

STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION,

Petitioner,

v

Case No. 2018-037488  
CILB/ECLB

DOUG HEATH,

Respondent

---

FINAL ORDER ON WAIVER

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

1 An Administrative Complaint was filed in this case on November 6, 2018, 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 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 Count Two of the Administrative Complaint will be dismissed.

10 Respondent has had a previous violation of chapter 489 Florida Statutes, which resulted in the issuance of a Final Order, in Department Case Number 2003-042071.

11 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.

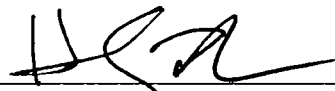
12. Pursuant to section 455.227(3)(a), Florida Statutes, which provides that "the department . . . may assess costs related to the investigation and prosecution of the case, excluding costs associated with an attorney's time," Respondent must pay costs of \$196.30

13 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

within 30 calendar days of the effective date of this Final Order. **Your case number(s) must be clearly referenced when making payment.**

14 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, 2020.



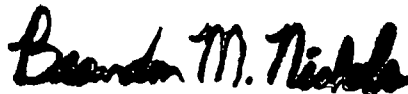
Halsey Beshears, Secretary  
Department of Business and  
Professional Regulation  
2601 Blair Stone Road  
Tallahassee, Florida 32399

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

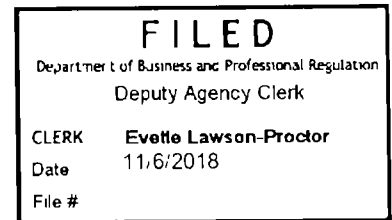
I HEREBY CERTIFY that a true and correct copy of this Final Order on Waiver was provided to Respondent at, 4505 SE 12<sup>th</sup> Place, Ocala, Florida 34471, by regular U.S. Mail this 8<sup>th</sup> day of May, 2020.



OFFICE OF THE AGENCY CLERK

Copy(s) Furnished to:

Maureen Y. White, Assistant General Counsel - ULA



STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION,

Petitioner

v.

Case No 2018-037488  
CILB/ECLB

DOUG HEATH,

Respondent

\_\_\_\_\_ /

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation ("Petitioner") files this Administrative Complaint against Doug Heath ("Respondent"), and alleges

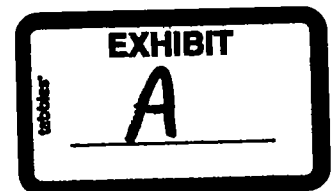
1 Petitioner is the state agency charged with regulating the practices of construction and electrical contracting pursuant to section 20 165, Florida Statutes, and chapters 455 and 489 Florida Statutes

2 Petitioner has jurisdiction over the unlicensed practices of construction and electrical contracting pursuant to sections 455 227, 455 228, 489 13, and 489 531, Florida Statutes

3 At no time material hereto was Respondent duly registered or certified to engage in the practice of construction or electrical contracting pursuant to chapter 489, Florida Statutes

4 At no time material hereto was HS Concrete Services, Inc an entity properly qualified under the provisions of chapter 489, Florida Statutes

5 Respondent's last known address is 4342 Northeast 20th Avenue, Ocala, Florida 34479-2587



6 On or about July 31, 2017, Respondent, D/B/A HS Concrete Services, Inc., offered, contracted or performed regulated construction and electrical contracting services, including but not limited to repairing deck, installing a new pool light, and installing a new spa light, at 5025 Southwest 4th Circle, Ocala, Florida, 34471-7491

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

#### COUNT I

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 II

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

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

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

14 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

Signed this 1<sup>st</sup> day of November 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 at (850) 717-1225 for questions**

PC Found November 1, 2018  
By DBPR

AV

### 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 0700 0001 4771 5058

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Adult Signature Required \$ \_\_\_\_\_

Adult Signature Restricted Delivery \$ \_\_\_\_\_

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

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Sirao \_\_\_\_\_

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

Doug Heath  
2018-037488, 2018-039217 COM/CI UI  
4505 SE 12<sup>th</sup> Pl.  
Ocala, FL 34471

PS Form 3800, July 2015 PSN 7520-02-000-0047 See reverse 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.

Administrative

1. Article Addressed to:

Complaint

R

Doug Heath

2018-037488, 2018-039217 CON/EC UL

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

Ocala, FL 34471

7019 0700 0001 4771 5058

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



**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*Doug Heath*

Agent

Addressee

B. Received by (Printed Name)

*Doug Heath*

C. Date of Delivery

*1-27-2020*

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

RECEIVED

FEB 26 2020

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail<sup>®</sup> of Process Unit
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Collect on Delivery Restricted Delivery (over \$500)
- Priority Mail Express<sup>®</sup>
- Registered Mail<sup>™</sup>
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation<sup>™</sup>
- Signature Confirmation Restricted Delivery

Domestic Return Receipt