

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

ELECTION OF RIGHTS

DBPR v. BRUCE YAKOLA

Case No. 2011-027877

PLEASE CHECK ONLY ONE (1) OF THE THREE (3) OPTIONS.

Option (1) 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 material facts alleged in the Administrative Complaint (attach extra pages or write on the back if needed):

see attached

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 (2) 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 (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. YOUR SIGNATURE MUST BE NOTARIZED.

Bruce Yakola c/o Michael D Randolph Esq.

RESPONDENT

Gray Robinson, 5551 Robinson Ave, Ste 551

Street Address

Naples FL 34108

City State Zip

239-552-4810 / 239-552-3164

Telephone Number and Fax Number (if any)

2127112

Date Received the Administrative Complaint

ATTORNEY OR QUALIFIED REPRESENTATIVE

5551 Robinson Ave, Suite 551

Street Address (where service shall be made)

Naples FL 34108

City State Zip

239-552-4810

Telephone Number

239-552-3164

Facsimile Number

STATE OF Florida
COUNTY OF Lee

Before me, personally appeared Michael D Randolph, whose identity is known to me or by _____ (type of identification) and who, acknowledges that his/her signature appears above

Sworn to or affirmed by Affiant before me this 9th day of March, 2012.

Deborah L. Helton

Notary Public

Deborah L. Helton

Type or Print Name

NOTARY PUBLIC-STATE OF FLORIDA
Deborah L. Helton
My Commission # DD830194
Expires: DEC. 10, 2012
BONDED THRU ATLANTIC BONDING CO., INC.

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

RECEIVED

MAR 13 2012

DBPR Service of Process Unit

ATTN: Service of Process Unit
Office of the General Counsel

Department of Business and Professional Regulation
1940 N. Monroe St., Tallahassee, FL 32399-2206
Telephone: (850) 488-0062 Fax: (850) 488-5700

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DEPARTMENT OF BUSINESS AND
PROFESSOINAL REGULATION,

Petitioner,

vs.

Case No. 2011-027877

BRUCE YAKOLA,

Respondent.

RESPONDENT'S STATEMENT OF SPECIFICALLY DISPUSTED FACTS

As and for a response to Petitioner's Administrative Complaint, Respondent, BRUCE YAKOLA, specifically disputes the following material facts.

states:

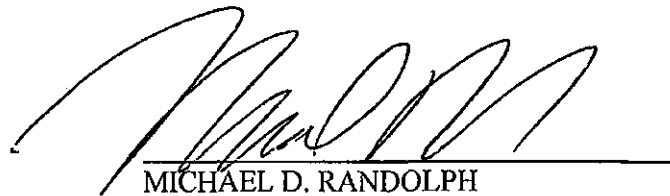
1. Paragraph 4 mischaracterizes Respondent's activities as he was part-time employee being trained under the supervision of a duly and properly licensed private provider.
2. Paragraph 10 mischaracterizes Respondent's application. Respondent simply placed his licensing date.
3. Paragraph 11 improperly mischaracterizes Respondent's activities as he was a part-time employee being trained under the supervision of a duly and properly licensed private provider.
4. Paragraph 15 is denied. Respondent was a part-time employee being trained under the supervision of a duly and properly licensed private provider. Respondent was present for inspections but did not actually "conduct" the inspections.

5. Paragraphs 17 and 18 are denied. Respondent was a part-time employee being trained under the supervision of a duly and properly licensed private provider. Respondent was present but did not actually "conduct" the inspections.

6. Paragraph 21(b) is denied. Respondent mistakenly placed the date of issuance of his provisional license.

7. Respondent further disputes the complaint was timely investigated; that probable cause was timely found; and this Administrative Complaint was timely filed.

DATED this 12th day of March, 2012.

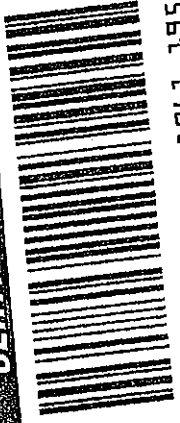


MICHAEL D. RANDOLPH
Florida Bar No. 119970
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5551 RINGWOOD DRIVE, SUITE 101
NAPLES, FLORIDA 34108

THE GENERAL COUNSEL
2012 MAR 13 2 11: 09

CERTIFIED MAIL

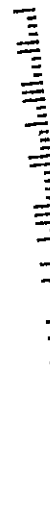


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ATTN: Service of Process Unit
Office of the General Counsel
Dept. of Business and Professional Regulation
1940 N Monroe Street
Tallahassee, FL 32399-2206

GRAY | ROBINSON
ATTORNEYS AT LAW