

STATE OF FLORIDA  
DEPARTMENT OF EDUCATION

DEPARTMENT OF EDUCATION,  
DIVISION OF VOCATIONAL  
REHABILITATION,

Petitioner,

vs.

DOE Case No. 2020-3934  
DOAH Case No. 20-003541

PUSH TO OPEN, INC., AND JOSE  
ERNESTO MARTINEZ,

Respondents.

FILED AGENCY CLERK  
2020 OCT 21 PM 1:10  
DEPT OF EDUCATION  
TALLAHASSEE FLA

**FINAL ORDER**

The Florida Department of Education, Division of Vocational Rehabilitation, (“Department” or “Division”), being authorized and directed to administer and enforce section 413.208, Florida Statutes, hereby enters this Final Order as authorized by Chapter 120, Florida Statutes, against Respondents, Push to Open, Inc. and Jose Ernesto Martinez.

**FINDINGS OF FACT**

1. Respondent Push to Open, Inc., is a Florida Not-for-Profit Corporation and a registered service provider of the Division.
2. Respondent Jose Ernesto Martinez, a/k/a Ernie Martinez, is the President and Registered Agent of Push to Open, Inc.
3. On May 19, 2020, the Department issued an Administrative Complaint against Respondents. Due to an error with the mailing of the Administrative Complaint, Respondents did not receive it until June 26, 2020.

4. After seeking a brief extension of time, which the Department granted, Respondents submitted a Request for Administrative Hearing to the Department on July 24, 2020.

5. Respondent's Request for Administrative Hearing was filed with the Division of Administrative Hearings on August 10, 2020.

6. The final hearing in this matter was scheduled with the Division of Administrative Hearings for October 7, 2020 and October 9, 2020.

7. On September 24, 2020, Respondents filed a Notice of Voluntary Dismissal with the Division of Administrative Hearings.

8. On September 25, 2020, the administrative law judge issued an Order Closing File, relinquishing jurisdiction to the Department.

9. The Findings of Fact alleged as in the Administrative Complaint are incorporated herein by reference and are adopted as Findings of Fact for this Final Order.

#### CONCLUSIONS OF LAW

10. Under section 413.208(1), Florida Statutes, businesses that wish to provide services to the Division's clients must register with the Division. The Division must ensure that each service provider maintains an internal system of quality assurance, has proven functional systems, and is subject to a due-diligence inquiry as to its fitness to undertake service responsibilities. § 413.208(1), Fla. Stat.

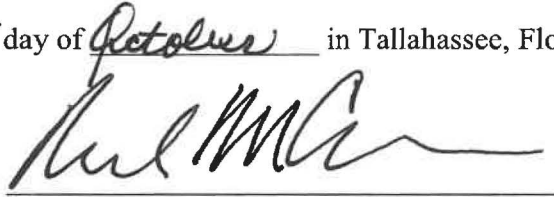
11. By filing of the Notice of Voluntary Dismissal, Respondents waived their right to an administrative hearing.

12. The Conclusions of Law set forth in the Administrative Complaint, being uncontested by the Respondents, are accepted as true and correct and are adopted by the Department as Conclusions of Law of this Final Order.

DISPOSITION

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby **ORDERED**: Respondents' registration as service providers for the Division is **PERMANENTLY REVOKED**. Furthermore, neither Respondent will be permitted in the future to register with the Division to provide any other types of services to the Division's clients.

DONE AND ORDERED this 21<sup>st</sup> day of October in Tallahassee, Florida.



Richard Corcoran  
Commissioner of Education

NOTICE OF APPEAL RIGHTS

THIS ORDER CONSTITUTES FINAL AGENCY ACTION. PURSUANT TO SECTION 120.68(2), FLORIDA STATUTES, JUDICIAL REVIEW OF THIS PROCEEDING MAY BE INSTITUTED BY FILING A NOTICE OF APPEAL WITH THE DEPARTMENT'S AGENCY CLERK, 325 WEST GAINES STREET, TALLAHASSEE, FLORIDA 32399-0400, WITHIN THIRTY (30) CALENDAR DAYS OF THE DATE THIS ORDER IS FILED IN THE OFFICIAL RECORDS OF THE DEPARTMENT OF EDUCATION, AS INDICATED IN THE CERTIFICATE OF THE AGENCY CLERK BELOW, OR FURTHER REVIEW WILL BE BARRED. A COPY OF THE NOTICE OF APPEAL MUST BE FILED WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT COURT WHERE THE AGENCY MAINTAINS ITS HEADQUARTERS OR WHERE A PARTY RESIDES AND MUST BE ACCOMPANIED BY THE FILING FEE SPECIFIED IN SECTION 35.22(2), FLORIDA STATUTES.

**CERTIFICATE OF FILING AND SERVICE**

I HEREBY CERTIFY that the above FINAL ORDER has been filed with the Agency Clerk of the Department of Education this 21<sup>st</sup> day of October, 2020, and that a true and correct copy has been furnished

By email to:

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