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JUN 13 2011

001305



Chief Financial Officer
Docketed by: MSB

CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

FILED
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DEPARTMENT OF
ADMINISTRATIVE
SERVICES

IN THE MATTER OF:

CASE NO.: 10-155-D2OPA-WC

DONNA'S RESTURANT AND
COCKTAIL LOUNGE, INC.
_____ /

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 Petition received from DONNA'S RESTAURANT AND COCKTAIL LOUNGE, INC., as well as the Order of Penalty Assessment, and being otherwise fully advised in the premises, hereby finds that:

FINDINGS OF FACT

1. On November 8, 2010, the Department of Financial Services, Division of Workers' Compensation (hereinafter "Department") issued an Order of Penalty Assessment in Division of Workers' Compensation Case No. 10-155-D2OPA to DONNA'S RESTAURANT AND COCKTAIL LOUNGE, INC. for a total assessed penalty of \$32,116.65. The Order of Penalty Assessment included a Notice of Rights wherein DONNA'S RESTAURANT AND COCKTAIL LOUNGE, INC. was advised that any request for an administrative proceeding to challenge or contest the Order of Penalty Assessment must conform to Rule 28-106.2015, Florida Administrative Code.

2. On December 8, 2010, the Order of Penalty Assessment was served by personal service on DONNA'S RESTAURANT AND COCKTAIL LOUNGE, INC. A copy of the Order of Penalty Assessment is attached hereto as "Exhibit 1" and incorporated herein by reference.

3. On December 29, 2010, DONNA'S RESTAURANT AND COCKTAIL LOUNGE, INC. filed a Petition for Administrative Review Hearing ("Petition") with the Department. The petition for administrative review was forwarded to the Division of Administrative Hearings on January 6, 2011, and the matter was assigned DOAH Case No. 11-0033. A copy of the petition is attached hereto as "Exhibit 2" and incorporated herein by reference.

4. On March 22, 2011, the Petitioner filed with DOAH a Motion to Deem Matters Admitted and to Relinquish Jurisdiction Pursuant to Section 120.57 (1)(i), Florida Statutes. A copy of the Motion to Deem Matters Admitted and to Relinquish Jurisdiction Pursuant to Section 120.57 (1)(i), Florida Statutes is attached hereto as "Exhibit 3" and incorporated herein by reference.

5. On March 30, 2011, the Department a received copy of an Order Granting Petitioner's Motion to Deem Matters Admitted and to Relinquish Jurisdiction Pursuant to Section 120.57 (1)(i), Florida Statutes. A copy of the Order Relinquishing Jurisdiction and Closing File is attached hereto as "Exhibit 4" and incorporated herein by reference.

6. The factual allegations contained in the Order of Penalty Assessment, issued on November 8, 2010, are fully incorporated herein by reference, and are adopted as the Department's Findings of Fact in this matter.

CONCLUSIONS OF LAW

7. The conclusions of law contained in the Order of Penalty Assessment, issued on November 8, 2010, 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. The Order of Penalty Assessment against DONNA'S RESTAURANT AND COCKTAIL LOUNGE, INC. issued on November 8, 2010 is affirmed; and

b. DONNA'S RESTAURANT AND COCKTAIL LOUNGE, INC. shall pay the total penalty of \$32,116.65 in full to the Department of Financial Services for deposit into the Workers' Compensation Administration Trust Fund.

DONE AND ORDERED on this 13th day of June, 2011.



E. Farmer Holloman
Director, Division of Workers' Compensation

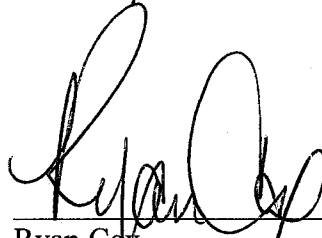


NOTICE OF RIGHTS

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.

SIGNATURE OF ATTORNEY AND CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via U.S. Mail to Darryl Mitchell, Esq., attorney for Donna's Restaurant and Cocktail Lounge, at 941 W. Commercial Blvd., Fort Lauderdale, Florida 33309 on this 13th day of June, 2011.



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