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Chief Financial Officer
Docketed by: OSP

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DIVISION OF
ADMINISTRATIVE
HEARINGS

REPRESENTING
ALEX SINK
CHIEF FINANCIAL OFFICER
STATE OF FLORIDA

IN THE MATTER OF:

Case No.: 09-361-1A-WC

L & T BUILDING, LLC

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 request for administrative hearing received from L & T BUILDING, LLC, the Stop-Work Order and Order of Penalty Assessment, the Amended Order of Penalty Assessment, the 2nd Amended Order of Penalty Assessment, and the 3rd Amended Order of Penalty Assessment, being otherwise fully advised in the premises, hereby finds that:

1. On December 28, 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. 09-361-1A to L & T BUILDING, LLC. The Stop-Work Order and Order of Penalty Assessment included a Notice of Rights wherein L & T BUILDING, LLC 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, and must conform to Rule 28-106.2015, Florida Administrative Code.

2. On December 28, 2009, the Stop-Work Order and Order of Penalty Assessment was personally served on L & T BUILDING, 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 January 11, 2010, the Department issued an Amended Order of Penalty Assessment to L & T BUILDING, LLC. The Amended Order of Penalty Assessment assessed a total penalty of \$381,102.00 against L & T BUILDING, LLC. The Amended Order of Penalty Assessment included a Notice of Rights wherein L & T BUILDING, LLC 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, and must conform to Rule 28-106.2015, Florida Administrative Code.

4. On January 19, 2010, the Amended Order of Penalty Assessment was personally served on L & T BUILDING, LLC. A copy of the Amended Order of Penalty Assessment is attached hereto as "Exhibit B" and incorporated herein by reference.

5. On February 22, 2010, the Department issued a 2nd Amended Order of Penalty Assessment to L & T BUILDING, LLC. The 2nd Amended Order of Penalty Assessment assessed a total penalty of \$40,371.25 against L & T BUILDING, LLC. The 2nd Amended Order of Penalty Assessment included a Notice of Rights wherein L & T BUILDING, LLC was advised that any request for an administrative proceeding to challenge or contest the 2nd Amended Order of Penalty Assessment must be filed within twenty-one (21) days of receipt of

the 2nd Amended Order of Penalty Assessment in accordance with Sections 120.569 and 120.57, Florida Statutes, and must conform to Rule 28-106.2015, Florida Administrative Code.

6. On February 22, 2010, the 2nd Amended Order of Penalty Assessment was personally served on L & T BUILDING, LLC. A copy of the 2nd Amended Order of Penalty Assessment is attached hereto as "Exhibit C" and incorporated herein by reference.

7. On March 1, 2010, the Department issued a 3rd Amended Order of Penalty Assessment to L & T BUILDING, LLC. The 3rd Amended Order of Penalty Assessment assessed a total penalty of \$42,371.25 against L & T BUILDING, LLC. The 3rd Amended Order of Penalty Assessment included a Notice of Rights wherein L & T BUILDING, LLC was advised that any request for an administrative proceeding to challenge or contest the 3rd Amended Order of Penalty Assessment must be filed within twenty-one (21) days of receipt of the 3rd Amended Order of Penalty Assessment in accordance with Sections 120.569 and 120.57, Florida Statutes, and must conform to Rule 28-106.2015, Florida Administrative Code.

8. On May 5, 2010, the 3rd Amended Order of Penalty Assessment was personally served on L & T BUILDING, LLC. A copy of the 3rd Amended Order of Penalty Assessment is attached hereto as "Exhibit D" and incorporated herein by reference.

9. On May 26, 2010, L & T BUILDING, LLC filed a petition for administrative review ("Petition") with the Department which was forwarded to the Division of Administrative Hearings and assigned DOAH Case No. 10-3301. A copy of the Petition is attached hereto as "Exhibit E".

10. On August 17, 2010, counsel for L & T BUILDING, LLC filed a Notice of Voluntary Dismissal of L & T BUILDING, LLC's Petition with the Division of Administrative Hearings. As a result, Administrative Law Judge S.D. Cleavinger entered an Order Closing File,

relinquishing jurisdiction of this matter to the Department. A copy of the Order Closing File is attached hereto as "Exhibit F".

FINDINGS OF FACT

11. The factual allegations contained in the Stop-Work Order and Order of Penalty Assessment issued on December 28, 2009, the Amended Order of Penalty Assessment issued on January 11, 2010, the 2nd Amended Order of Penalty Assessment issued on February 22, 2010, and the 3rd Amended Order of Penalty Assessment issued on March 1, 2010, attached as "Exhibit A", "Exhibit B", "Exhibit C", and "Exhibit D", respectively, and fully incorporated herein by reference, are hereby adopted as the Department's Findings of Fact in this case.

CONCLUSIONS OF LAW

12. Based upon the Findings of Fact adopted herein, the Department concludes that L & T BUILDING, LLC violated the specific statutes and rules alleged in the Stop-Work Order and Order of Penalty Assessment, the Amended Order of Penalty Assessment, the 2nd Amended Order of Penalty Assessment, and the 3rd 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, the 2nd Amended Order of Penalty Assessment, and the 3rd Amended Order of Penalty Assessment as the Conclusions of Law in this case.

PENALTY IMPOSED

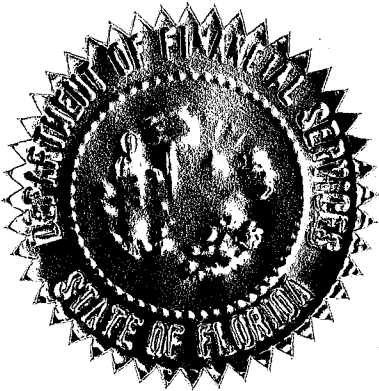
13. The Order Closing File from the Division of Administrative Hearings, the Stop-Work Order and Order of Penalty Assessment, the Amended Order of Penalty Assessment, the 2nd Amended Order of Penalty Assessment, and the 3rd Amended Order of Penalty Assessment, taken together with the Findings of Fact and Conclusions of Law adopted herein, constitute grounds for the Chief Financial Officer to impose the penalty as set forth herein.

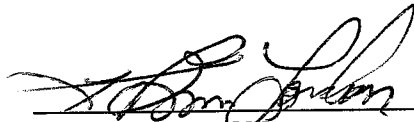
IT IS THEREFORE ORDERED that:

a. L & T BUILDING, LLC shall immediately pay the total penalty of \$42,371.25 in full to the Department of Financial Services for deposit into the Workers' Compensation Administration Trust Fund;

b. L & T BUILDING, 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 Order of Penalty Assessment. The Department shall not issue an Order releasing the Stop-Work Order and Order of Penalty Assessment until L & T BUILDING, LLC has come into compliance with the coverage requirements of Chapter 440, Florida Statutes and has paid a total penalty of \$42,371.25 to the Department.

DONE and ORDERED this 10th day of September, 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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