

STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

<b>FILED</b>	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Tara Ashlock
Date	8/1/2017
File #	2017-06033

DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION,

Petitioner,

v.

JONATHAN JAY JOHNSON,

Respondent.

DOAH Case No.: 17-1977  
DBPR Case No.: 2016-051732  
ULA CONSTRUCTION

FINAL ORDER

The Department of Business and Professional Regulation (“Department”) hereby enters this Find Order against Jonathan Jay Johnson (“Respondent”) in the above-styled matter. This cause came before the Department for the purpose of considering the Recommended Order issued by Administrative Law Judge Lynne A. Quimby-Pennock (“Judge Quimby-Pennock”) on June 12, 2017, in Division of Administrative Hearings (“DOAH”) case number 17-1977, a copy of which is attached as Exhibit “A” and incorporated herein by reference. Neither Petitioner nor Respondent timely filed exceptions to the Recommended Order with the Department.

Background

On February 1, 2017, the Department filed an Amended Administrative Complaint in this matter, alleging that Respondent violated Section 489.13(1), Florida Statutes, by performing an activity requiring licensure as a construction contractor, without the requisite license. Respondent disputed the allegations contained in the Amended Administrative Complaint, and the case was referred to DOAH to conduct a hearing pursuant to section 120.57(1), Florida Statutes. On May 8, 2017, Judge Quimby-Pennock presided over the Final Hearing in this matter, which was held at sites in Tallahassee, Florida and Sarasota, Florida. Respondent

appeared at the Final Hearing in person. On June 12, 2017, Judge Quimby-Pennock issued a Recommended Order, recommending the Department enter a final order finding Respondent committed the violations alleged in the Amended Administrative Complaint, and imposing administrative fines and investigative costs on Respondent. Neither Petitioner nor Respondent timely filed exceptions to the Recommended Order with the Department.

After a complete review of the record in this matter, the Department rules as follows:

AGENCY STANDARD FOR REVIEW

Pursuant to Section 120.57(1)(l), Florida Statutes, the Department may not reject or modify findings of fact unless it first determines, from a review of the entire record, and states with particularity, that the findings of fact were not based on competent substantial evidence. “Competent substantial evidence is such evidence that is ‘sufficiently relevant and material that a reasonable mind would accept it as adequate to support the conclusion reached.’” Comprehensive Medical Access, Inc. v. Office of Ins. Regulation, 983 So. 2d 45, 46 (Fla. 1st DCA 2008)(quoting DeGroot v. Sheffield, 95 So. 2d 912, 916 (Fla. 1957)).

Pursuant to Section 120.57(1)(l), Florida Statutes, when rejecting or modifying conclusions of law or interpretations of administrative rules, the Department must state with particularity its reasons for rejecting or modifying such conclusion of law or interpretation of administrative rules and must make a finding that its substituted conclusion of law or interpretation of administrative rule is as or more reasonable than that which was rejected or modified.

### FINDINGS OF FACT

1. The Findings of Fact contained in the Recommended Order, as set forth in Exhibit "A", are hereby approved, adopted, and incorporated herein by reference. Those findings are supported by competent and substantial evidence.

### CONCLUSIONS OF LAW

2. The Conclusions of Law contained in the Recommended Order, as set forth in Exhibit "A", are hereby approved, adopted, and incorporated herein by reference.

### WHEREFORE, IT IS ORDERED AND ADJUDGED THAT:

3. Respondent violated Section 489.13(1), as alleged in Count I of the Amended Administrative Complaint.


4. Respondent must pay an administrative fine of \$3,000.00, pursuant to the penalty/disciplinary guidelines of Rule 61-5.007, Florida Administrative Code.

5. Respondent must pay investigative costs in the amount of \$217.09, pursuant to Section 455.227(3)(a), Florida Statutes.

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 within 90 calendar days of the effective date of this Final Order. **Case number 2016-051732 must be referenced clearly 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 31<sup>st</sup> day of July, 2017.

  
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Jonathan Zachem, 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 was provided to Respondent at 10211 38th Court E., Parrish, Florida 34219, by regular U.S. Mail this 1<sup>st</sup> day of August, 2017.

  
OFFICE OF THE AGENCY CLERK

Copy(s) Furnished to:

Andrew H. Butler, Assistant General Counsel - ULA