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JUL 25 2011

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Chief Financial Officer  
Docketed by: YAB

CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

**FILED**  
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DIVISION OF  
ADMINISTRATIVE  
HEARINGS

IN THE MATTER OF:  
CARLTON REID  
\_\_\_\_\_ /

Case Number: 06-283-D1-WC

FINAL ORDER

THIS PROCEEDING came on for final agency action and Jeff Atwater, Chief Financial Officer of the State of Florida, or his designee, having considered the record in this case, including the Stop-Work Order and Order of Penalty Assessment and the 2<sup>nd</sup> Amended Order of Penalty Assessment served in Division of Workers' Compensation Case No. 06-283-D1, and being otherwise fully advised in the premises, hereby finds that:

1. On August 14, 2006, the Department of Financial Services, Division of Workers' Compensation (hereinafter "Department") issued a Stop-Work Order and Order of Penalty Assessment in Division of Workers' Compensation Case No. 06-283-D1 to CARLTON REID (REID). The Stop-Work Order and Order of Penalty Assessment included a Notice of rights wherein REID was advised that any request for an administrative proceeding to challenge or contest the Stop-Work Order and Order of Penalty Assessment must be filed within twenty-one (21) days of receipt of the Stop-Work Order and Order of Penalty Assessment in accordance with Sections 120.569 and 120.57, Florida Statutes.

2. On August 15, 2006, the Stop-Work Order and Order of Penalty Assessment was served via personal service on REID. A copy of the Stop-Work Order and Order of Penalty Assessment is attached hereto as "Exhibit A" and incorporated herein by reference.

3. On September 6, 2006, the Department issued an Amended Order of Penalty Assessment to REID in Case No. 06-283-D1. The Amended Order of Penalty Assessment assessed a total penalty of \$183,710.84 against REID. The Amended Order of Penalty Assessment included a Notice of Rights wherein REID was advised that any request for an administrative proceeding to challenge or contest the Amended Order of Penalty Assessment must be filed within twenty-one (21) days of receipt of the Amended Order of Penalty Assessment in accordance with Sections 120.569 and 120.57, Florida Statutes.

4. The Amended Order of Penalty Assessment was served on REID by personal service on October 26, 2006. A copy of the Amended Order of Penalty Assessment is attached hereto as "Exhibit B" and incorporated herein by reference.

5. On November 17, 2006, REID timely filed a Petition requesting a formal administrative hearing. The matter was referred to the Division of Administrative Hearings, where it was assigned Case No. 06-4937.

6. On February 8, 2007, the Department filed a Stipulated Joint Motion to Close DOAH Case File With Leave to Re-Open, and on February 9, 2007, Administrative Law Judge Barbara J. Staros entered an Order Closing File, relinquishing jurisdiction to the Department.

7. On July 3, 2008, the Department and REID entered into a Settlement Agreement, pursuant to which the Department agreed to issue a 2<sup>nd</sup> Amended Order of Penalty Assessment in the amount of \$14,817.78, and REID agreed to pay a penalty in the amount of \$14,817.78 in order to resolve Case No. 06-283-D1.

8. On June 30, 2008, the Department issued a 2<sup>nd</sup> Amended Order of Penalty Assessment to REID in Case No. 06-283-D1. The 2<sup>nd</sup> Amended Order of Penalty Assessment

assessed a total penalty of \$14,817.75 against REID. The 2<sup>nd</sup> Amended Order of Penalty Assessment contained a Notice of Rights wherein REID was advised that any request for an administrative proceeding to challenge or contest the 2<sup>nd</sup> Amended Order of Penalty Assessment must be filed within twenty-one (21) days of receipt of the 2<sup>nd</sup> Amended Order of Penalty Assessment pursuant to Sections 120.569 and 120.57, Florida Statutes.

9. The 2<sup>nd</sup> Amended Order of Penalty Assessment was served on REID's counsel by certified mail on July 7, 2008. A copy of the 2<sup>nd</sup> Amended Order of Penalty Assessment is attached hereto as "Exhibit C" and is incorporated herein by reference.

10. REID did not file a Petition requesting an administrative proceeding to challenge or contest the 2<sup>nd</sup> Amended Order of Penalty Assessment.

#### FINDINGS OF FACT

11. The factual allegations in the Stop-Work Order and Order of Penalty Assessment issued on August 14, 2006, and the 2<sup>nd</sup> Amended Order of Penalty Assessment issued on June 30, 2008, which are fully incorporated herein by reference, are hereby adopted as the Department's Findings of Fact in this case.

#### CONCLUSIONS OF LAW

12. Based on the Findings of Fact adopted herein, the Department concludes that REID violated the specific statutes and rules alleged in the Stop-Work Order and Order of Penalty Assessment and the 2<sup>nd</sup> Amended Order of Penalty Assessment and hereby adopts the violations charged in the Stop-Work Order and Order of Penalty Assessment and the 2<sup>nd</sup> Amended Order of Penalty Assessment as the Conclusions of Law in this case.

PENALTY IMPOSED

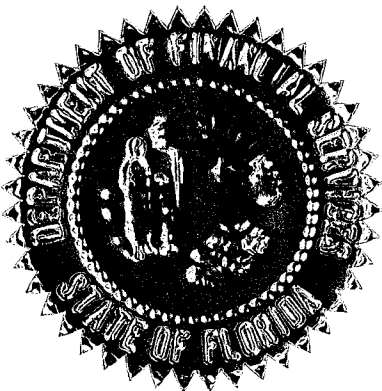
13. The Stipulated Joint Motion to Close DOAH Case File and resulting Order Closing File, wherein REID no longer contested the Amended Order of Penalty Assessment pursuant to Sections 120.569 and 120.57, Florida Statutes, and REID's failure to file a Petition requesting an administrative proceeding to challenge or contest the 2<sup>nd</sup> Amended Order of Penalty Assessment, taken together with the Findings of Fact and Conclusions of Law adopted herein, constitute grounds for the Chief Financial Officer to impose the penalty and order the cessation of business operations as set forth herein.

IT IS THEREFORE ORDERED that:

a) REID shall immediately pay the total penalty of \$14,817.75 in full to the Department of Financial Services for deposit into the Workers' Compensation Administration Trust Fund;

b) REID shall immediately cease all business operations in the State of Florida until such time as the Department issues an order releasing the Stop-Work Order and Order of Penalty Assessment. The Department shall not issue an order releasing the Stop-Work Order and Order or Penalty Assessment until REID has come into compliance with the coverage requirements of Chapter 440, Florida Statutes, and has paid a total penalty of \$14,817.75 to the Department.

DONE AND ORDERED this 25<sup>th</sup> day of July, 2011.



A handwritten signature in black ink, appearing to read "E. Tanner Holloman". The signature is written in a cursive, flowing style.

E. Tanner Holloman  
Director, Division of Workers'  
Compensation

### **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 Florida Rule of Appellate Procedure 9.110. Review proceedings must be instituted by filing a Notice of Appeal with the Agency Clerk at Room 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida, 32399-0333 and a copy of the Notice of Appeal, a copy of this Order and filing fee with the appropriate District Court of Appeal within thirty (30) days of rendition of this Order.

Copies furnished to:

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