



001578

**FILED**

OCT 08 2009

REPRESENTING  
**ALEX SINK**  
CHIEF FINANCIAL OFFICER  
STATE OF FLORIDA

Chief Financial Officer  
Docketed by: B-L-B

IN THE MATTER OF:

**JAMES L. HENDERSON**  
\_\_\_\_\_ /

Case Number: 09-045-1A-09-WC

**FINAL ORDER**

2009 OCT -08 A 11:03  
FILED  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

THIS PROCEEDING came on for final agency action and Alex Sink, Chief Financial Officer of the State of Florida, or her designee, having considered the record in this case, including the Stop-Work Order and Order of Penalty Assessment, the Amended Order of Penalty Assessment, and the 2<sup>nd</sup> Amended Order of Penalty Assessment served in Division of Workers' Compensation Case No. 09-045-1A-09-WC, and being otherwise fully advised in the premises, hereby finds that:

1. On February 17, 2009, 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. 09-045-1A-09-WC to JAMES L. HENDERSON. The Stop-Work Order and Order of Penalty Assessment included a Notice of Rights wherein JAMES L. HENDERSON 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 February 17, 2009, the Stop-Work Order and Order of Penalty Assessment was served by personal service on JAMES L. HENDERSON. 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 May 19, 2009, the Department issued an Amended Order of Penalty Assessment in Case No. 09-045-1A-09-WC to JAMES L. HENDERSON. The Amended Order of Penalty Assessment assessed a total penalty of \$105,550.73 against JAMES L. HENDERSON. The Amended Order of Penalty Assessment included a Notice of Rights wherein JAMES L. HENDERSON 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. On May 21, 2009, the Amended Order of Penalty Assessment was served by certified mail to JAMES L. HENDERSON. A copy of the Amended Order of Penalty Assessment is attached hereto as "Exhibit B" and incorporated herein by reference.

5. On June 5, 2009, the Department issued a 2<sup>nd</sup> Amended Order of Penalty Assessment in Case No. 09-045-1A-09-WC to JAMES L. HENDERSON. The 2<sup>nd</sup> Amended Order of Penalty Assessment assessed a total penalty of \$105,507.05 against JAMES L. HENDERSON. The 2<sup>nd</sup> Amended Order of Penalty Assessment included a Notice of Rights wherein JAMES L. HENDERSON 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 in accordance with Sections 120.569 and 120.57, Florida Statutes.

6. On June 15, 2009, the 2<sup>nd</sup> Amended Order of Penalty Assessment was served by certified mail to JAMES L. HENDERSON. A copy of the 2<sup>nd</sup> Amended Order of Penalty Assessment is attached hereto as "Exhibit C" and incorporated herein by reference.

7. On June 26, 2009, JAMES L. HENDERSON. filed a petition for administrative review with the Department. The petition for administrative review was forwarded to the Division of Administrative Hearings on July 17, 2009, and the matter was assigned DOAH Case No. 09-3833.

8. On September 14, 2009, JAMES L. HENDERSON filed a Notice of Voluntary Dismissal with the Division of Administrative Hearings.

9. On September 15, 2009, the Administrative Law Judge issued an Order Closing File which relinquished jurisdiction to the Department. A copy of the Order Closing File is attached hereto as "Exhibit D" and incorporated herein by reference.

#### FINDINGS OF FACT

10. The factual allegations contained in the Stop-Work Order and Order of Penalty Assessment issued on February 17, 2009, the Amended Order of Penalty Assessment issued on May 19, 2009, and the 2nd Amended Order of Penalty Assessment issued on June 5, 2009, which are fully incorporated herein by reference, are hereby adopted as the Department's Findings of Fact in this case.

#### CONCLUSIONS OF LAW

11. Based upon the Findings of Fact adopted herein, the Department concludes that JAMES L. HENDERSON violated the specific statutes and rules alleged in the Stop-Work Order and Order of Penalty Assessment, the Amended Order of Penalty Assessment, and the 2nd Amended Order of Penalty Assessment, and hereby adopts the violation(s) charged in the Stop-Work Order and Order of Penalty Assessment, the Amended Order of Penalty Assessment, and the 2nd Amended Order of Penalty Assessment as the Conclusions of Law in this case.

PENALTY IMPOSED

12. The Notice of Voluntary Dismissal submitted in reference to the Stop-Work Order and Order of Penalty Assessment, the Amended Order of Penalty Assessment, and the 2nd 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 as set forth herein.

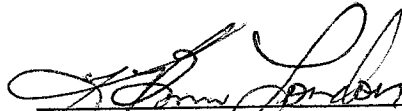
IT IS THEREFORE ORDERED that:

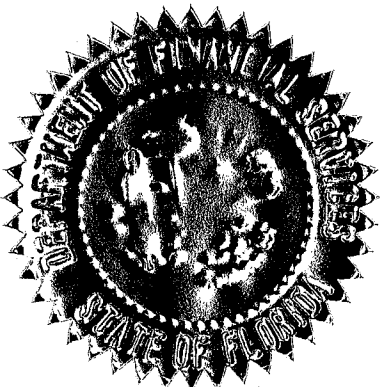
a. JAMES L. HENDERSON is assessed the total penalty of \$105,507.05 in full to the Department of Financial Services for deposit into the Workers' Compensation Administration Trust Fund and;

b. JAMES L. HENDERSON 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 of Penalty Assessment until JAMES L. HENDERSON has come into compliance with the coverage requirements of Chapter 440, Florida Statutes and has paid a total penalty of \$105,507.05 to the Department.

DONE and ORDERED this 8<sup>th</sup> day of October, 2009.

  
\_\_\_\_\_  
BRIAN LONDON  
DEPUTY CHIEF FINANCIAL OFFICER



### 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 Tracey Beal, DFS Agency Clerk, Department of Financial Services, Room 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida, 32399-0390 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:

MARIA SEIDLER  
FLORIDA DEPARTMENT OF FINANCIAL SERVICES  
DIVISION OF WORKERS' COMPENSATION  
BUREAU OF COMPLIANCE  
2295 VICTORIA AVENUE, SUITE 163  
FORT MYERS, FLORIDA 33901

MICHAEL RUDICELL, ESQUIRE  
4303 SPANISH TRAIL ROAD  
PENSACOLA, FLORIDA 32504

PAIGE SHOEMAKER  
FLORIDA DEPARTMENT OF FINANCIAL SERVICES  
DIVISION OF LEGAL SERVICES  
200 EAST GAINES STREET  
TALLAHASSEE, FLORIDA 32399-4229

# **EXHIBIT A**

**STATE OF FLORIDA, DEPARTMENT OF FINANCIAL SERVICES  
DIVISION OF WORKERS' COMPENSATION**

<b>EMPLOYER NAME:</b> James L. Henderson <b>FEIN:</b> 264-15-5071		<b>STOP-WORK ORDER No.:</b> 09-045-1A  <b>ISSUANCE DATE:</b> 2/17/2009
<b>EMPLOYER ADDRESS:</b> 108 Redbreast Lane <b>CITY:</b> Pensacola <b>STATE:</b> FL <b>ZIP:</b> 32503		
<b>WORKSITE POSTING ADDRESS:</b> 1801 N. 9th Ave <b>CITY:</b> Pensacola <b>STATE:</b> FL <b>ZIP:</b> 32501		
<b>INDUSTRY OF EMPLOYER:</b> <input checked="" type="checkbox"/> Construction <input type="checkbox"/> Non-construction <input type="checkbox"/> Agriculture		

## STOP-WORK ORDER

Pursuant to section 440.107, F.S., the above-referenced Employer is hereby **ORDERED TO CEASE ALL BUSINESS OPERATIONS FOR ALL WORKSITES IN THE STATE** based on the following violation(s):

- Failure to secure the payment of workers' compensation in violation of sections 440.10(1), 440.38(1), and 440.107(2) F. S.; by:
  - failing to obtain coverage that meets the requirements of Chapter 440, F. S., and the Insurance Code;
  - materially understating or concealing payroll;
  - materially misrepresenting or concealing employee duties so as to avoid proper classification for premium calculations;
  - materially misrepresenting or concealing information pertinent to the computation and application of an experience rating modification factor.
- Failure to produce required business records within 5 business days in violation of section 440.107(7)(a), F.S.
- Failure to produce required documents within 3 business days in violation of section 440.05(11), F.S.

THIS STOP-WORK ORDER MAY BE AMENDED TO INCLUDE ADDITIONAL VIOLATIONS AND SHALL REMAIN IN EFFECT UNTIL THE DIVISION ISSUES AN ORDER RELEASING THE STOP-WORK ORDER FOR ALL WORKSITES.

IF THE EMPLOYER CONDUCTS ANY BUSINESS OPERATIONS IN VIOLATION OF THIS STOP-WORK ORDER, A PENALTY OF \$1,000.00 PER DAY FOR EACH DAY OF VIOLATION SHALL BE ASSESSED.

### ORDER OF PENALTY ASSESSMENT:

A penalty against the Employer is hereby **ORDERED** in an amount:

- Equal to 1.5 times the amount the employer would have paid in premium when applying approved manual rates to the employer's payroll during periods for which it failed to secure the payment of workers' compensation required by this chapter within the preceding 3-year period, or \$1,000, whichever is greater. Section 440.107(7)(d), F.S.
- Up to \$5,000 for each employee the Employer misclassified as an independent contractor. Sections 440.10(1)(f) and 440.107(7)(f), F. S.

The penalty may be amended until a Final Order or an Order of Conditional Release from Stop-Work Order is issued. Pursuant to section 440.107(11), F.S., the Department may initiate lien proceedings to collect any penalty due that has not been paid. In addition, the Department may refer any unpaid penalty that is due to a collection agency for the initiation of proceedings to collect the unpaid penalty.

Please see the Notice of Rights on the reserve side that pertains to your rights regarding this action.

#### CERTIFICATE OF SERVICE

Pursuant to section 440.107(4), F.S., Michelle Newcomer, Compliance Investigator

(print name and title of server)

served a true copy of this Stop-Work Order:

- By posting at the Worksite:    Date: 2/17/2009    ;    Time: 11:13:56 AM    ;    Server: M. L. Newcomer
- By hand delivery:                Date: 2/17/2009    ;    Time: 11:13:56 AM    ;    Server: M. L. Newcomer
- By certified mail:                Date: \_\_\_\_\_    ;    Time: \_\_\_\_\_    ;    Article: \_\_\_\_\_



NOTICE OF RIGHTS

You have a right to administrative review of this action by the Department under Sections 120.569 and 120.57, Florida Statutes.

To obtain review, you must file a written petition requesting review. If you dispute a material fact contained in this action, you are entitled to a hearing under Section 120.569 and 120.57(1), Florida Statutes, at which you may be represented by counsel, present evidence and argument on the issue(s), examine witnesses, submit a proposed recommended order, and file exceptions to the recommended order of the Administrative Law Judge. If you do not dispute a material fact contained in this action, you are entitled to a hearing under section 120.57(2), Florida Statutes, at which you may be represented by counsel, present documentary evidence, and present a written statement in opposition to this action.

A petition for a hearing under Section 120.569 and 120.57, Florida Statutes, must conform to rules 28-106.2015, Florida Administrative Code. The petition shall contain a) the name, address, and telephone number, and facsimile number (if any) of the petitioner; b) the name, address, and telephone number, and facsimile number of the attorney or qualified representative of the petitioner (if any) upon whom service of pleadings and other papers shall be made; c) a statement requesting an administrative hearing identifying those material facts that are in dispute. If there are none, the petition must so indicate; d) a statement of when the petitioner received notice of the agency action; and e) a statement including the file number to the agency action;

You must file the petition for hearing so that it is **received** by the Department within twenty-one (21) days of your receipt of this agency action. The petition must be filed with the General Counsel acting as the Agency Clerk, Department of Financial Service, 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0333. **FAILURE TO FILE A PETITION FOR HEARING WITHIN THE TWENTY-ONE (21) DAYS CONSTITUTES A WAIVER OF YOUR RIGHT TO ADMINISTRATIVE REVIEW OF THE AGENCY ACTION.**

Mediation under section 120.573, Florida Statutes, is not available.

ISSUING AGENCY NAME AND ADDRESS

Division of Workers' Compensation, Bureau of Compliance:

610 E. Burgess Road, Pensacola, FL 32504-6320

Attn: Michelle Newcomer, Compliance Investigator Telephone: (850) 453-7853

# **EXHIBIT B**

**STATE OF FLORIDA, DEPARTMENT OF FINANCIAL SERVICES  
DIVISION OF WORKERS' COMPENSATION**

<b>EMPLOYER NAME:</b> James L. Henderson	<b>STOP-WORK ORDER No.:</b> 09-045-1A
<b>FEIN:</b> 264-15-5071	<b>ISSUANCE DATE:</b> 5/19/2009
<b>EMPLOYER ADDRESS:</b> 108 Redbreast Lane	
<b>CITY:</b> Pensacola	<b>STATE:</b> FL <b>ZIP:</b> 32503

## AMENDED ORDER OF PENALTY ASSESSMENT

The Division of Workers' Compensation issued a Stop-Work Order in this case on 2/17/2009. The Stop-Work Order included an Order of Penalty Assessment that identified the penalties assessable under sections 440.10 and 440.107, F.S. The Division hereby amends the Order of Penalty Assessment based on the following penalties:

- Failure to secure the payment of workers' compensation within the meaning of section 440.107(2), F.S., by:
  - failing to obtain coverage that meets the requirements of Chapter 440, F.S., and the Insurance Code;
  - materially understating or concealing payroll;
  - materially misrepresenting or concealing employee duties so as to avoid proper classification for premium calculations;
  - materially misrepresenting or concealing information pertinent to the computation and application of an experience rating modification factor.

For such violation(s) the Employer is assessed a penalty of \$ 105,550.73 (section 440.107(7)(d), F.S.) as detailed in the attached PENALTY WORKSHEET, which is incorporated herein by reference;

Conducting business operations in violation of the Stop-Work Order as detailed in the attached PENALTY WORKSHEET, which is incorporated herein by reference, for which the Employer is assessed a penalty of \$ \_\_\_\_\_ (section 440.107(7)(c), F.S.);

Misrepresenting the status of the employee(s) as an independent contractor(s), as detailed on the attached PENALTY WORKSHEET, which is incorporated herein by reference, for which the Employer is assessed a penalty of \$ \_\_\_\_\_ (section 440.10(1)(f), F.S.).

It is hereby **ORDERED** that the Employer is assessed a TOTAL PENALTY of \$ 105,550.73

The penalties assessed herein supersede any penalties previously assessed in this case. The Employer shall pay the TOTAL PENALTY by money order or cashier's check, made payable to the **DFS-Workers' Compensation Administration Trust Fund**.

The Stop-Work Order issued in this case shall remain in effect until either (a) The Division issues an order releasing the Stop-Work Order upon finding that the employer has come into compliance with the coverage requirements of the workers' compensation law and pays the total penalty in full, or (b) The Division issues an Order of Conditional Release From Stop-Work Order pursuant to the employer coming into compliance with the coverage requirements of the workers' compensation law and entering into a Payment Agreement Schedule For Periodic Payment of Penalty.

Pursuant to section 440.107(11), F.S, the Department may initiate lien proceedings to collect any penalty due that has not been paid. In addition, the Department may refer any unpaid penalty that is due to a collection agency for the initiation of proceedings to collect the unpaid penalty.

Please see the Notice of Rights on the reserve side that pertains to your rights regarding this action.

### CERTIFICATE OF SERVICE

Pursuant to section 440.107(4), F.S., Michelle Newcomer, Compliance Investigator  
(print name and title of server)

served a true copy of this Amended Order of Penalty Assessment:

- By hand delivery: Date: \_\_\_\_\_; Time: \_\_\_\_\_; Server: \_\_\_\_\_
- By certified mail: Date: 5/21/09; Time: 12:19p; Article: 10051160000345224699

## NOTICE OF RIGHTS

You have a right to administrative review of this action by the Department under sections 120.569 and 120.57, Florida Statutes.

To obtain review, you must file a written petition requesting review. If you dispute a material fact contained in this action, you are entitled to a hearing under Sections 120.569 and 120.57(1), Florida Statutes, at which you may be represented by counsel, present evidence and argument on the issue(s), examine witnesses, submit a proposed recommended order, and file exceptions to the recommended order of the Administrative Law Judge. If you do not dispute a material fact contained in this action, you are entitled to a hearing under section 120.57(2), Florida Statutes, at which you may be represented by counsel, present documentary evidence, and present a written statement in opposition to this action.

A petition for a hearing under sections 120.569 and 120.57, Florida Statutes, must conform to Rule 28-106.2015, Florida Administrative Code. The petition shall contain a) the name, address, and telephone number, and facsimile number (if any) of the petitioner; b) the name, address, and telephone number, and facsimile number of the attorney or qualified representative of the petitioner (if any) upon whom service of pleadings and other papers shall be made; c) a statement requesting an administrative hearing identifying those material facts that are in dispute. If there are none, the petition must so indicate; d) a statement of when the petitioner received notice of the agency action; and e) a statement including the file number to the agency action.

You must file the petition for hearing so that it is received by the Department within twenty-one (21) days of your receipt of this agency action. The petition must be filed with Tracey Beal, DFS Agency Clerk, Department of Financial Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0390. **FAILURE TO FILE A PETITION WITHIN THE TWENTY-ONE (21) DAYS CONSTITUTES A WAIVER OF YOUR RIGHT TO ADMINISTRATIVE REVIEW OF THE AGENCY ACTION.**

Mediation under section 120.573, Florida Statutes, is not available.

### ISSUING AGENCY NAME AND ADDRESS

Division of Workers' Compensation, Bureau of Compliance: 610 E. Burgess Rd., Pensacola, FL 32504

Attn: Michelle L. Newcomer, Telephone: (850) 453-7853



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Intergovernmental  
Management Agency

State of Florida, Department of Financial Services  
Division of Workers' Compensation, Bureau of Compliance  
Penalty Worksheet

**BUSINESS NAME: JAMES L. HENDERSON**

**DWC Case No. 09-045-1A**

Part 1. Penalty for failure to obtain coverage that meets the requirements of Chapter 440, F.S. and the Insurance Code.								
Employee Name	Imputed	(a) Class Code	(b) Period of Non-Compliance	(c) Gross Payroll *	(d) Column (c) /100	(e) Approved Manual Rate	(f) Premium (d) x (e)	(g) Penalty** (f) x 1.5
ANTONIO MONTIEL		5022	08/23/2006	981.50	9.82	17.48	171.57	257.36
ANTONIO ROSAS		5022	02/24/2006	12,171.13	121.71	17.48	2,127.51	3,191.27
BRIAN SHERMAN		5183	02/24/2006	6,383.44	63.83	10.04	640.90	961.35
CAMILLA REAVES		5022	03/28/2006	100.00	1.00	17.48	17.48	26.22
CASH		5022	03/06/2006	400.00	4.00	17.48	69.92	104.88
CLYDE STAPLES		5022	10/04/2006	216.00	2.16	17.48	37.76	56.64
COREY MILSTEAD		5022	08/09/2006	1,451.65	14.52	17.48	253.75	380.63
DAWN ELLIS		5022	08/15/2006	755.65	7.56	17.48	132.09	198.14
EVELIO MONTES		5022	08/17/2006	8,921.00	89.21	17.48	1,559.39	2,339.09
FERMIN HERNANDEZ		5022	02/24/2006	11,861.13	118.61	17.48	2,073.33	3,110.00
JAMES L HENDERSON		5022	03/31/2006	9,140.00	91.40	17.48	1,597.67	2,396.51
JOSE CRISEIN SANTHEC		5022	07/07/2006	2,210.00	22.10	17.48	386.31	579.47
MARCIANO RAMIREZ		5022	02/24/2006	14,440.37	144.40	17.48	2,524.18	3,786.27
MIKE JOHNSON		5022	02/21/2006	924.00	9.24	17.48	161.52	242.28
NATALIE HENDERSON		8810	02/23/2006	3,200.00	32.00	0.58	18.56	27.84
NISEFORD CUEZACTLE		5022	12/15/2006	1,190.00	11.90	17.48	208.01	312.02
PETE MALDONADO		5022	02/24/2006	25,259.44	252.59	17.48	4,415.35	6,623.03
RODNEY HENDERSON		5022	12/15/2006	515.00	5.15	17.48	90.02	135.03
RODOLFO GALINDO		5022	02/24/2006	20,244.75	202.45	17.48	3,538.78	5,308.17
ROMULO ROSAS		5022	02/24/2006	20,280.63	202.81	17.48	3,545.05	5,317.58
SERAFIN GALINDO		5022	02/24/2006	22,642.75	226.43	17.48	3,957.95	5,936.93
TAWANA BRYSON		5022	03/10/2006	5,315.68	53.16	17.48	929.18	1,393.77

\* If the employer has failed to provide business records sufficient to enable the Department to determine the employer's payroll, payroll shall be imputed to be the statewide average weekly wage as defined in s. 440.12(2) F.S. multiplied by 1.5, (440.107(7)(e)).

\*\* Premium multiplied by statutory factor of 1.5

\*\*\* Greater of penalty under column (g) or \$1000. s440.107(d)(1)

State of Florida, Department of Financial Services  
 Division of Workers' Compensation, Bureau of Compliance  
 Penalty Worksheet

**BUSINESS NAME: JAMES L. HENDERSON**

**DWC Case No. 09-045-1A**

Part 1. Penalty for failure to obtain coverage that meets the requirements of Chapter 440, F.S. and the Insurance Code.									
Employee Name	Imputed	(a) Class Code	(b) Period of Non-Compliance	(c) Gross Payroll *	(d) Column /100	(e) Approved Manual Rate	(f) Premium (d) x (e)	(g) Penalty** (f) x 1.5	
ANTONIO MONTIEL		5022	04/04/2007	15,078.88	150.79	13.96	2,105.01	3,157.52	
ARTURO CANTO		5022	01/23/2007	1,110.50	11.11	13.96	155.03	232.55	
CAMILLA REAVES		5022	02/02/2007	335.32	3.35	13.96	46.81	70.22	
CASH		5022	08/24/2007	570.75	5.71	13.96	79.68	119.52	
CLYDE STAPLES		5022	08/20/2007	2,569.00	25.69	13.96	358.63	537.95	
CRISEIN SANCHEZ		5022	09/07/2007	6,979.50	69.80	13.96	974.34	1,461.51	
DANIEL GRAY		5022	04/04/2007	500.00	5.00	13.96	69.80	104.70	
DON LUKE		5022	09/10/2007	200.00	2.00	13.96	27.92	41.88	
DOUGLAS MAYNARD		5022	01/23/2007	400.00	4.00	13.96	55.84	83.76	
EMILY STYLES		5022	01/23/2007	275.00	2.75	13.96	38.39	57.59	
EVELIO MONTES		5022	01/01/2007	8,606.18	86.06	13.96	1,201.42	1,802.13	
HARRY HENDERSON		5022	10/19/2007	225.00	2.25	13.96	31.41	47.12	
JAMES L HENDERSON		5022	01/15/2007	1,825.00	18.25	13.96	254.77	382.16	
JOE NELSON		5022	02/21/2007	100.00	1.00	13.96	13.96	20.94	
JOSE CRISPIN SANCHEZ		5022	08/10/2007	994.47	9.94	13.96	138.83	208.25	
JUAN H MONTIEL		5022	04/04/2007	15,074.63	150.75	13.96	2,104.42	3,156.63	
JUANITA JOHNS		5022	01/23/2007	250.00	2.50	13.96	34.90	52.35	
MARCIANO RAMIREZ		5022	01/01/2007	18,223.67	182.24	13.96	2,544.02	3,816.03	
MIKE BENSON		5022	08/02/2007	180.00	1.80	13.96	25.13	37.70	
MIKE JOHNSON		5022	05/03/2007	360.00	3.60	13.96	50.26	75.39	
NATALIE HENDERSON		8810	01/23/2007	850.00	8.50	0.48	4.08	6.12	
NATALIE POLLARD		8810	04/24/2007	1,200.00	12.00	0.48	5.76	8.64	

\* If the employer has failed to provide business records sufficient to enable the Department to determine the employer's payroll, payroll shall be imputed to be the statewide average weekly wage as defined in s.440.12(2) F.S. multiplied by 1.5, (440.107(7)(e)).

\*\* Premium multiplied by statutory factor of 1.5

\*\*\* Greater of penalty under column (g) or \$1000. s440.107(d)(1)

State of Florida, Department of Financial Services  
 Division of Workers' Compensation, Bureau of Compliance  
 Penalty Worksheet

BUSINESS NAME: JAMES L. HENDERSON

DWC Case No. 09-045-1A

Part 1. Penalty for failure to obtain coverage that meets the requirements of Chapter 440, F.S. and the Insurance Code.								
Employee Name	Imputed	(a) Class Code	(b) Period of Non-Compliance	(c) Gross Payroll *	(d) Column /100	(e) Approved Manual Rate	(f) Premium (d) x (e)	(g) Penalty** (f) x 1.5
NISEFORD CUEZACTLE		5022	01/01/2007 03/22/2007	4,473.00	44.73	13.96	624.43	936.65
PETE MADONADO		5022	01/01/2007 12/31/2007	30,830.68	308.31	13.96	4,303.96	6,455.94
RALPH GONZALEZ		5022	11/21/2007 12/31/2007	1,986.00	19.86	13.96	277.25	415.88
RODNEY HENDERSON		5022	08/02/2007 11/22/2007	2,466.00	24.66	13.96	344.25	516.38
RODOLFO GALINDO		5022	01/01/2007 01/05/2007	126.00	1.26	13.96	17.59	26.39
SALVADOR HERNANDEZ		5022	01/17/2007 12/31/2007	20,039.78	200.40	13.96	2,797.65	4,196.33
SERAFIN GALINDO		5022	01/01/2007 12/31/2007	21,667.63	216.68	13.96	3,024.80	4,537.20
SALVADOR HERNANDEZ		5022	01/23/2007 01/23/2007	300.00	3.00	13.96	41.88	62.82
TAWANA BRYSON		5022	04/18/2007 04/18/2007	410.00	4.10	13.96	57.24	85.86
TIM HENDERSON		5022	07/26/2007 11/30/2007	4,637.53	46.38	13.96	647.40	971.10
ANTONIO MONTIEL		5022	01/01/2008 04/11/2008	4,456.02	44.56	11.32	504.42	756.63
BRIAN SHERMAN		5183	04/25/2008 04/25/2008	779.04	7.79	6.75	52.59	78.89
CAMILLA REAVES		5022	08/27/2008 10/31/2008	755.00	7.55	11.32	85.47	128.21
CASH		5022	07/03/2008 12/02/2008	8,947.63	89.48	11.32	1,012.87	1,519.31
CRISEIN SANCHEZ		5022	01/01/2008 04/11/2008	4,834.50	48.35	11.32	547.27	820.91
DAVID RAMIREZ		5022	03/28/2008 12/31/2008	18,125.00	181.25	11.32	2,051.75	3,077.63
FELIX PEREZ MALDONADO		5022	03/28/2008 12/31/2008	17,407.07	174.07	11.32	1,970.48	2,955.72
GILBERT NELSON		5022	04/21/2008 04/21/2008	3,276.62	32.77	11.32	370.91	566.37
JAMES L HENDERSON		5022	01/03/2008 12/24/2008	4,025.00	40.25	11.32	455.63	683.45
JUAN H MONTIEL		5022	01/01/2008 12/31/2008	16,958.98	169.59	11.32	1,919.76	2,879.64
MARCIANO RAMIREZ		5022	01/01/2008 12/31/2008	20,395.10	203.95	11.32	2,308.73	3,463.10
MIKE BENSON		5022	02/28/2008 02/28/2008	150.00	1.50	11.32	16.98	25.47

\* If the employer has failed to provide business records sufficient to enable the Department to determine the employer's payroll, payroll shall be imputed to be the statewide average weekly wage as defined in s.440.12(2) F.S. multiplied by 1.5, (440.107(7)(e)).

\*\* Premium multiplied by statutory factor of 1.5

\*\*\* Greater of penalty under column (g) or \$1000. s440.107(d)(1)



State of Florida, Department of Financial Services  
 Division of Workers' Compensation, Bureau of Compliance  
 Penalty Worksheet

**BUSINESS NAME: JAMES L. HENDERSON**

**DWC Case No. 09-045-1A**

Part 1. Penalty for failure to obtain coverage that meets the requirements of Chapter 440, F.S. and the Insurance Code.									
Employee Name	Imputed	(a) Class Code	(b) Period of Non-Compliance	(c) Gross Payroll *	(d) Column /100	(e) Approved Manual Rate	(f) Premium (d) x (e)	(g) Penalty** (f) x 1.5	
MIKE JOHNSON		5022	05/02/2008	417.00	4.17	11.32	47.20	70.80	
NATALIE POLLARD		8810	02/19/2008	1,000.00	10.00	0.37	3.70	5.55	
NELSON PLUMBING		5022	10/09/2008	1,500.00	15.00	11.32	169.80	254.70	
NICOLE CHAPMAN		5022	03/03/2008	75.00	0.75	11.32	8.49	12.74	
PETE MALDONADO		5022	01/01/2008	29,866.68	298.67	11.32	3,380.91	5,071.37	
RALPH GONZALEZ		5022	01/03/2008	704.00	7.04	11.32	79.69	119.54	
RODNEY HENDERSON		5022	02/02/2008	144.00	1.44	11.32	16.30	24.45	
SALVADOR HERNANDEZ		5022	01/01/2008	10,207.97	102.08	11.32	1,155.54	1,733.31	
SERAFIN GALINDO		5022	01/01/2008	13,724.18	137.24	11.32	1,553.58	2,330.37	
TAWANA MALDONADO		5022	09/29/2008	650.00	6.50	11.32	73.58	110.37	
CASH		5022	01/07/2009	150.00	1.50	8.54	12.81	19.22	
DAVID RAMIREZ		5022	01/01/2009	2,610.00	26.10	8.54	222.89	334.34	
FELIX PEREZ MALDONADO		5022	01/01/2009	2,215.71	22.16	8.54	189.22	283.83	
JUAN H MONTIEL		5022	01/01/2009	2,535.00	25.35	8.54	216.49	324.74	
MARCIANO RAMIREZ		5022	01/01/2009	2,639.39	26.39	8.54	225.40	338.10	
NELSON PLUMBING		5022	01/09/2009	500.00	5.00	8.54	42.70	64.05	
PETE MALDONADO		5022	01/01/2009	2,680.14	26.80	8.54	228.88	343.32	
SERAFIN GALINDO		5022	01/01/2009	2,270.00	22.70	8.54	193.86	290.79	
JAMES HENDERSON	✓	5022	02/14/2009	655.84	6.56	8.54	56.01	84.02	
MARCEL RAMIREZ	✓	5022	02/14/2009	655.84	6.56	8.54	56.01	84.02	
DAVID RAMIREZ	✓	5022	02/14/2009	655.84	6.56	8.54	56.01	84.02	
JUAN HERNANDEZ	✓	5022	02/14/2009	655.84	6.56	8.54	56.01	84.02	

\* If the employer has failed to provide business records sufficient to enable the Department to determine the employer's payroll, payroll shall be imputed to be the statewide average weekly wage as defined in s.440.12(2) F.S. multiplied by 1.5, (440.107(7)(e)).

\*\* Premium multiplied by statutory factor of 1.5

\*\*\* Greater of penalty under column (g) or \$1000. s440.107(p)(1)

State of Florida, Department of Financial Services  
 Division of Workers' Compensation, Bureau of Compliance  
 Penalty Worksheet

**BUSINESS NAME: JAMES L. HENDERSON**

**DWC Case No. 09-045-1A**

Part 1. Penalty for failure to obtain coverage that meets the requirements of Chapter 440, F.S. and the Insurance Code.										
Employee Name	Imputed	(a) Class Code	(b) Period of Non-Compliance	(c) Gross Payroll *	(d) Column (c) /100	(e) Approved Manual Rate	(f) Premium (d) x (e)	(g) Penalty** (f) x 1.5		
PELES PEREZ	<input checked="" type="checkbox"/>	5022	02/14/2009 - 02/17/2009	655.84	6.56	8.54	56.01	84.02		
GALINDO HERNANDO	<input checked="" type="checkbox"/>	5022	02/14/2009 - 02/17/2009	655.84	6.56	8.54	56.01	84.02		
Part 1 Penalty Sub-Totals: ***				509,382.71			70,367.00	105,550.73		

\* If the employer has failed to provide business records sufficient to enable the Department to determine the employer's payroll, payroll shall be imputed to be the statewide average weekly wage as defined in s.440.12(2) F.S. multiplied by 1.5, (440.107(7)(e)).

\*\* Premium multiplied by statutory factor of 1.5

\*\*\* Greater of penalty under column (g) or \$1000. s440.107(d)(1)

**TOTAL PENALTY for Parts 1, 2, 3, 4, 5: \$105,550.73**

# EXHIBIT C

**STATE OF FLORIDA, DEPARTMENT OF FINANCIAL SERVICES  
DIVISION OF WORKERS' COMPENSATION**

<b>EMPLOYER NAME:</b> James L. Henderson  <b>FEIN:</b> 264-15-5071	<b>STOP-WORK ORDER No.:</b> 09-045-1A  <b>ISSUANCE DATE:</b> 6/5/2009
<b>EMPLOYER ADDRESS:</b> 108 Redbreast Lane  <b>CITY:</b> Pensacola <b>STATE:</b> FL <b>ZIP:</b> 32503	

**2nd AMENDED ORDER OF PENALTY ASSESSMENT**

The Division of Workers' Compensation issued a Stop-Work Order against the above-referenced Employer on 2/17/2009. The Stop-Work Order included an Order of Penalty Assessment that identified the penalties assessable under sections 440.10 and 440.107, F.S.

Based upon additional information provided \_\_\_\_\_, the Division hereby amends the Amended Order of Penalty Assessment issued on 5/19/2009 and assesses the penalty(s) as specified in the Penalty Worksheet, which is attached hereto and made a part hereof.

It is ORDERED that the Employer is hereby assessed a TOTAL PENALTY of \$ 105,507.05.

The penalty(s) assessed herein supersedes any penalty(s) previously assessed in this case. The Employer shall pay the TOTAL PENALTY by money order or cashier's check, made payable to the **DFS-Workers' Compensation Administration Trust Fund**, or enter into a Payment Agreement Schedule for Periodic Payment of Penalty with the Division of Workers' Compensation.

If the total penalty assessed in this Amended Order of Penalty Assessment is less than the total penalty assessed in the Amended Order of Penalty Assessment issued on 5/19/2009 the Division will mail a refund in the amount of the difference to the Employer.

Pursuant to section 440.107(11), F.S, the Department may initiate lien proceedings to collect any penalty due that has not been paid. In addition, the Department may refer any unpaid penalty that is due to a collection agency for the initiation of proceedings to collect the unpaid penalty.

Please see the Notice of Rights on the reserve side that pertains to your rights regarding this action.

**CERTIFICATE OF SERVICE**

Pursuant to section 440.107(4), F.S., Michelle Newcomer, Compliance Investigator  
(print name and title of server)

served a true copy of this 2nd Amended Order of Penalty Assessment:

- By personal service: Date: \_\_\_\_\_; Time: \_\_\_\_\_; Server: \_\_\_\_\_
- By certified mail: Date: \_\_\_\_\_; Time: \_\_\_\_\_; Article: \_\_\_\_\_

### NOTICE OF RIGHTS

You have a right to administrative review of this action by the Department under Sections 120.569 and 120.57, Florida Statutes.

To obtain review, you must file a written petition requesting review. If you dispute a material fact contained in this action, you are entitled to a hearing under Section 120.569 and 120.57(1), Florida Statutes, at which you may be represented by counsel, present evidence and argument on the issue(s), examine witnesses, submit a proposed recommended order, and file exceptions to the recommended order of the Administrative Law Judge. If you do not dispute a material fact contained in this action, you are entitled to a hearing under section 120.57(2), Florida Statutes, at which you may be represented by counsel, present documentary evidence, and present a written statement in opposition to this action.

A petition for a hearing under Section 120.569 and 120.57, Florida Statutes, must conform to rules 28-106.2015, Florida Administrative Code. The petition shall contain a) the name, address, and telephone number, and facsimile number (if any) of the petitioner; b) the name, address, and telephone number, and facsimile number of the attorney or qualified representative of the petitioner (if any) upon whom service of pleadings and other papers shall be made; c) a statement requesting an administrative hearing identifying those material facts that are in dispute. If there are none, the petition must so indicate; d) a statement of when the petitioner received notice of the agency action; and e) a statement including the file number to the agency action;

You must file the petition for hearing so that it is **received** by the Department within twenty-one (21) days of your receipt of this agency action. The petition must be filed with the General Counsel acting as the Agency Clerk, Department of Financial Service, 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0333. **FAILURE TO FILE A PETITION FOR HEARING WITHIN THE TWENTY-ONE (21) DAYS CONSTITUTES A WAIVER OF YOUR RIGHT TO ADMINISTRATIVE REVIEW OF THE AGENCY ACTION.**

Mediation under section 120.573, Florida Statutes, is not available.

### ISSUING AGENCY NAME AND ADDRESS

Division of Workers' Compensation, Bureau of Compliance: \_\_\_\_\_

610 E. Burgess Road, Pensacola, FL 32504-6320

Attn: Michelle Newcomer, Compliance Investigator \_\_\_\_\_, Telephone: (850) 453-7853



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Integrity. Service. Leadership.

State of Florida, Department of Financial Services  
Division of Workers' Compensation, Bureau of Compliance  
Penalty Worksheet

**BUSINESS NAME: JAMES L. HENDERSON**

**DWC Case No. 09-045-1A**

Part 1: Penalty for failure to obtain coverage that meets the requirements of Chapter 440, F.S. and the Insurance Code.								
Employee Name	Imputed	(a) Class Code	(b) Period of Non-Compliance	(c) Gross Payroll *	(d) Column (c) /100	(e) Approved Manual Rate	(f) Premium (d) x (e)	(g) Penalty** (f) x 1.5
ANTONIO MONTIEL		5022	08/23/2006	981.50	9.82	17.48	171.57	257.36
ANTONIO ROSAS		5022	02/24/2006	12,171.13	121.71	17.48	2,127.51	3,191.27
BRIAN SHERMAN		5183	02/24/2006	6,383.44	63.83	10.04	640.90	961.35
CAMILLA REAVES		5022	03/28/2006	100.00	1.00	17.48	17.48	26.22
CASH		5022	03/06/2006	400.00	4.00	17.48	69.92	104.88
CLYDE STAPLES		5022	10/04/2006	216.00	2.16	17.48	37.76	56.64
COREY MILSTEAD		5022	08/09/2006	1,451.65	14.52	17.48	253.75	380.63
DAWN ELLIS		5022	08/15/2006	755.65	7.56	17.48	132.09	198.14
EVELIO MONTES		5022	08/17/2006	8,921.00	89.21	17.48	1,559.39	2,339.09
FERMIN HERNANDEZ		5022	02/24/2006	11,861.13	118.61	17.48	2,073.33	3,110.00
JAMES L HENDERSON		5022	03/31/2006	9,140.00	91.40	17.48	1,597.67	2,396.51
JOSE CRISEIN SANTHEC		5022	07/07/2006	2,210.00	22.10	17.48	386.31	579.47
MARCIANO RAMIREZ		5022	02/24/2006	14,440.37	144.40	17.48	2,524.18	3,786.27
MIKE JOHNSON		5022	02/21/2006	924.00	9.24	17.48	161.52	242.28
NATALIE HENDERSON		8810	02/23/2006	3,200.00	32.00	0.58	18.56	27.84
NISEFORD CUEZACTLE		5022	12/15/2006	1,190.00	11.90	17.48	208.01	312.02
PETE MALDONADO		5022	02/24/2006	25,259.44	252.59	17.48	4,415.35	6,623.03
RODNEY HENDERSON		5022	12/15/2006	515.00	5.15	17.48	90.02	135.03
RODOLFO GALINDO		5022	02/24/2006	20,244.75	202.45	17.48	3,538.78	5,308.17
ROMULO ROSAS		5022	02/24/2006	20,280.63	202.81	17.48	3,545.05	5,317.58
SERAFIN GALINDO		5022	02/24/2006	22,642.75	226.43	17.48	3,957.95	5,936.93
TAWANA BRYSON		5022	03/10/2006	5,315.68	53.16	17.48	929.18	1,393.77

\* If the employer has failed to provide business records sufficient to enable the Department to determine the employer's payroll, payroll shall be imputed to be the statewide average weekly wage as defined in s.440.12(2) F.S. multiplied by 1.5. (440.107(7)(e)).

\*\* Premium multiplied by statutory factor of 1.5

\*\*\* Greater of penalty under column (g) or \$1000. s440.107(d)(1)

State of Florida, Department of Financial Services  
Division of Workers' Compensation, Bureau of Compliance  
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**BUSINESS NAME: JAMES L. HENDERSON**

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ANTONIO MONTIEL		5022	04/04/2007	15,078.88	150.79	13.96	2,105.01	3,157.52
ARTURO CANTO		5022	01/23/2007	1,110.50	11.11	13.96	155.03	232.55
CAMILLA REAVES		5022	02/02/2007	335.32	3.35	13.96	46.81	70.22
CASH		5022	08/24/2007	570.75	5.71	13.96	79.68	119.52
CLYDE STAPLES		5022	08/20/2007	2,569.00	25.69	13.96	358.63	537.95
CRISEIN SANCHEZ		5022	09/07/2007	6,979.50	69.80	13.96	974.34	1,461.51
DANIEL GRAY		5022	04/04/2007	500.00	5.00	13.96	69.80	104.70
DOUGLAS MAYNARD		5022	01/23/2007	400.00	4.00	13.96	55.84	83.76
EMILY STYLES		5022	01/23/2007	275.00	2.75	13.96	38.39	57.59
EVELIO MONTES		5022	01/01/2007	8,606.18	86.06	13.96	1,201.42	1,802.13
HARRY HENDERSON		5022	10/19/2007	225.00	2.25	13.96	31.41	47.12
JAMES L HENDERSON		5022	01/15/2007	1,825.00	18.25	13.96	254.77	382.16
JOE NELSON		5022	02/21/2007	100.00	1.00	13.96	13.96	20.94
JOSE CRISPIN SANCHEZ		5022	08/10/2007	994.47	9.94	13.96	138.83	208.25
JUAN H MONTIEL		5022	04/04/2007	15,074.63	150.75	13.96	2,104.42	3,156.63
JUANITA JOHNS		5022	01/23/2007	250.00	2.50	13.96	34.90	52.35
MARCIANO RAMIREZ		5022	01/01/2007	18,223.67	182.24	13.96	2,544.02	3,816.03
MIKE BENSON		5022	08/02/2007	180.00	1.80	13.96	25.13	37.70
MIKE JOHNSON		5022	05/03/2007	360.00	3.60	13.96	50.26	75.39
NATALIE HENDERSON		8810	01/23/2007	850.00	8.50	0.48	4.08	6.12
NATALIE POLLARD		8810	04/24/2007	950.00	9.50	0.48	4.56	6.84
NISEFORD CUEZACTLE		5022	01/01/2007	4,473.00	44.73	13.96	624.43	936.65

\* If the employer has failed to provide business records sufficient to enable the Department to determine the employer's payroll, payroll shall be imputed to be the statewide average weekly wage as defined in s.440.12(2) F.S. multiplied by 1.5. (440.107(7)(e)).

\*\* Premium multiplied by statutory factor of 1.5

\*\*\* Greater of penalty under column (g) or \$1000. s440.107(d)(1)



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PETE MADONADO		5022	01/01/2007	30,830.68	308.31	13.96	4,303.96	6,455.94	
RALPH GONZALEZ		5022	11/21/2007	1,986.00	19.86	13.96	277.25	415.88	
RODNEY HENDERSON		5022	08/02/2007	2,466.00	24.66	13.96	344.25	516.38	
RODOLFO GALINDO		5022	01/01/2007	126.00	1.26	13.96	17.59	26.39	
SALVADOR HERNANDEZ		5022	01/17/2007	20,039.78	200.40	13.96	2,797.55	4,196.33	
SERAFIN GALINDO		5022	01/01/2007	21,667.63	216.68	13.96	3,024.80	4,537.20	
SALVADOR HERNANDEZ		5022	01/23/2007	300.00	3.00	13.96	41.88	62.82	
TAWANA BRYSON		5022	04/18/2007	410.00	4.10	13.96	57.24	85.86	
TIM HENDERSON		5022	07/26/2007	4,637.53	46.38	13.96	647.40	971.10	
ANTONIO MONTIEL		5022	01/01/2008	4,456.02	44.56	11.32	504.42	756.63	
BRIAN SHERMAN		5183	04/25/2008	779.04	7.79	6.75	52.59	78.89	
CAMILLA REAVES		5022	08/27/2008	755.00	7.55	11.32	85.47	128.21	
CASH		5022	07/03/2008	8,947.63	89.48	11.32	1,012.87	1,519.31	
CRISEIN SANCHEZ		5022	01/01/2008	4,834.50	48.35	11.32	547.27	820.91	
DAVID RAMIREZ		5022	03/28/2008	18,125.00	181.25	11.32	2,051.75	3,077.63	
FELIX PEREZ MALDONADO		5022	03/28/2008	17,407.07	174.07	11.32	1,970.48	2,955.72	
GILBERT NELSON		5022	04/21/2008	3,276.62	32.77	11.32	370.91	556.37	
JAMES L HENDERSON		5022	01/03/2008	4,025.00	40.25	11.32	455.63	683.45	
JUAN H MONTIEL		5022	01/01/2008	16,958.98	169.59	11.32	1,919.76	2,879.64	
MARCIANO RAMIREZ		5022	01/01/2008	20,395.10	203.95	11.32	2,308.73	3,463.10	
MIKE BENSON		5022	02/28/2008	150.00	1.50	11.32	16.98	25.47	
MIKE JOHNSON		5022	05/02/2008	417.00	4.17	11.32	47.20	70.80	

\* If the employer has failed to provide business records sufficient to enable the Department to determine the employer's payroll, payroll shall be imputed to be the statewide average weekly wage as defined in s.440.12(2) F.S. multiplied by 1.5, (440.107(7)(e)).

\*\* Premium multiplied by statutory factor of 1.5

\*\*\* Greater of penalty under column (g) or \$1000. s440.107(d)(1)

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Employee Name	Imputed	(a) Class Code	(b) Period of Non-Compliance	(c) Gross Payroll *	(d) Column (c) /100	(e) Approved Manual Rate	(f) Premium (d) x (e)	(g) Penalty** (f) x 1.5
NATALIE POLLARD		8810	02/19/2008	1,000.00	10.00	0.37	3.70	5.55
NELSON PLUMBING		5022	10/09/2008	1,500.00	15.00	11.32	169.80	254.70
NICOLE CHAPMAN		5022	03/03/2008	75.00	0.75	11.32	8.49	12.74
PETE MALDONADO		5022	01/01/2008	29,866.68	298.67	11.32	3,380.91	5,071.37
RALPH GONZALEZ		5022	01/03/2008	704.00	7.04	11.32	79.69	119.54
RODNEY HENDERSON		5022	02/02/2008	144.00	1.44	11.32	16.30	24.45
SALVADOR HERNANDEZ		5022	01/01/2008	10,207.97	102.08	11.32	1,155.54	1,733.31
SERAFIN GALINDO		5022	01/01/2008	13,724.18	137.24	11.32	1,553.58	2,330.37
TAWANA MALDONADO		5022	09/29/2008	650.00	6.50	11.32	73.58	110.37
CASH		5022	01/07/2009	150.00	1.50	8.54	12.81	19.22
DAVID RAMIREZ		5022	01/01/2009	2,610.00	26.10	8.54	222.89	334.34
FELIX PEREZ MALDONADO		5022	01/01/2009	2,215.71	22.16	8.54	189.22	283.83
JUAN H MONTIEL		5022	01/01/2009	2,535.00	25.35	8.54	216.49	324.74
MARCIANO RAMIREZ		5022	01/01/2009	2,639.39	26.39	8.54	225.40	338.10
NELSON PLUMBING		5022	01/09/2009	500.00	5.00	8.54	42.70	64.05
PETE MALDONADO		5022	01/01/2009	2,680.14	26.80	8.54	228.88	343.32
SERAFIN GALINDO		5022	01/01/2009	2,270.00	22.70	8.54	193.86	290.79
JAMES HENDERSON	✓	5022	02/14/2009	655.84	6.56	8.54	56.01	84.02
MARCEL RAMIREZ	✓	5022	02/14/2009	655.84	6.56	8.54	56.01	84.02
DAVID RAMIREZ	✓	5022	02/14/2009	655.84	6.56	8.54	56.01	84.02
JUAN HERNANDEZ	✓	5022	02/14/2009	655.84	6.56	8.54	56.01	84.02
PELES PEREZ	✓	5022	02/14/2009	655.84	6.56	8.54	56.01	84.02

\* If the employer has failed to provide business records sufficient to enable the Department to determine the employer's payroll, payroll shall be imputed to be the statewide average weekly wage as defined in s.440.12(2) F.S. multiplied by 1.5, (440.107(7)(e)).

\*\* Premium multiplied by statutory factor of 1.5

\*\*\* Greater of penalty under column (g) or \$1000. s440.107(d)(1)

State of Florida, Department of Financial Services  
 Division of Workers' Compensation, Bureau of Compliance  
 Penalty Worksheet

**BUSINESS NAME: JAMES L. HENDERSON**

**DWC Case No. 09-045-1A**

Part 1. Penalty for failure to obtain coverage that meets the requirements of Chapter 440, F.S. and the Insurance Code.								
Employee Name	Imputed	(a) Class Code	(b) Period of Non-Compliance	(c) Gross Payroll *	(d) Column (c) /100	(e) Approved Manual Rate	(f) Premium (d) x (e)	(g) Penalty** (f) x 1.5
GALINDO HERNANDO	<input checked="" type="checkbox"/>	5022	02/14/2009 02/17/2009	655,84	6.56	8.54	56.01	84.02
Part 1 Penalty Sub-Totals: ***				508,932.71			70,337.88	105,507.05

\* If the employer has failed to provide business records sufficient to enable the Department to determine the employer's payroll, payroll shall be imputed to be the statewide average weekly wage as defined in s.440.12(2) F.S. multiplied by 1.5, (440.107(7)(e)).

\*\* Premium multiplied by statutory factor of 1.5

\*\*\* Greater of penalty under column (g) or \$1000. s440.107(d)(1)

**TOTAL PENALTY for Parts 1, 2, 3, 4, 5: \$105,507.05**

# **EXHIBIT D**