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Chief Financial Officer
Docketed by: MBB



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

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DIVISION OF
ADMINISTRATIVE
HEARINGS

IN THE MATTER OF:

CASE NO.: 10-388-D4-OPA-WC

DIABETES AND ENDOCRINE
CENTER OF FLORIDA, P.A.

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 DIABETES AND ENDOCRINE CENTER OF FLORIDA, P.A., as well as the Order of Penalty Assessment, and being otherwise fully advised in the premises, hereby finds that:

FINDINGS OF FACT

1. On December 21, 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. 10-388-D4-OPA to DIABETES AND ENDOCRINE CENTER OF FLORIDA, P.A. for a total assessed penalty of \$2,994.10. The Order of Penalty Assessment included a Notice of Rights wherein DIABETES AND ENDOCRINE CENTER OF FLORIDA, P.A. 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 23, 2010, the Order of Penalty Assessment was served by certified mail on DIABETES AND ENDOCRINE CENTER OF FLORIDA, P.A. A copy of the Order of Penalty Assessment with Proof of Service is attached hereto as "Exhibit 1" and incorporated herein by reference.

3. On January 11, 2011, DIABETES AND ENDOCRINE CENTER OF FLORIDA, P.A. 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 20, 2011, and the matter was assigned DOAH Case No. 11-0345. A copy of the petition is attached hereto as "Exhibit 2" and incorporated herein by reference.

4. On February 18, 2011, the Respondent filed with DOAH a Notice of Voluntary Dismissal/Satisfaction of Penalty Assessment and also sent the Department a certified check for \$2,994.10. The check was received by the Department's investigator and deposited into the Workers' Compensation Trust Fund on Monday, February 17, 2011. A copy of the Notice of Voluntary Dismissal/Satisfaction of Penalty Assessment is attached hereto as "Exhibit 3" and incorporated herein by reference.

5. On April 29, 2011, the Department received from DOAH a copy of an Order Relinquishing Jurisdiction and Closing File. 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 December 21, 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 December 21, 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

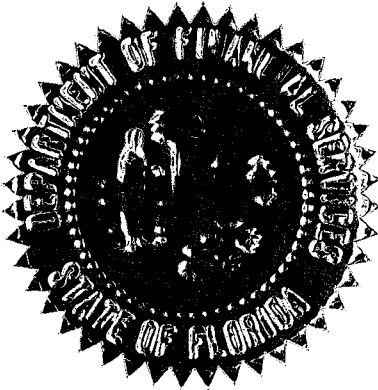
a. The Order of Penalty Assessment against DIABETES AND ENDOCRINE CENTER OF FLORIDA, P.A. issued on December 21, 2010 is affirmed; and

b. DIABETES AND ENDOCRINE CENTER OF FLORIDA, P.A. has made full payment in the amount of \$2,994.10 to the Department of Financial Services for deposit into the Workers' Compensation Administration Trust Fund.

DONE AND ORDERED on this 6th day of June, 2011.



E. Tanner Holloman
Director, Division of Workers' Compensation



NOTICE OF RIGHTS

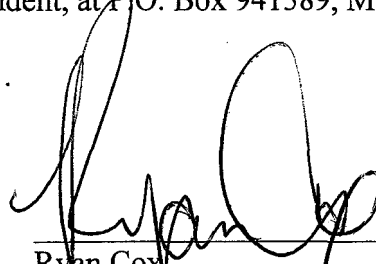
Any party to these proceedings adversely affected by this Order is entitled to seek review of this Order pursuant to Section 120.68, Florida Statutes, and Florida Rule of Appellate Procedure 9.110. Review proceedings must be instituted by filing a Notice of Appeal with Julie Jones, DFS Agency Clerk, 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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent via U.S.

Mail to Gerald Znosko, Esq., Attorney for Respondent, at P.O. Box 941389, Maitland, Florida

32794-1389, this 6th day of June, 2011.



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