

STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

ELECTION OF RIGHTS

DBPR v. ROBERT MAHAR

Case No. 2011-028068

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.

Robert Mahar aka Michael D Randolph  
RESPONDENT  
Gray Robinson 5551 Ridgewood Ave, Suite 101  
Street Address  
Naples FL 34108  
City State Zip  
239-552-4800 / 239-508-3167  
Telephone Number and Fax Number (if any)

[Signature]  
ATTORNEY OR QUALIFIED REPRESENTATIVE  
5551 Ridgewood Ave, Suite 101  
Street Address (where service shall be made)  
Naples FL 34108  
City State Zip  
239-552-9810  
Telephone Number  
239-552-3167  
Facsimile Number

Date Received the Administrative Complaint

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 signature appears above.

Sworn to or affirmed by Affiant before me this 12th day of March 2012

Deborah L. Helton  
Notary Public  
Deborah L. Helton  
Type or Print Name

NOTARY PUBLIC STATE OF FLORIDA  
My Commission Expires: DEC. 10, 2012  
Deborah L. Helton  
Commission # DD830194  
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

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DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION,

Petitioner,

vs.

Case No. 2011-028068

ROBERT MAHAR,

Respondent.

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RESPONDENT'S STATEMENT OF SPECIFICALLY DISPUTED FACTS

As and for a response to Petitioner's Administrative Complaint, Respondent, ROBERT MAHAR, specifically disputes the following material facts:

1. Paragraphs 7, 8 and 9 mischaracterizes Bruce Yakola's position and job functions as Mr. Yakola was hired as a part time employee being trained under the supervision of a duly and properly licensed private provider. Even Mr. Yakola's applications bear out that he did not believe himself to be "employed" as an inspector until 2003.
2. Paragraphs 12 through 15 also mischaracterize Respondent's actions. The April, 2003 time frames are simply the time frame in which Mr. Yakola applied for his provisional licenses.
3. As to paragraph 16, the date of "June, 2003" simply refers to the date in which Mr. Yakola was issued his Provisional Residential and Commercial Electrical Inspectors Licenses.
4. Paragraphs 19 and 20 are denied. Respondent did not "knowingly" file "false" affidavits.

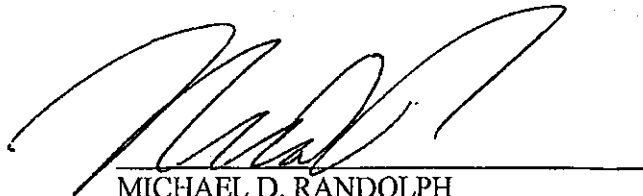
5. Paragraphs 23 and 24 are denied. Respondent did not "knowingly" file "false" affidavits.

6. Paragraphs 27 and 28 are denied. Respondent understood the population limitation under Rule 61G19-6.012(6)(b) applied to the City of Marco Island and this Respondent, holding a limited or provisional certificate at that time, was duly qualified to provide direct supervision.

7. Paragraphs 23 and 24 are denied. Respondent did not "knowingly" file "false" affidavits.

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

DATED this 12<sup>th</sup> day of March, 2012.



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GrayRobinson P.A.  
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Michael D. Randolph, Esq  
Gray/Robinson, P.A.  
5551 Ridgewood Dr  
Suite 101  
Naples, FL 34108

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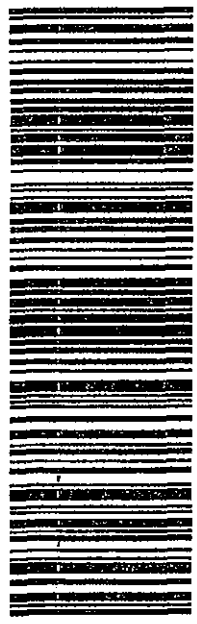
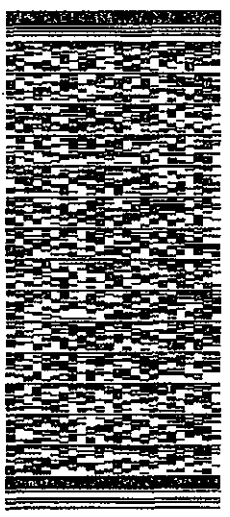
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