

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

v.

Case No. 2018-057432
CILB

JAMES STODDARD,

Respondent.

FINAL ORDER ON WAIVER

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

1. An Administrative Complaint was filed in this case on or about October 8, 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 personally served on Respondent by the investigator on January 21, 2020. Proof of service is attached hereto as Exhibit B.
3. 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.
4. Petitioner made all reasonable efforts to provide actual notice to Respondent.
5. 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.

6. 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:

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

8. 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.

9. 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 \$663.77.

10. 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.**

11. 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.

(SIGNATURE LINE ON NEXT PAGE)

DONE AND ORDERED this 4 day of June, 2020.

A handwritten signature in black ink, appearing to read 'H Beshears', written over a horizontal line.

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 James Stoddard, 220 Gull Lane, Lake Wales, Florida 33859 by regular U.S. Mail this 12th day of June, 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 **10/8/2019**
File #

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DEPARTMENT OF BUSINESS AND
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v.

Case No. 2018-057432

CILB

JAMES STODDARD,

Respondent.

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation (“Petitioner”) files this Administrative Complaint against James Stoddard (“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. At no time material hereto was Theodore 717 Inc. an entity properly qualified under the provisions of chapter 489, Florida Statutes.
5. Respondent’s last known address is 220 Gull Lane, Lake Wales, Florida 33859.
6. On or about June 22, 2018, Respondent, D/B/A Theodore 717 Inc., offered, contracted, or performed regulated construction contracting services, including but not limited to, a re-roof, at 2227 Eagle Place, Lot 392, Lake Wales, Florida.

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

8. 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.. ”

9. 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.

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 16th day of July, 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: July 16, 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.

Halsey Beshears, Secretary

Ron DeSantis, Governor

AFFIDAVIT OF SERVICE OR DILIGENT SEARCH

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION,
PETITIONER

VS

CASE NO 2018-057432

JAMES STODDARD
RESPONDENT

COMES NOW, AFFIANT, WHO FIRST BEING DULY SWORN, DEPOSES AND STATES THAT

AFFIANT IS AN INVESTIGATOR EMPLOYED BY THE STATE OF FLORIDA, DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

ON (DATE) _____ AFFIANT MADE A DILIGENT EFFORT TO LOCATE RESPONDENT, TO SERVE
___ ADMINISTRATIVE COMPLAINT AND RELATED PAPERS, ___ CITATION, ___ SUBPOENA(S), ___ FINAL ORDER,
___ NOTICE TO CEASE AND DESIST, ___ SUBJECT NOTIFICATION LETTER, ___ ERO/ESO/SSO AND RELATED
PAPERS (CHECK APPROPRIATE BLOCK)

(CHECK APPLICABLE ANSWER)

___ AFFIANT MADE PERSONAL SERVICE ON RESPONDENT AT (LOCATION) ___. ___ RESPONDENT WAS
PERSONALLY KNOWN TO AFFIANT OR ___ RESPONDENT IDENTIFIED HIMSELF AND IDENTITY VERIFIED VIA

X AFFIANT MADE SERVICE ON (NAME) Nancy Stoddard (mother) _____ AT RESPONDENT'S USUAL
PLACE OF ABODE AT 220 Gull Lane, Lake Wales FL 33859 ON (DATE)
1/21/2020 AND SAID PERSON WAS OVER THE AGE OF 15 RESIDING THERE AS OF THE
AFOREMENTIONED DATE

___ AFFIANT WAS UNABLE TO MAKE SERVICE AFTER SEARCHING FOR RESPONDENT AT (A) ALL ADDRESSES
FOR RESPONDENT SHOWN IN THE DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION'S
INVESTIGATION OF THE CASE, (B) ALL OFFICIAL ADDRESSES FOR RESPONDENT SHOWN IN HIS/HER LICENSING
RECORDS OF THE DEPARTMENT, (C) LOCAL TELEPHONE COMPANY FOR THE LAST AREA RESPONDENT WAS
KNOWN TO FREQUENT, (D) DIVISION OF DRIVER LICENSES, (E) UNITED STATES POSTAL SERVICE, AND (F)
FLORIDA DIVISION OF CORPORATIONS

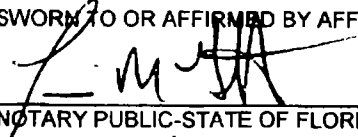


SIGNATURE OF AFFIANT

STATE OF FLORIDA
COUNTY OF Hillsborough

BEFORE ME, APPEARED David Houlihan
X WHO IS PERSONALLY KNOWN TO ME
WHOSE IDENTITY I PROVED ON THE BASIS OF _____
AND WHO, ACKNOWLEDGES THAT HIS/HER SIGNATURE APPEARS ABOVE

SWORN TO OR AFFIRMED BY AFFIANT BEFORE ME THIS 21st DAY OF January 2020



NOTARY PUBLIC-STATE OF FLORIDA
T. McGrath
TYPE OR PRINT NAME

MY COMMISSION EXPIRES
TIMOTHY MCGRATH
Commission # GG 936655
Expires April 10, 2024
Bonded Three Budget Notary Services

