

Help Combat Unlicensed Activity

Dear Licensee:

Thank you for attending the Electrical Contractors' Licensing Board July 2010 meeting.

As you know, unlicensed activity in our industry threatens the financial and personal safety of consumers, as well as the livelihood of state-licensed professionals. Consumers can pay dearly with little recourse when working with unlicensed individuals.

A frequent question posed by licensees is "What is being done regarding unlicensed activity?"

The Department of Business and Professional Regulation and the members of the Electrical Contractors' Licensing Board share your concern about unlicensed activity and are able to offer you several answers regarding the department's increased enforcement and education efforts to help combat unlicensed activity. The department aggressively fights unlicensed activity under the enforcement authority provided in Chapter 489, Part II, and Chapter 455, Florida Statutes. For example, between July 1, 2009 and June 30, 2010, investigators worked a total of 301 sweeps and 35 sting operations. In addition, they reached out to over 60,000 consumers, licensees and enforcement partners at 318 outreach functions.

In addition, investigators use creative measures to thwart the unlicensed person's advertising offers; one way is by posting ads on www.craigslist.org in an attempt to educate consumers about the dangers of hiring unlicensed contractors. The posting of these ads place the unlicensed individuals on notice that working without a license is a violation of Florida statute. The department has posted approximately 250 ads on www.craigslist.org since this outreach effort began in March 2010.

What can you do to help stop unlicensed electrical and alarm contractors? ... Report them!

The department welcomes the assistance of licensees such as yourself who are concerned about stopping unlicensed activity. You know best who is working in your community, and where they are working. In order for the problem to be addressed, it must be reported. We welcome your assistance in combating the unlicensed and unscrupulous in your area, and have provided some tips on filing a complaint with the department:

1. Report unlicensed activity as it is happening to the toll free hotline **1.866.532.1440**. Be sure to include as much information as possible, including a name and address of where the work is happening. Work that happened last week is best reported by the victim.
2. Report unlicensed activity being offered locally to ULA@dbpr.state.fl.us. Be sure to include documentation to support your allegation such as a scanned copy of a business card, advertisement, proposal, or a link to a website.

3. Encourage consumers who are victims of unlicensed activity to file a complaint. Complaint forms are available on-line at www.myforidalicense.com or by calling the customer contact center at 850.487.1395.
4. The department shares your frustration with unlicensed contractors advertising on www.craigslist.org. Unfortunately, postings that offer services from someone with just a first name and a cell phone number do not make for great complaints, but can often be used for sting operations.
5. If you want to be anonymous there are three things to remember:
 - Individuals who file a complaint using the email account ULA@dbpr.state.fl.us, are advised that all emails to state government are a public record and will become part of the department's investigative file.
 - Investigators are required by law to provide the subject of the complaint with documents that initiated the complaint.
 - There is no record of who filed the complaint, so no one will contact you with the results.

FREQUENTLY ASKED QUESTIONS

How do I file a complaint against an unlicensed person?

To report suspected unlicensed activity, call the Unlicensed Activity Hotline:

(866) 532-1440 or

email the department at ULA@DBPR.state.fl.us or

mail in a Uniform Complaint Form

Unlicensed Activity Program

Department of Business and Professional Regulation

1940 N. Monroe Street

Tallahassee, FL32399-2212

Tipsters may remain anonymous, however, please note that under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail. Instead, contact our office by phone or in writing.

Will my complaint be confidential?

When a complaint is investigated, the department must provide a copy of your complaint to the person being investigated. Complaints of unlicensed activity are always public record.

Can I file an anonymous complaint?

Yes. Section 455.225(1), Florida Statutes, states, "the department may investigate an anonymous complaint if the complaint is in writing and is legally sufficient, if the alleged violation of law or rules is substantial, and if the department has reason to believe, after preliminary inquiry, that the violations alleged in the complaint are true."

However, the department needs as much information as possible to successfully investigate an anonymous complaint. If not enough information is received, the case may be closed.

Callers to the Unlicensed Activity Hotline, (866) 532-1440, who provide a tip regarding potential unlicensed activity may remain anonymous.

CAUTION: Individuals who file a complaint using the email account ULA@dbpr.state.fl.us, are advised that all emails to state government are a public record will become a part of the department's investigative file.

What information do you need from me?

Please provide any and all names, contact information, and documents that you have to support your complaints. The department may ask you to provide other information if needed.

For example, if your complaint is against an unlicensed contractor, we may ask for a copy of the contract and proof of payment.

What happens after a complaint is filed?

The department will notify you in writing at various stages in the complaint process, including:

- When we receive your complaint;
- When the review or investigation is complete;
- When your case is forwarded to the legal section for review;
- When an administrative complaint is filed;
- When your case is closed;
- When your case is set for hearing;
- When a final order is filed; and
- The status of any appeal.

What action can the department take?

The department may issue:

- **Citation:** A citation can be issued for engaging in, offering to, or advertising unlicensed activity imposing a fine up to \$2,500.
- **Notice to Cease and Desist:** A notice to cease and desist is issued to a person stating the alleged unlicensed activity, giving the person information about the applicable law, and directing them to cease doing the work without a license. This is similar to a traffic warning.
- **Administrative Complaint:** A charging document alleging a violation of law and seeking to exercise the agency's enforcement authority or to take disciplinary action.
- **Injunction:** A circuit court order forbidding a person or business from engaging in unlicensed activity.

Can the department get my money back?

The department does not have statutory authority to order an unlicensed person to refund your money. The department tries to help you get your money back whenever possible.

Unlicensed activity cases are referred to the local State Attorney's Office for criminal prosecution. All criminal cases are handled by the local State Attorney's Office. If you call the State Attorney's Office about your case, please remember that the criminal case number is not the same as the department's case number. The judge can order the unlicensed person to refund your money.

What is a sweep?

A sweep is an enforcement operation by the department, often in conjunction with law enforcement, to check the licensure status and credentials of individuals or business seen engaging in activities or providing services that require a license.

What is a sting?

A sting is an enforcement action by the department, often in conjunction with law enforcement, that catches individuals in the act of offering to perform services or engage in activities that require a license.

In addition to locally performed sweep operations, the Division of Regulation coordinates efforts between all ten of our regional and satellite offices throughout the state for a Statewide Initiative on a quarterly basis. These statewide proactive campaigns are often combined with sting operations and educational outreach opportunities. The goal is to increase awareness of the hazards of hiring unlicensed persons, and to curtail the unlicensed activity.

To learn more about our proactive enforcement actions, please visit the **Unlicensed Activity Statistics & Reports** page of our website.

Does the department have an outreach or speaker program?

Yes. To request a speaker, please contact the Unlicensed Activity Program at (866) 532-1440 or ULA@dbpr.state.fl.us.

CONTACT PERSON (IF OTHER THAN YOURSELF)				
Last Name	First	Middle	Title	Suffix
ADDRESS				
Street Address or P.O. Box				
City		State	Zip Code (+4 optional)	
County (if Florida address)		Country		
CONTACT INFORMATION				
Primary Phone Number		Primary E-Mail Address		

PRIVATE ATTORNEY FOR COMPLAINANT (IF APPLICABLE)				
Last Name	First	Middle	Title	Suffix
ADDRESS				
Street Address or P.O. Box				
City		State	Zip Code (+4 optional)	
County (if Florida address)		Country		
CONTACT INFORMATION				
Primary Phone Number		Alternate Phone Number		

SUBJECT OF COMPLAINT				
Last Name	First	Middle	Title	Suffix
License Number (if known)				
Company/Occupation				
MAILING ADDRESS				
Street Address or P.O. Box				
City		State	Zip Code (+4 optional)	
County (if Florida address)		Country		
CONTACT INFORMATION				
Primary Phone Number		Primary E-Mail Address		
RESIDENCE ADDRESS (IF DIFFERENT THAN MAILING ADDRESS)				
Street Address				
City		State	Zip Code (+4 optional)	
County (if Florida address)		Country		

PRIVATE ATTORNEY FOR SUBJECT OF COMPLAINT (IF APPLICABLE)				
Last Name	First	Middle	Title	Suffix
ADDRESS				
Street Address or P.O. Box				
City		State	Zip Code (+4 optional)	
County (if Florida address)		Country		
CONTACT INFORMATION				
Primary Phone Number		Alternate Phone Number		

WITNESS (IF APPLICABLE)				
Last Name	First	Middle	Title	Suffix
ADDRESS				
Street Address or P.O. Box				
City		State	Zip Code (+4 optional)	
County (if Florida address)		Country		
CONTACT INFORMATION				
Primary Phone Number		Alternate Phone Number		

WITNESS (IF APPLICABLE)				
Last Name	First	Middle	Title	Suffix
ADDRESS				
Street Address or P.O. Box				
City		State	Zip Code (+4 optional)	
County (if Florida address)		Country		
CONTACT INFORMATION				
Primary Phone Number		Alternate Phone Number		

I affirm that I have provided the above information completely and truthfully to the best of my knowledge.

Complainant Sign Here: _____ Date: _____

Please mail the completed Uniform Complaint Form to the address below to which it pertains:

Florida State Boxing Commission
1940 North Monroe Street
Tallahassee, Florida 32399-1016

Engineer's Board
2507 Callaway Road, Suite 200
Tallahassee, Florida 32303

Division of Hotels and Restaurants
1940 North Monroe Street
Tallahassee, Florida 32399-1012

Division of Pari-Mutuel Wagering
1940 North Monroe Street
Tallahassee, Florida 32399-1037

Board of Accountancy
240 N.W. 76th Drive, Suite A
Gainesville, Florida 32607

Land Sales, Condos and Mobile Homes
1940 North Monroe Street
Tallahassee, Florida 32399-1031

Division of Real Estate
400 Robinson Street
Orlando, Florida 32801

Department of Business and Professional Regulation
Division of Regulation/Compliance – Consumer Services
1940 North Monroe Street
Tallahassee, Florida 32399-0782

For the following professions:

Architecture & Interior Design
Asbestos Consultants
Athlete Agent
Auctioneers
Barbers'
Building Code Administrators & Inspectors
Community Association Managers
Cosmetology
Construction Industry Licensing Board
Electrical Contractors
Employee Leasing Companies
Geologists
Landscape Architecture
Pilot Commissioners
Talent Agencies
Veterinary Medicine