



FLORIDA
DEPARTMENT OF
FINANCIAL SERVICES



FILED

TOM GALLAGHER
CHIEF FINANCIAL OFFICER
STATE OF FLORIDA

004

FEB 15 2005

Treasurer and
Insurance Commissioner
Dorinda B. ...

Case No. 76904-04-WC

IN THE MATTER OF:

TRIPLE M ENTERPRISES, INC.

FINAL ORDER

This cause came on before Chief Financial Officer Tom Gallagher, as head of the Department of Financial Services (the Department), for consideration of and final agency action on the Recommended Order issued herein by Administrative Law Judge (ALJ) Harry Hooper on January 13, 2005, after a formal hearing conducted pursuant to Section 120.57(1), Fla. Stat.

The Department timely filed an Exception to the Recommended Order contesting the standard of proof employed by the ALJ. The standard of proof is a conclusion of law over which the Department does not have substantive jurisdiction. Therefore the Department must accept that conclusion of law. Section 120.57(1)(l), Florida Statutes.

After review of the record, including the transcript of proceedings, and being otherwise fully apprised in all material premises,

IT IS HEREBY ORDERED that the Findings of Fact made by the Administrative Law Judge are adopted as the Department's Findings of Fact, and that the Conclusions of Law reached by the Administrative Law Judge are adopted as the Department's Conclusion of Law.

IT IS HEREBY FURTHER ORDERED that the Recommendation made by the Administrative Law Judge is adopted by the Department, and that Respondent Triple M Enterprises, Inc. is directed to pay the sum of \$36,521.61 to the Department within thirty days from the date hereof.

IT IS HEREBY FURTHER ORDERED that the Stop Work And Penalty Assessment Order entered by the Division of Worker's Compensation is affirmed, and that Triple M Enterprises, Inc., shall cease all business operations in Florida unless and until it provides evidence satisfactory to the Division of Worker's Compensation of having now complied with the workers compensation law by securing the necessary worker's compensation coverage for covered employees and, pursuant to Section 440.107(7)(a), Florida Statutes, paid the civil penalty imposed herein.

DONE AND ORDERED this 15th day of February, 2005.




Tom Gallagher
Chief Financial Officer

XC: Dwain Sanders
Triple M Enterprises, Inc.
24393 North 71
Robertsdale, Al. 36567

Joe Thompson
Department of Financial Services
Division of Workers' Compensation
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