

STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

**FILED**  
Department of Business and Professional Regulation  
Deputy Agency Clerk  
CLERK **Evette Lawson-Proctor**  
Date **2/23/2012**  
File #

DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION,

Petitioner,

v.

Case No. 2011-027877

BRUCE YAKOLA,

Respondent.

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ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation (Petitioner), files this Administrative Complaint before the Board of Building Code Administrators and Inspectors, against Bruce Yakola (Respondent), and alleges:

1. Petitioner is the state agency charged with regulating the practice of building code administration and inspection pursuant to Section 20.165, Florida Statutes, and Chapters 455 and 468, Part XII, Florida Statutes.

2. Respondent is a licensed Standard Inspector (Electrical) in the State of Florida, having been issued license number BN 5030.

3. Respondent's address of record is 6060 Dogleg Drive, Naples, Florida 34113.

MATERIAL FACTS

4. The City of Marco Island hired Respondent as an Electrical Inspector on or about April 1, 2002.

5. Respondent began performing inspections for the City of Marco Island on or about April 4, 2002.

6. Respondent applied to DBPR for a provisional Electrical Inspector license on or about April 13, 2003.

7. In his provisional application, Respondent listed his start date of employment with the City of Marco Island as "2003."

8. Respondent obtained a provisional Electrical Inspector license from DBPR on June 10, 2003.

9. Respondent applied to DBPR for a standard Electrical Inspector license on or about December 13, 2004.

10. In his standard application, Respondent listed his start date of employment with the City of Marco Island as June 10, 2003.

11. Respondent conducted inspections for the City of Marco Island for over one year without holding a valid license.

COUNT I

12. Petitioner realleges and incorporates by reference the allegations set forth in paragraphs one (1) through eleven (11) as though fully set forth therein.

13. Section 468.621(1)(a), Florida Statutes, subjects a licensee to discipline for "[v]iolating or failing to comply with any provision of this part, or a valid rule or lawful order of the board or department pursuant thereto."

14. Section 468.609(7)(d), Florida Statutes, states "[a] newly employed or hired person may perform the duties of a plans examiner or building code inspector for 90 days if a provisional certificate application has been submitted if such person is under the direct supervision of a certified building code administrator who holds a standard certification and who has found such person qualified for a provisional certificate. Direct supervision and the determination of qualifications may also be provided by a building code administrator who holds a limited or provisional certificate in a county having a population of fewer than 75,000 and in a municipality located within such county."

15. Based on the facts set forth above, Respondent violated Section 468.621(1)(a), Florida Statutes, through a violation of Section 468.609(7)(d), Florida Statutes, by

conducting inspections without direct supervision from a Standard licensed Building official.

COUNT II

16. Petitioner realleges and incorporates by reference the allegations set forth in paragraphs one (1) through eleven (11) as though fully set forth therein.

17. Section 468.629(1)(a), Florida Statutes, subjects a licensee to discipline for "[f]alsely hold[ing] himself or herself out as a certificateholder."

18. Based on the facts et forth above, Respondent violated Section 468.629(1)(a), Florida Statutes, by conducting unlicensed inspections as an electrical inspector from April 4, 2002, until April 13, 2003.

COUNT III

19. Petitioner realleges and incorporates by reference the allegations set forth in paragraphs one (1) through eleven (11) as though fully set forth therein.

20. Section 468.629(1)(d), Florida Statutes, subjects a licensee to discipline for "[giving] false or forged evidence to the board or the department, or a member, an employee, or an officer thereof, for the purpose of obtaining a certificate."

21. Based on the facts et forth above, Respondent violated Section 468.629(1)(d), Florida Statutes, in one or more of the following ways:

- a. when Respondent misstated his beginning date of employment on his application to become a provisional licensed Electrical Inspector;
- b. when Respondent misstated his beginning date of employment on his application to become a standard electrical inspector.

WHEREFORE, Petitioner respectfully requests the Building Code Administrators and Inspectors Board enter an order imposing one or more of the following penalties: suspension or permanent revocation or of Respondent's license, restriction of Respondent's practice, imposition of an administrative fine not to exceed \$5,000 for each count or separate offense, issuance of a reprimand, placement of Respondent on probation subject to specified conditions, corrective action, assessment of costs related to the investigation and prosecution of the case excluding costs associated with an attorney's time or any other relief that the Florida Board of Building Code Administrators and Inspectors is authorized to impose pursuant to Chapters 455 and 468, Florida Statutes, and the rules promulgated thereunder.

(SIGNATURE PAGE FOLLOWS)

Signed this 22nd day of February, 2012.

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KEN LAWSON, Secretary  
Department of Business and  
Professional Regulation

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PC Found: 2/8/12  
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LP/pjm

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 FURTHER 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. 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 the Respondent in addition to any other discipline imposed.