

**FILED**

JAN 20 2011

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Chief Financial Officer  
Docketed by:           

REPRESENTING  
CHIEF FINANCIAL OFFICER  
**JEFF ATWATER**  
STATE OF FLORIDA

11 JAN 21 PM 1:31  
FILED  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

**IN THE MATTER OF:**

**Case No.: 10-111-D4-WC**

**GGR, L.L.C.**  
  

**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 requests for administrative hearing received from GGR, L.L.C., the Stop-Work Order and Order of Penalty Assessment, the Amended Order of Penalty Assessment, and the 2nd Amended Order of Penalty Assessment, and being otherwise fully advised in the premises, hereby finds that:

1. On April 5, 2010, 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. 10-111-D4 to GGR, L.L.C. The Stop-Work Order and Order of Penalty Assessment included a Notice of Rights wherein GGR, L.L.C. 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 April 13, 2010, the Stop-Work Order and Order of Penalty Assessment was personally served on GGR, L.L.C. 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 April 27, 2010, GGR, L.L.C. filed a Response to Stop-Work Order and Request for Hearing ("Petition") with the Department which contested the Stop-Work Order and Order of Penalty Assessment issued by the Department. A copy of the Petition is attached hereto as "Exhibit B".

4. On May 13, 2010, the Department issued an Amended Order of Penalty Assessment to GGR, L.L.C. The Amended Order of Penalty Assessment assessed a total penalty of \$329,549.82 against GGR, L.L.C.

5. On May 24, 2010, the Amended Order of Penalty Assessment was served by certified mail on GGR, L.L.C. A copy of the Amended Order of Penalty Assessment is attached hereto as "Exhibit C" and incorporated herein by reference.

6. On June 21, 2010, GGR, L.L.C. filed a Response to Amended Order of Penalty Assessment ("Amended Petition") with the Department which was forwarded to the Division of Administrative Hearings and assigned DOAH Case No. 10-4762. A copy of the Amended Petition is attached hereto as "Exhibit D".

7. On September 17, 2010, GGR, L.L.C. filed a Notice of Voluntary Dismissal of its Amended Petition with the Division of Administrative Hearings in DOAH Case No. 10-4762. On September 23, 2010, Administrative Law Judge J. D. Parrish entered an Order Closing File in DOAH Case No. 10-4762. A copy of the Notice of Voluntary Dismissal and Order Closing File are attached hereto as "Exhibit E" and "Exhibit F", respectively.

8. On October 6, 2010, the Department issued a 2nd Amended Order of Penalty Assessment to GGR, L.L.C. The 2nd Amended Order of Penalty Assessment assessed a total penalty of \$284,375.20 against GGR, L.L.C. The 2nd Amended Order of Penalty Assessment included a Notice of Rights wherein GGR, L.L.C. 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.

9. On October 18, 2010, the 2nd Amended Order of Penalty Assessment was served on GGR, L.L.C. by certified mail. A copy of the 2nd Amended Order of Penalty Assessment is attached hereto as "Exhibit G" and incorporated herein by reference.

10. GGR, L.L.C. failed to respond to the 2nd Amended Order of Penalty Assessment, resulting in the issuance of this Final Order.

#### FINDINGS OF FACT

11. The factual allegations contained in the Stop-Work Order and Order of Penalty Assessment issued on April 5, 2010, the Amended Order of Penalty Assessment issued on May 13, 2010, and the 2nd Amended Order of Penalty Assessment issued on October 6, 2010, attached as "Exhibit A", "Exhibit C", and "Exhibit G", 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 GGR, L.L.C. 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

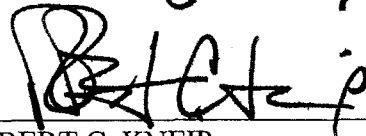
13. The Order Closing File from the Division of Administrative Hearings, the Stop-Work Order and Order of Penalty Assessment, the Amended Order of Penalty Assessment, and the 2nd Amended Order of Penalty Assessment, taken together with the Findings of Fact and Conclusions of Law adopted herein, constitute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

IT IS THEREFORE ORDERED that:

a. GGR, L.L.C. shall immediately pay the total penalty of \$284,375.20 in full to the Department of Financial Services for deposit into the Workers' Compensation Administration Trust Fund; and

b. GGR, L.L.C. 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 GGR, L.L.C. has come into compliance with the coverage requirements of Chapter 440, Florida Statutes, and has paid a total penalty of \$284,375.20 to the Department.

DONE and ORDERED this 13 day of January, 2011.



ROBERT C. KNEIP  
CHIEF OF STAFF



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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