



REPRESENTING
ALEX SINK
CHIEF FINANCIAL OFFICER
STATE OF FLORIDA

001676

FILED

OCT 15 2009

Chief Financial Officer
Docketed by: BBB

09-4647

IN THE MATTER OF:

Case Number: 09-168-D1-09-WC

THUNDER DEVELOPMENT CORPORATION,

2009 OCT 16 A 10:35
DIVISION OF
ADMINISTRATIVE
HEARINGS
FILED

FINAL ORDER

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 Stop-Work Order, and the Amended Order of Penalty Assessment, served in Division of Workers' Compensation Case No. 09-168-D1-09-WC, and being otherwise fully advised in the premises, hereby finds that:

1. On June 23, 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. 09-168-D1-09-WC to THUNDER DEVELOPMENT CORPORATION. The Stop-Work Order and Order of Penalty Assessment included a Notice of Rights wherein THUNDER DEVELOPMENT CORPORATION 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 June 23, 2009, the Stop-Work Order and Order of Penalty Assessment was served by posting on THUNDER DEVELOPMENT CORPORATION. On June 26, 2009, the Stop-Work Order and Order of Penalty Assessment was served by certified mail on THUNDER DEVELOPMENT CORPORATION. Copies of the Stop-Work Order and Order of Penalty Assessment are attached hereto as "Exhibit A" and incorporated herein by reference.

3. On July 24, 2009, the DEPARTMENT issued an Amended Stop-Work Order in Case No. 09-168-D1-09-WC to THUNDER DEVELOPMENT CORPORATION. The Amended Stop-Work Order included a Notice of Rights wherein THUNDER DEVELOPMENT CORPORATION was advised that any request for an administrative proceeding to challenge or contest the Amended Stop-Work Order must be filed within twenty-one (21) days of receipt of the Amended Stop-Work Order in accordance with Sections 120.569 and 120.57, Florida Statutes.

4. On July 30, 2009, the Amended Stop-Work Order was served by certified mail on THUNDER DEVELOPMENT CORPORATION. A copy of the Amended Stop-Work Order is attached hereto as "Exhibit B" and incorporated herein by reference.

5. On July 27, 2009, the DEPARTMENT issued an Amended Order of Penalty Assessment in Case No. 09-168-D1-09-WC to THUNDER DEVELOPMENT CORPORATION. The Amended Order of Penalty Assessment assessed a total penalty of \$445,134.86 against THUNDER DEVELOPMENT CORPORATION. The Amended Order of Penalty Assessment included a Notice of Rights wherein THUNDER DEVELOPMENT CORPORATION 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.

6. On August 31, 2009, the Amended Order of Penalty Assessment was served by certified mail on THUNDER DEVELOPMENT CORPORATION. A copy of the Amended Order of Penalty Assessment is attached hereto as "Exhibit C" and incorporated herein by reference.

7. On August 17, 2009, THUNDER DEVELOPMENT CORPORATION filed a petition for administrative review with the DEPARTMENT. The petition for administrative review was forwarded to the Division of Administrative Hearings on August 25, 2009, and the matter was assigned DOAH Case No. 09-4647.

8. On September 17, 2009, THUNDER DEVELOPMENT CORPORATION filed a Notice of Voluntary Dismissal with the Division of Administrative Hearings.

9. On September 21, 2009, the Administrative Law Judge issued an Order Relinquishing Jurisdiction and Closing File which relinquished jurisdiction to the Department. A copy of the Order Relinquishing Jurisdiction and 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 June 23, 2009, the Amended Stop-Work Order issued on July 24, 2009, and the Amended Order of Penalty Assessment issued on July 27, 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 THUNDER DEVELOPMENT CORPORATION violated the specific statutes and rules alleged in the Stop-Work Order and Order of Penalty Assessment, the Amended Stop-Work

Order, and the Amended Order of Penalty Assessment and hereby adopts the violation(s) charged in the Stop-Work Order and Order of Penalty Assessment, the Amended Stop-Work Order, and the 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 Stop-Work Order, and the 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.

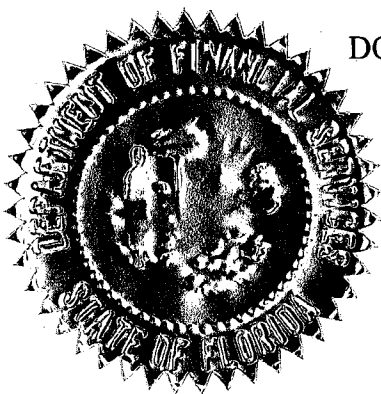
IT IS THEREFORE ORDERED that:

a. THUNDER DEVELOPMENT CORPORATION shall immediately pay the total penalty of \$445,134.86 in full to the DEPARTMENT OF FINANCIAL SERVICES for deposit into the Workers' Compensation Administration Trust Fund; and

b. THUNDER DEVELOPMENT CORPORATION 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 Amended Order of Penalty Assessment. The DEPARTMENT shall not issue an Order releasing the Stop-Work Order and Amended Order of Penalty Assessment until THUNDER DEVELOPMENT CORPORATION has come into compliance with the coverage requirements of Chapter 440, Florida Statutes and has paid a total penalty of \$445,134.86 to the DEPARTMENT.

DONE and ORDERED this 15th 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:

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