

**FILED**

OCT 26 2011

003382



CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

Chief Financial Officer  
Docketed by: Bob

**FILED**  
2011 OCT 27 P 2:41  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

In the Matter of

JR CONSTRUCTION SUPPORT  
SERVICES, LLC.

Case No.: 10-042-1A-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, the Amended Order of Penalty Assessment, the 2nd Amended Order of Penalty Assessment, the 3rd Amended Order of Penalty Assessment, the Petitions received from JR CONSTRUCTION SUPPORT SERVICES, LLC., the Motions to Withdraw Petition for a Hearing, and the Orders Closing File, and being otherwise fully advised in the premises, hereby finds that:

**FINDINGS OF FACT**

1. On February 2, 2010, the Department issued a Stop-Work Order and Order of Penalty Assessment to JR CONSTRUCTION SUPPORT SERVICES, LLC.
2. On February 2, 2010, the Stop-Work Order and Order of Penalty Assessment was personally served on JR CONSTRUCTION SUPPORT SERVICES, LLC. 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 February 18, 2010, the Department issued an Amended Order of Penalty Assessment in Division of Workers' Compensation Case No. 10-042-1A to JR

CONSTRUCTION SUPPORT SERVICES, LLC. The Amended Order of Penalty Assessment assessed a total penalty of \$58,304.66 against JR CONSTRUCTION SUPPORT SERVICES, LLC.

4. On February 18, 2010, the Amended Order of Penalty Assessment was personally served on JR CONSTRUCTION SUPPORT SERVICES, LLC. A copy of the Amended Order of Penalty Assessment is attached hereto as "Exhibit B" and incorporated herein by reference.

5. On March 10, 2010, JR CONSTRUCTION SUPPORT SERVICES, LLC filed a request for Administrative Review ("Petition"), requesting review of the Amended Order of Penalty Assessment. The petition for administrative review was forwarded to the Division of Administrative Hearings on March 25, 2010, and the matter was assigned DOAH Case No. 10-1607. A copy of the Petition is attached hereto as "Exhibit C" and incorporated herein by reference.

6. On October 1, 2010, JR CONSTRUCTION SUPPORT SERVICES, LLC filed a Motion to Withdraw Petition for a Hearing. A copy of the Motion to Withdraw Petition is attached hereto as "Exhibit D" and incorporated herein by reference.

7. On October 1, 2010, the Administrative Law Judge issued an Order Closing File. A copy of the Order Closing File is attached hereto as "Exhibit E" and incorporated herein by reference.

8. On January 6, 2011, the Department issued a 2nd Amended Order of Penalty Assessment in Division of Workers' Compensation Case No. 10-042-1A to JR CONSTRUCTION SUPPORT SERVICES, LLC.

9. On January 7, 2011, the 2nd Amended Order of Penalty Assessment was served by personal service on JR CONSTRUCTION SUPPORT SERVICES, LLC. A copy of the 2nd

Amended Order of Penalty Assessment is attached hereto as "Exhibit F" and incorporated herein by reference.

10. On January 26, 2011, JR CONSTRUCTION SUPPORT SERVICES, LLC filed a request for Administrative Review ("Petition"), requesting review of the 2nd Amended Order of Penalty Assessment. The petition for administrative review was forwarded to the Division of Administrative Hearings on February 8, 2011, and the matter was assigned DOAH Case No. 11-0591. A copy of the Petition is attached hereto as "Exhibit G" and incorporated herein by reference.

11. On September 26, the Department issued a 3<sup>rd</sup> Amended Order of Penalty Assessment in Division of Workers' Compensation Case No. 10-042-1A to JR CONSTRUCTION SUPPORT SERVICES, LLC. The 3<sup>rd</sup> Amended Order of Penalty Assessment assessed a total penalty of \$1,000.00 against JR CONSTRUCTION SUPPORT SERVICES, LLC.

12. On September 27, 2011, the 3<sup>rd</sup> Amended Order of Penalty Assessment was served by U.S. Mail on JR CONSTRUCTION SUPPORT SERVICES, LLC. A copy of the 3<sup>rd</sup> Amended Order of Penalty Assessment is attached hereto as "Exhibit H" and incorporated herein by reference.

13. On September 27, 2011, JR CONSTRUCTION SUPPORT SERVICES, LLC filed a Motion to Withdraw Petition for a Hearing. A copy of the Motion to Withdraw Petition is attached hereto as "Exhibit I" and incorporated herein by reference.

14. On September 28, 2011, the Administrative Law Judge issued an Order Closing File. A copy of the Order Closing File is attached hereto as "Exhibit J" and incorporated herein by reference.

15. The factual allegations contained in the Stop-Work Order and Order of Penalty Assessment, issued on February 2, 2010, the Amended Order of Penalty Assessment, issued on February 18, 2010, the Motion to Withdraw Petition for a Hearing, filed on October 1, 2010, the, the 2nd Amended Order of Penalty Assessment, issued in January 6, 2011, the Order Closing File, issued on October 1, 2010, the Motion to Withdraw Petition for a Hearing, issued September 27, 2011, the 3rd Amended Order of Penalty Assessment issued September 26, 2011, and the Order Closing File, issued September 28, 2011, and which are fully incorporated herein by reference, are adopted as the Department's Findings of Fact in this matter.

### **CONCLUSIONS OF LAW**

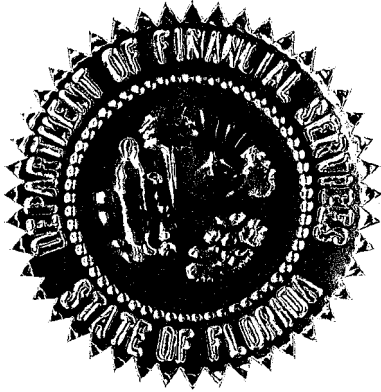
The conclusions of law contained in the Stop-Work Order and Order of Penalty Assessment, issued on February 2, 2010, the Amended Order of Penalty Assessment, issued on February 18, 2010, the Motion to Withdraw Petition for a Hearing, filed on October 1, 2010, the, the 2nd Amended Order of Penalty Assessment, issued in January 6, 2011, the Order Closing File, issued on October 1, 2010, the Motion to Withdraw Petition for a Hearing, issued September 27, 2011, the 3rd Amended Order of Penalty Assessment issued September 26, 2011, and the Order Closing File, issued September 28, 2011, and which are fully incorporated herein by reference, are adopted as the Department's Conclusions of Law in this matter.

### **IT IS HEREBY ORDERED that**

a. JR CONSTRUCTION SUPPORT SERVICES, LLC shall immediately pay the total penalty of \$1,000.00, in full, to the DEPARTMENT OF FINANCIAL SERVICES for deposit into the Workers' Compensation Administration Trust Fund.

b. JR CONSTRUCTION SUPPORT SERVICES, LLC 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 3rd Amended Order of Penalty Assessment. The Department shall not issue an Order releasing the Stop-Work Order and 3rd Amended Order of Penalty Assessment until JR CONSTRUCTION SUPPORT SERVICES, LLC has come into compliance with the coverage requirements of Chapter 440, Florida Statutes.

**DONE AND ORDERED** on this 26<sup>th</sup> day of October, 2011.



A handwritten signature in black ink, appearing to read "E. Tanner Holloman". The signature is written in a cursive style and is positioned above a horizontal line.

E. Tanner Holloman  
Director, Workers' Compensation

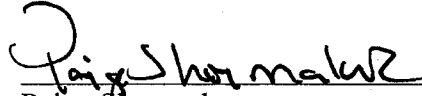
### **NOTICE OF RIGHTS**

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 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.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by U.S.

Mail to the person(s) listed below, on this 26<sup>th</sup> day of October, 2011.



Paige Shoemaker  
Florida Bar No. 143022  
Assistant General Counsel  
Department of Financial Services  
Division of Legal Services  
200 E. Gaines Street  
Tallahassee, FL 32399-4229  
850 413-1606  
850 413-1978 (fax)

**Copies to:**

YAW AKUOKO, ESQ.  
2003 APALACHEE PARKWAY, SUITE 110  
TALLAHASSEE, FLORIDA 32301