars, 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 Doug Heath at 4505 Southeast 12<sup>th</sup> Place, Ocala, Florida 34471-3212, by regular

U.S. Mail this 8<sup>th</sup> day of May, ~~2019~~ 2020

Brandon M. Nichols  
OFFICE OF THE AGENCY CLERK

Copy(s) furnished to

Maureen White, Chief Attorney - ULA

**FILED**  
Department of Business and Professional Regulation  
**AGENCY CLERK**  
CLERK Ronda L Bryan  
Date 12/12/2018  
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 Doug Heath ("Respondent"), and alleges

1. Petitioner is the state agency charged with regulating the practice of electrical contracting pursuant to section 20165, Florida Statutes, and chapters 455 and 489, Florida Statutes

2. Petitioner has jurisdiction over the unlicensed practice of electrical contracting pursuant to sections 455 227, 455 228, and 489 531, 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 H/S Concrete Services, Inc an entity properly qualified under the provisions of chapter 489, Florida Statutes

5 Respondent's last known address is 4505 Southeast 12<sup>th</sup> Place, Ocala, Florida 34471-3212

6 On or about July 31, 2017, Respondent, D/B/A H/S Concrete Services, Inc , offered, contracted, or performed regulated electrical contracting services, including but not



limited to, installing a new pool light, and installing a new spa light, at 5025 Southwest 4<sup>th</sup> Circle, Ocala, Florida 34471-7491

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 10<sup>th</sup> day of December, 2018

JONATHAN ZACHEM, Secretary  
Department of Business and  
Professional Regulation

By /s/ Carlos Lloreda  
Carlos Lloreda  
Florida Bar No 1008334  
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) 717-1225

**Contact Information: Please call Carlos Lloreda (850) 717-1225 for more information**

PC Found December 10, 2018  
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](http://www.usps.com)®.

**OFFICIAL USE**

7019 0700 0001 4771 5058

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 \$ \_\_\_\_\_

Postage \$ \_\_\_\_\_

Total \$ \_\_\_\_\_

Sent NOV 26 2019 Postmark Here

City: \_\_\_\_\_ R

2018-037488, 2018-039217 CONF/CUI

4505 SE 12<sup>th</sup> Pl.

Ocala, FL 34471

PS Form 3800, July 2015 PSN 7530-02-000-9047 See instructions for instructions



Administrative  
Complaint

NOV 26 2019

R  
Doug Heath  
2018-037488, 2018-039217 CON/EC UL  
4505 SE 12<sup>th</sup> Pl.  
Ocala, FL 34471

**SENDER: COMPLETE THIS SECTION**

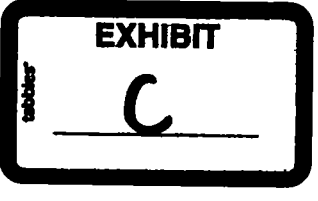
- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
**Complaint**

**Doug Heath**  
 2018-037488, 2018-039217 CON/EC UL  
**4505 SE 12<sup>th</sup> Pl.**  
**Ocala, FL 34471**

7019 0700 0001 4771 5058  
 (over \$500)

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



**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
*Doug Heath*  Address  
 B. Received by (Printed Name) C. Date of Delivery  
*Doug Heath* *1-27-2020*  
 D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

**RECEIVED**  
**FEB 20 2020**

3. Service Type  Priority Mail Express®  
 Adult Signature Registered Mail™  
 Adult Signature Restricted Delivery  
 Certified Mail Restricted Delivery Unit  
 Collect on Delivery Return Receipt for Merchandise  
 Collect on Delivery Restricted Delivery Signature Confirmation™  
 Collect on Delivery Restricted Delivery Signature Confirmation Restricted Delivery  
 Collect on Delivery Restricted Delivery (over \$500)

Domestic Return Receipt