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AUG 24 2011

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Chief Financial Officer
Docketed by: 343



REPRESENTING
CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

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2011 AUG 25 P 1:05
DIVISION OF
ADMINISTRATIVE
HEARINGS

IN THE MATTER OF:

Case Number: 09-236-1A-WC

PHILIP'S PARKING LOT MAINTENANCE, 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 Stop-Work Order and Order of Penalty Assessment, the Amended Order of Penalty Assessment, the 2nd Amended Order of Penalty Assessment, the Petition for Hearing, the Withdrawal of Petition, and the Order Relinquishing Jurisdiction and Closing File served in Division of Workers' Compensation Case No. 09-236-1A, and being otherwise fully advised in the premises, hereby finds that:

1. On August 26, 2009, the Department issued a Stop-Work Order and Order of Penalty Assessment to PHILIP'S PARKING LOT MAINTENANCE, INC.
2. On August 26, 2009, the Stop-Work Order and Order of Penalty Assessment was personally served on PHILIP'S PARKING LOT MAINTENANCE, INC. 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 September 17, 2009, the Department issued an Amended Order of Penalty Assessment to PHILIP'S PARKING LOT MAINTENANCE, INC. The Amended Order of Penalty Assessment assessed a total penalty in the amount of \$17, 852.18.

4. On September 19, 2009, the Amended Order of Penalty Assessment was served by certified mail on PHILIP'S PARKING LOT MAINTENANCE, INC. A copy of the Amended Order of Penalty Assessment is attached hereto as "Exhibit B" and incorporated herein by reference.

5. On October 8, 2009, PHILIP'S PARKING LOT MAINTENANCE, INC. filed a Petition for Hearing ("Petition"), requesting review of the Stop-Work Order and Order of Penalty Assessment and Amended Order of Penalty Assessment. The Petition was forwarded to the Division of Administrative Hearings on May 17, 2011, and the matter was assigned DOAH Case No. 11-2466. A copy of the Petition is attached hereto as "Exhibit C" and incorporated herein by reference.

6. On December 1, 2009, the Department issued a 2nd Amended Order of Penalty Assessment to PHILIP'S PARKING LOT MAINTENANCE, INC. The 2nd Amended Order of Penalty Assessment assessed a total penalty in the amount of \$7, 667.51.

7. On February 10, 2011, the 2nd Amended Order of Penalty Assessment was served by certified mail on PHILIP'S PARKING LOT MAINTENANCE, INC. A copy of the 2nd Amended Order of Penalty Assessment is attached hereto as "Exhibit D" and incorporated herein by reference.

8. On July 11, 2011, PHILIP'S PARKING LOT MAINTENANCE, INC. submitted a request to withdraw the Petition. A copy of the request to withdraw the Petition is attached hereto as "Exhibit E" and incorporated herein by reference.

9. On July 13, 2011, the Administrative Law Judge issued an Order Relinquishing Jurisdiction and Closing File. A copy of the Order Relinquishing Jurisdiction and Closing File is attached hereto as "Exhibit F" and incorporated herein by reference.

FINDINGS OF FACT

10. The factual allegations contained in the Stop-Work Order and Order of Penalty Assessment issued on August 26, 2009, the Amended Order of Penalty Assessment issued on September 17, 2009, the 2nd Amended Order of Penalty Assessment issued on December 1, 2009, the request to withdraw the Petition submitted on July 11, 2011, and the Order Relinquishing Jurisdiction and Closing File issued on July 13, 2011, which are fully incorporated herein by reference, are hereby adopted as the Department's Findings of Fact in this case.

CONCLUSIONS OF LAW

11. Based upon the Findings of Fact adopted herein, the DEPARTMENT concludes that PHILIP'S PARKING LOT MAINTENANCE, INC. 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

12. The request to withdraw the Petition submitted in reference to 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

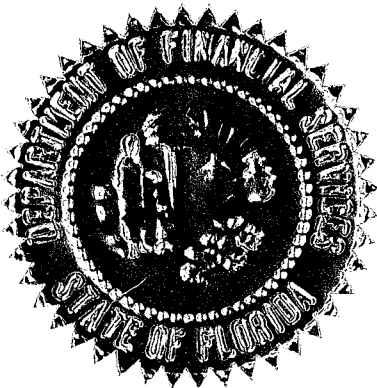
Conclusions of Law adopted herein, constitute grounds for the Chief Financial Officer to impose the penalty as set forth herein.

IT IS THEREFORE ORDERED that:

a. PHILIP'S PARKING LOT MAINTENANCE, INC. shall immediately pay the total penalty of \$7,667.51, in full, to the DEPARTMENT OF FINANCIAL SERVICES for deposit into the Workers' Compensation Administration Trust Fund; and

b. PHILIP'S PARKING LOT MAINTENANCE, INC. 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 2nd Amended Order of Penalty Assessment. The Department shall not issue an Order releasing the Stop-Work Order and 2nd Amended Order of Penalty Assessment until PHILIP'S PARKING LOT MAINTENANCE, INC. has come into compliance with the coverage requirements of Chapter 440, Florida Statutes and has paid a total penalty of \$7,667.51 to the Department.

DONE and ORDERED this 24th day of August, 2011.



A handwritten signature in black ink, appearing to read "E. Tanner Holloman". The signature is written in a cursive, flowing style.

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.

COPIES FURNISHED TO:

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