

FILED

JUN 27 2011

001408

Chief Financial Officer
Docketed by: msb



REPRESENTING
CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

FILED
11 JUN 28 PM 1:28
ADMINISTRATIVE
HEARINGS

11-2577

IN THE MATTER OF:

Case No.: 10-139-D1-WC

JODY L. GRIFFIS, D/B/A GRIFFIS CUSTOM FRAMING

_____ /

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 for Specific Worksite Only and Order of Penalty Assessment, the Amended Order of Penalty Assessment, the Amended Stop-Work Order and Order of Penalty Assessment, the 4th Amended Order of Penalty Assessment, the Petition for Administrative Review, the Notice of Withdrawal, and the Order Closing File, and being otherwise fully advised in the premises, hereby finds that:

1. On May 12, 2010, the Department of Financial Services, Division of Workers' Compensation (hereinafter "Department") issued a Stop-Work Order for Specific Worksite Only and Order of Penalty Assessment in Division of Workers' Compensation Case No. 10-139-D1 to JODY L. GRIFFIS, D/B/A GRIFFIS CUSTOM FRAMING.

2. On May 12, 2010, the Stop-Work Order for Specific Worksite Only and Order of Penalty Assessment was personally served on JODY L. GRIFFIS, D/B/A GRIFFIS CUSTOM FRAMING. A copy of the Stop-Work Order for Specific Worksite Only and Order of Penalty Assessment is attached hereto as "Exhibit A" and incorporated herein by reference.

3. On June 22, 2010, the Department issued an Amended Order of Penalty Assessment in Division of Workers' Compensation Case No. 10-139-D1 to JODY L. GRIFFIS, D/B/A GRIFFIS CUSTOM FRAMING. The Amended Order of Penalty Assessment assessed a total penalty of \$88,153.87 against JODY L. GRIFFIS, D/B/A GRIFFIS CUSTOM FRAMING.

4. On June 23, 2010, the Amended Order of Penalty Assessment was served by certified mail on JODY L. GRIFFIS, D/B/A GRIFFIS CUSTOM FRAMING. A copy of the Amended Order of Penalty Assessment is attached hereto as "Exhibit B" and incorporated herein by reference.

5. On July 20, 2010, JODY L. GRIFFIS, D/B/A GRIFFIS CUSTOM FRAMING filed a Petition for Administrative Review ("Petition") with the Department in response to the Amended Order of Penalty Assessment. A copy of the Petition is attached hereto as "Exhibit C" and incorporated herein by reference.

6. On July 30, 2010, the Department issued an Amended Stop-Work Order and Order of Penalty Assessment in Division of Workers' Compensation Case No. 10-139-D1 to JODY L. GRIFFIS, D/B/A GRIFFIS CUSTOM FRAMING.

7. On August 12, 2010, the Amended Stop-Work Order and Order of Penalty Assessment was served by certified mail on JODY L. GRIFFIS, D/B/A GRIFFIS CUSTOM FRAMING. A copy of the Amended Stop-Work Order and Order of Penalty Assessment is attached hereto as "Exhibit D" and incorporated herein by reference.

8. On January 19, 2011, the Department issued a 4th Amended Order of Penalty Assessment in Division of Workers' Compensation Case No. 10-139-D1 to JODY L. GRIFFIS, D/B/A GRIFFIS CUSTOM FRAMING. The 4th Amended Order of Penalty Assessment

assessed a total penalty of \$18,003.57 against JODY L. GRIFFIS, D/B/A GRIFFIS CUSTOM FRAMING.

9. On January 28, 2011, the 4th Amended Order of Penalty Assessment was served by United States mail on JODY L. GRIFFIS, D/B/A GRIFFIS CUSTOM FRAMING. A copy of the 4th Amended Order of Penalty Assessment is attached hereto as "Exhibit E" and incorporated herein by reference.

10. On May 19, 2011, the Petition was forwarded to the Division of Administrative Hearings and assigned DOAH Case No. 11-2577.

11. On May 26, 2011, JODY L. GRIFFIS, D/B/A GRIFFIS CUSTOM FRAMING filed a Notice of Voluntary Dismissal. A copy of the Notice of Voluntary Dismissal is attached hereto as "Exhibit F" and incorporated herein by reference.

12. On May 31, 2011, an Order Closing File was entered in Division of Administrative Hearings Case. No. 11-2577. A copy of the Order Closing File is attached hereto as "Exhibit G" and incorporated herein by reference.

FINDINGS OF FACT

The factual allegations contained in the Stop-Work Order for Specific Worksite Only and Order of Penalty Assessment issued on May 12, 2010, the Amended Order of Penalty Assessment issued on June 22, 2010, the Amended Stop-Work Order and Order of Penalty Assessment issued on July 30, 2010, the 4th Amended Order of Penalty Assessment issued on January 19, 2011, the Notice of Voluntary Dismissal, and the Order Closing File which are fully incorporated herein by reference, are hereby adopted as the Department's Findings of Fact in this case.

CONCLUSIONS OF LAW

Based upon the Findings of Fact adopted herein, the Department concludes that JODY L. GRIFFIS, D/B/A GRIFFIS CUSTOM FRAMING violated the specific statutes and rules alleged in the Stop-Work Order for Specific Worksite Only and Order of Penalty Assessment, the Amended Order of Penalty Assessment, the Amended Stop-Work Order and Order of Penalty Assessment, and the 4th Amended Order of Penalty Assessment, and hereby adopts the violation(s) charged in the Stop-Work Order for Specific Worksite Only and Order of Penalty Assessment, the Amended Order of Penalty Assessment, the Amended Stop-Work Order and Order of Penalty Assessment, and the 4th Amended Order of Penalty Assessment, as the Conclusions of Law in this case.

PENALTY IMPOSED

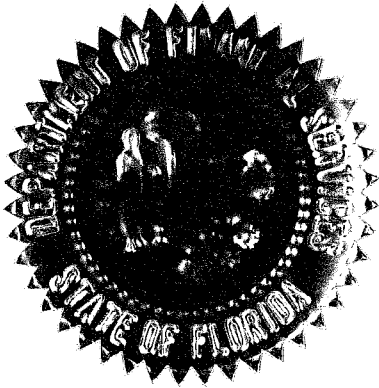
The Notice of Voluntary Dismissal and Order Closing File, taken together with the Findings of Fact and Conclusions of Law adopted herein, constitute grounds for the Chief Financial Officer to impose the penalty as set forth herein.

IT IS THEREFORE ORDERED that:

- a. JODY L. GRIFFIS, D/B/A GRIFFIS CUSTOM FRAMING shall immediately pay the total penalty of \$18,003.57, in full, to the Department of Financial Services for deposit into the Workers' Compensation Administration Trust Fund; and
- b. JODY L. GRIFFIS, D/B/A GRIFFIS CUSTOM FRAMING shall immediately cease all business operations in the State of Florida until such time as the Department issues an order releasing the Amended Stop-Work Order and 4th Amended Order of Penalty Assessment. The Department shall not issue an Order releasing the Amended Stop-Work Order and 4th Amended Order of Penalty Assessment until JODY L.

GRIFFIS, D/B/A GRIFFIS CUSTOM FRAMING has come into compliance with the coverage requirements of Chapter 440, Florida Statutes and has paid a total penalty of \$18,003.57 to the Department.

DONE AND ORDERED on this 27th day of June, 2011.



A handwritten signature in black ink, appearing to read "E. Tanner Holloman".

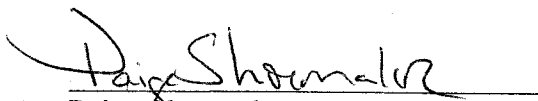
E. Tanner Holloman
Director, Workers' Compensation

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 was furnished by U.S. Mail to Jody L. Griffis, 17697 NE 19th Lane, Starke, Florida 32091, on this 27th day of June, 2011.


Paige Shoemaker
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COPIES FURNISHED TO:

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