

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

v.

Case No. 2018-040502
ECLB

KEVIN D. CLEVELAND,

Respondent.

_____ /

FINAL ORDER ON WAIVER

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

1. An Administrative Complaint was filed in this case on or about November 8, 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. Respondent answered the Administrative Complaint with an Election of Rights (EOR) selecting Option 3 which states: "I do not dispute the allegations of material fact in the Administrative Complaint and waive my right to any form of hearing. I request that a Final Order imposing penalty and fines be entered in this case." The EOR is attached here as Exhibit B.

Having considered the Administrative Complaint, the evidence of actual notice to Respondent, and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED:

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


4. 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.

5. 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 \$222.11.

6. 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 365 calendar days of the effective date of this Final Order. **Your case number(s) must be clearly referenced when making payment.**

7. 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 15 day of May, 2019.



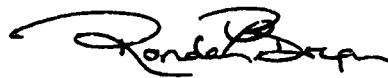
Halsey Beshears, Secretary
Department of Business and
Professional Regulation
2601 Blair Stone Road
Tallahassee, Florida 32399-2202

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 Kevin Cleveland, 1447 Guardian Dr., Jacksonville, FL 32221, by regular U.S. Mail this 21st day of May, 2019.

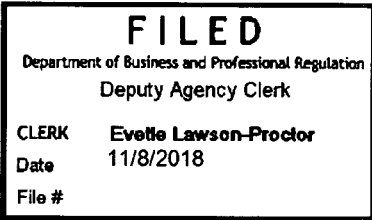


OFFICE OF THE AGENCY CLERK

Copy(s) Furnished to:

Daniel A. David, Assistant General Counsel - ULA

Respondent



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

v.

Case No. 2018040502
CILB

KEVIN D. CLEVELAND,

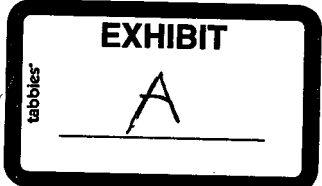
Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation (“Petitioner”) files this Administrative Complaint against Kevin D. Cleveland (“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 KTG Builders, LLC. an entity properly qualified under the provisions of chapter 489, Florida Statutes.
5. Respondent’s last known address is 1447 Guardian Dr., Jacksonville, FL 32221.
6. On or about May 11, 2018, Respondent, D/B/A KTG Builders, LLC offered, contracted, or performed regulated construction contracting services, including but not limited to, rough in of plumbing drain for bathroom fixtures, installation of a toilet, vanity sink and faucets



and tie into the existing rain for bathroom fixtures at 100 South Oakland Ave., San Mateo, FL 32187.

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 1 day of November, 2018.

JONATHAN ZACHEM, Secretary
Department of Business and
Professional Regulation

By: /s/Daniel A. 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: 11/1/18
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.

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

ELECTION OF RIGHTS

DBPR v. Kevin D Cleveland

Case No. 2018-040502

PLEASE CHECK ONLY ONE OF THE THREE OPTIONS.

Option (1) I do not dispute the allegations of material fact in the Administrative Complaint. I wish to submit oral and written evidence in mitigation at a hearing pursuant to section 120.57(2), Florida Statutes ("informal hearing") and that this oral and written evidence be considered before any penalty and fines are imposed.

Option (2) I do dispute the allegations of material fact in the Administrative Complaint. This is a petition for a hearing involving disputed material facts pursuant to sections 120.569(2)(a) and 120.57(1), Florida Statutes, ("formal hearing") before an Administrative Law Judge of the Division of Administrative Hearings. I specifically dispute the following paragraphs in the Administrative Complaint (attach extra pages or write on the back if needed):

In addition to the above election for formal hearing, if you wish to enter into settlement negotiations, check the box below:

Section 120.569(2)(a), Florida Statutes, requires the Department to send this case to the Division of Administrative Hearings (DOAH) for a formal hearing within 15 days after receiving your Election of Rights. I am interested in settling this case and waive the 15-day requirement in order to enter into settlement negotiations with the Department.

Option (3) I do not dispute the allegations of material fact in the Administrative Complaint and waive my right to any form of hearing. I request that a Final Order imposing a penalty and fines be entered in this case.

THIS IS A LEGALLY BINDING DOCUMENT. SEEK LEGAL ADVICE BEFORE SIGNING IF YOU DO NOT FULLY UNDERSTAND THE TERMS.

KEVIN D CLEVELAND
PRINTED NAME

ATTORNEY OR QUALIFIED REPRESENTATIVE

1447 GUARDIAN DRIVE
Street Address

Street Address (where service shall be made)

JACKSONVILLE FL 32221
City State Zip

City State Zip

904790145
Telephone Number Facsimile Number (if any)

Telephone Number Facsimile Number (if any)

cleveland_kevin@bellsouth.net
E-mail

E-mail

[Signature] 12/12/18
Signature Date

Signature Date

THE ELECTION OF RIGHTS FORM AND ANY ATTACHMENTS SHOULD BE RECEIVED BY THE DEPARTMENT WITHIN 21 DAYS AND MAILED TO:

ATTN: Service of Process Unit
Office of the General Counsel
Department of Business and Professional Regulation
2601 Blair Stone Road, Tallahassee, FL 32399-2202
Telephone: 850.488.0062 Fax: 850.488.5700

RECEIVED
DEC 12 2018
DBPR
Service of Process Unit
Updated 09/20/2017

EXHIBIT
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