



FLORIDA
DEPARTMENT OF
FINANCIAL SERVICES



TOM GALLAGHER
CHIEF FINANCIAL OFFICER
STATE OF FLORIDA

FILED

FEB 24 2005

IN THE MATTER OF:

Treasurer and
Insurance Commissioner
Docketed by

Case No. 76904-04-WC

TRIPLE M ENTERPRISES, INC.

AMENDED 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.

NOTICE OF RIGHTS

Any party to these proceedings adversely affected by this Order is entitled to seek review of this Order pursuant to Section 120.68, Florida Statutes, and Rule 9.110, Fla. R. App. P. Review proceedings must be instituted by filing a petition or notice of appeal with the General Counsel, acting as the agency clerk, at 612 Larson Building, Tallahassee, Florida, and a copy of the same with the appropriate district court of appeal within thirty (30) days of rendition of this Order.

DONE AND ORDERED this 24th day of February , 2005.





Tom Gallagher
Chief Financial Officer

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Joe Thompson
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