



REPRESENTING
ALEX SINK
 CHIEF FINANCIAL OFFICER
 STATE OF FLORIDA

000167

FILED

MAR 11 2010

Chief Financial Officer
 Docketed by: CBZ

IN THE MATTER OF:

GILILEO ROOFING SERVICES, INC.

CASE NO. 09-266-D3-10-WC

DIVISION OF
 ADMINISTRATIVE
 HEARINGS
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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 and the Amended Order of Penalty Assessment served in Division of Workers' Compensation Case No. 09-266-D3, and being otherwise fully advised in the premises, hereby finds that:

1. On October 15, 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. 09-266-D3 to GILILEO ROOFING SERVICES, INC. The Stop-Work Order and Order of Penalty Assessment included a Notice of Rights wherein GILILEO ROOFING SERVICES, INC. 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 October 16, 2009, the Stop-Work Order and Order of Penalty Assessment was served by certified mail on GILILEO ROOFING SERVICES, INC. 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 October 27, 2009, the Department issued an Amended Order of Penalty Assessment in Case No. 09-266-D3 to GILILEO ROOFING SERVICES, INC. The Amended Order of Penalty Assessment assessed a total penalty of \$943,271.38 against GILILEO ROOFING SERVICES, INC. The Amended Order of Penalty Assessment included a Notice of Rights wherein GILILEO ROOFING SERVICES, INC. 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 November 3, 2009, the Amended Order of Penalty Assessment was served on GILILEO ROOFING SERVICES, INC by process server. A copy of the Amended Order of Penalty Assessment is attached hereto as "Exhibit B" and incorporated herein by reference.

5. On November 23, 2009, GILILEO ROOFING SERVICES, INC. filed a Petition/Notice of Appeal of Amended Order of Penalty Assessment with the Department. The Petition/Notice of Appeal of Amended Order of Penalty Assessment was forwarded to the Division of Administrative Hearings on December 9, 2009, and the matter was assigned DOAH Case No. 09-6715.

6. On February 8, 2010, GILILEO ROOFING SERVICES, INC. filed a Voluntary Dismissal of Petition for Formal Hearing with the Division of Administrative Hearings. A copy of the Voluntary Dismissal of Petition for Formal Hearing is attached hereto as "Exhibit C" and incorporated herein by reference.

7. On February 12, 2010, the Administrative Law Judge issued an Order Closing File which relinquished jurisdiction to the Department for final agency action. A copy of the Order Closing File is attached hereto as "Exhibit D" and incorporated herein by reference.

FINDINGS OF FACT

8. The factual allegations contained in the Stop-Work Order and Order of Penalty Assessment issued on October 15, 2009, and the Amended Order of Penalty Assessment issued on October 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

9. Based upon the Findings of Fact adopted herein, the Department concludes that GILILEO ROOFING SERVICES, INC. violated the specific statutes and rules alleged in the Stop-Work Order and Order of Penalty Assessment and the Amended Order of Penalty Assessment and hereby adopts the violation(s) charged in the Stop-Work Order and Order of Penalty Assessment and the Amended Order of Penalty Assessment as the Conclusions of Law in this case.

PENALTY IMPOSED

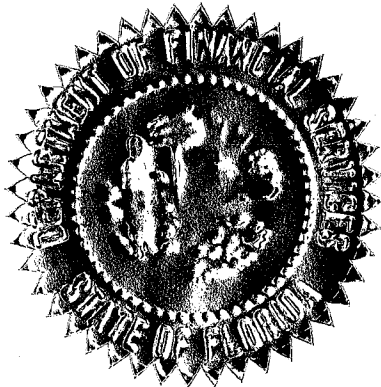
10. The voluntary dismissal of the petition for hearing submitted in reference to the Stop-Work Order and Order of Penalty Assessment and the Amended Order of Penalty Assessment, taken together with the Findings of Fact and Conclusions of Law adopted herein, constitute grounds for the Chief Financial Officer to impose the penalty and order the cessation of business operations as set forth herein.

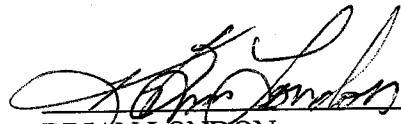
IT IS THEREFORE ORDERED that:

a. GILILEO ROOFING SERVICES, INC. shall immediately pay the total penalty of \$943,271.38 in full to the Department of Financial Services for deposit into the Workers' Compensation Administration Trust Fund; and

b. GILILEO ROOFING SERVICES, INC. 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 GILILEO ROOFING SERVICES, INC. has come into compliance with the coverage requirements of Chapter 440, Florida Statutes, and has paid the total penalty of \$943,271.38 to the Department.

DONE and ORDERED this 11th day of March, 2010.




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 Julie Jones, 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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BUREAU OF COMPLIANCE
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1920 WEKIVA WAY, SUITE 102
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JUSTIN FAULKNER
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DIVISION OF LEGAL SERVICES
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