

FILED

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CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

Chief Financial Officer

Docketed by: *J. Johnson*

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DIVISION OF
ADMINISTRATIVE
HEARINGS

IN THE MATTER OF:

Case No. 13-307-D3-WC

MAD DOG MARKETING GROUP, INC.

AMENDED FINAL ORDER

THIS CAUSE came on for consideration of and final agency action on the Recommended Order rendered by Administrative Law Judge Robert S. Cohen ("ALJ") on December 20, 2013, subsequent to a mandate issued by the First District Court of Appeal on October 29, 2014.

After review of the record, including the transcript of proceedings, admitted exhibits, and mandate from the First District Court of Appeal, and being otherwise fully apprised in all material premises,

IT IS HEREBY ORDERED that the ALJ's Findings of Fact and Conclusions of Law set forth in the Recommended Order are adopted as the Department's Findings of Fact and Conclusions of Law.

IT IS HEREBY FURTHER ORDERED that the Stop-Work Order and the 3rd Amended Order of Penalty Assessment are affirmed, assessing a penalty in the amount of \$42,251.43 against Mad Dog Marketing Group, Inc. ("Mad Dog"). Mad Dog will not be assessed an additional \$1,000.00 for each of the two days in violation of the Stop-Work Order. Mad Dog shall pay the amount of \$42,251.43 to the Department within thirty (30) days from the date hereof, or alternatively, Mad Dog shall enter into a Payment Agreement Schedule for Periodic Payment of Penalty for said amount.

IT IS HEREBY FURTHER ORDERED that Mad Dog shall cease all business operations unless and until it provides evidence satisfactory to the Division of Workers' Compensation of having now complied with the workers' compensation law by securing the necessary workers' compensation insurance coverage for covered employees and, pursuant to section 440.107(7)(a), Florida Statutes (2013), paying the civil penalty imposed herein.

DONE AND ORDERED this 17th day of March, 2015.




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 Rule 9.110, Fla. R. App. P. Review proceedings must be instituted by filing a petition or notice of appeal with Julie Jones, DFS Agency Clerk, at 612 Larson Building, Tallahassee, Florida, 32399-0390 and a copy of the same with the appropriate district court of appeal within thirty (30) days of rendition of this Order.

Copies to:

Trevor S. Suter, Esquire
Kristian Eiler Dunn, Esquire
Robert S. Cohen, (ALJ)

M A N D A T E

From

DISTRICT COURT OF APPEAL OF FLORIDA

FIRST DISTRICT

FILED
2015 MAR 19 PM 12:27
DIVISION OF
ADMINISTRATIVE HEARINGS

To Robert C. Kneip, Chief of Staff, Department of Financial Services

WHEREAS, in the certain cause filed in this Court styled:

MAD DOG MARKETING GROUP, INC. Case No : 1D14-1091

v.

**Lower Tribunal Case No : 13-307-D3-
WC**

DEPARTMENT OF FINANCIAL SERVICES, ETC.

The attached opinion was issued on October 13, 2014.

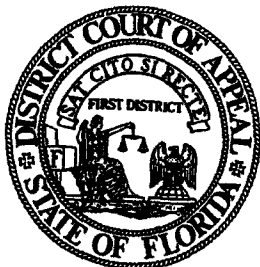
YOU ARE HEREBY COMMANDED that further proceedings, if required, be had in accordance with said opinion, the rules of Court, and the laws of the State of Florida.

WITNESS the Honorable Joseph Lewis, Jr., Chief Judge

of the District Court of Appeal of Florida, First District,

and the Seal of said Court done at Tallahassee, Florida,

on this 29th day of October 2014.



Jon S. Wheeler

JOHN S. WHEELER, Clerk
District Court of Appeal of Florida, First District



IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

MAD DOG MARKETING
GROUP, INC.,

Appellant,

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CASE NO. 1D14-1091

v.

DEPARTMENT OF
FINANCIAL SERVICES,
DIVISION OF WORKERS'
COMPENSATION,

Appellee.

FILED
2015 MAR 19 PM 12:28
DIVISION OF
ADMINISTRATIVE HEARINGS

Opinion filed October 13, 2014.

An appeal from an Order of the Department of Financial Services.

Bennett M. Miller, Law Offices of Bennett M. Miller, P.A., Tallahassee, for
Appellant.

Trevor S. Suter, Assistant General Counsel, Department of Financial Services,
Tallahassee, for Appellee.

PER CURIAM.

Mad Dog Marketing Group, Inc., appeals a final order of the Department of
Financial Services imposing penalties for failure to secure workers' compensation

coverage for its employees. We affirm without comment Issues I, II, and III, but reverse Issue IV. The department erred as a matter of law by fining appellant \$2,000.00 for continuing to operate its business in violation of the stop-work order, because the department had not charged appellant with such violation as required by Florida Rule of Administrative Procedure 28-106.2015(1). See, e.g., Gonzalez v. Dep't of Health, 120 So. 3d 234 (Fla. 1st DCA 2013); Trevisani v. Dep't of Health, 908 So. 2d 1108 (Fla. 1st DCA 2005); Cottrill v. Dep't of Ins., 685 So. 2d 1371 (Fla. 1st DCA 1996).

AFFIRMED IN PART, REVERSED IN PART, and REMANDED.

PADOVANO, THOMAS, and CLARK, JJ., CONCUR.