

FILED	
Department of Business and Professional Regulation	
Senior Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	6/12/2020
File #	2020-03288

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

v.

Case No. 2019-004757
CILB/ECLB

AGNALDO GUAREZI FERREIRA,

Respondent.

_____ /

FINAL ORDER ON WAIVER

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

1. An Administrative Complaint was filed in this case on September 12, 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 October 15, 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 October 18, 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. A copy of the 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:

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 \$6,000.00 (\$3,000 per count) 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 \$146.61.

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 4 day of June, 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.

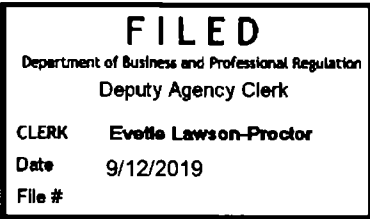
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Final Order on Waiver was provided to Agnaldo Guarezi Ferreira at 4831 NW 76th Place Pompano Beach, Florida 33073 and 22563 SW 66 Ave Apt. 404 Boca Raton, FL 33428, by regular U.S. Mail this 12th day of June, 2020.


OFFICE OF THE AGENCY CLERK

Copy(s) Furnished to:

Daniel A. David – ULA
Respondent



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

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AGNALDO GUAREZI FERREIRA,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation (“Petitioner”) files this Administrative Complaint against Agnaldo Guarezi Ferreira (“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 NGM Design Inc., an entity properly qualified under the provisions of chapter 489, Florida Statutes.
5. Respondent’s last known address is 22563 SW 66th Ave, Apt 404, Boca Raton, FL 33428



6. On or about September 21, 2018, Respondent, D/B/A NGM Design Inc., offered, contracted, or performed regulated construction and electrical contracting services, including but not limited to plumbing, relocation of power for a microwave, and installation of pendant lights at 6125 Astoria Drive, Lake Worth, FL 33463.

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 ten 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 30th 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: 8/30/19
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.

7019 0160 0000 7027 6228

U.S. Postal Service
CERTIFIED MAIL RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

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 Del. \$ _____

OCT 15 2019
LUIS Footmark Here

Postage \$ _____

To: _____ R

Se: _____

St: _____

City: _____

Agnaldo Guarezi Ferreira
2019-004757 CON UL
4831 NW 76th Place,
Pompano Beach, Florida 33073

(PS) See Reverse for Instructions

EXHIBIT
B

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

2601 Blair Stone Road
Tallahassee, Florida 32399
www.MyFloridaLicense.com

Administrative Complaint

OCT 14 2019

R
Agnaldo Guarezi Ferreira
2019-004757 CON UL
4831 NW 76th Place,
Pompano Beach, Florida 33073

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**

R

Agnaldo Guarezi Ferreira
2019-004757 CON UL
4831 NW 76th Place,
Pompano Beach, Florida 33073

2. Article Number (Transfer from service label)

7019 0160 0000 7027 6228

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



COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
X *[Handwritten Signature]* Addressee

B. Received by (Printed Name) C. Date of Delivery
[Handwritten Name] 10/18/19

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

RECEIVED

OCT 29 2019

DBPR

3. Service Type Service of Process Registered Mail Express®
 Adult Signature Registered Mail™
 Adult Signature Restricted Delivery Registered Mail 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 Signature Confirmation Restricted Delivery

Domestic Return Receipt

Halsey Beshears, Secretary

Ron DeSantis, Governor

MEMORANDUM

TO: File
FROM: Service of Process Unit
SUBJECT: Verification of Waiver
DATE: November 13, 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

<u>Name</u>	<u>Case No</u>
FERREIRA, AGNALDO GUAREZI	2019004757

