

FILED

AUG 07 2018

Chief Financial Officer
Docketed by: 



CHIEF FINANCIAL OFFICER
JIMMY PATRONIS
STATE OF FLORIDA

DEPARTMENT OF FINANCIAL
SERVICES, DIVISION OF WORKERS'
COMPENSATION,

Petitioner,
v.

DOAH CASE NO.: 17-4241
DFS CASE NO.: 17-250-1A-WC

BOSS LADY CONCREATE CO., LLC,
Respondent.

FINAL ORDER

THIS CAUSE came on for consideration of and for final agency action on a Recommended Order.

After reviewing the record, including admitted exhibits, considering applicable law, and otherwise being fully apprised in all material premises, the Recommended Order is hereby adopted, except as modified below.

1. Conclusions of Law paragraph 33 is modified by replacing “chapter . . . such” with “chapter or to produce the required business records under subsection (5) within 10 business days after receipt of the written request of the department, such”.¹ The Department’s substituted conclusion of law is as or more reasonable than the ALJ’s conclusion of law.

¹ This modification to Conclusions of Law paragraph 33 adds statutory language from the partially quoted section 440.107(7)(a), Florida Statutes, to clarify the applicability of the cited statute to Respondent’s failure to timely comply with the Department’s business records request.

2. The Recommendation is modified in section (b) by replacing “SWO” with “Department’s Request to Produce”.²

Accordingly, the Stop-Work Order shall remain in effect until Respondent complies with the Request for Production of Business Records.

DONE and ORDERED this 7th day of August, 2018.





Ryan West
Chief of Staff

² The ALJ, in Findings of Fact paragraph 23 and Conclusions of Law paragraph 35, found that Respondent failed to comply with the Request for Production of Business Records, not the Stop-Work Order, by virtue of Respondent’s failure to produce tax records. Therefore, the Department’s modification above merely harmonizes the Recommendation in section (b) with the remainder of the Recommended Order.

NOTICE OF RIGHT TO APPEAL

A party adversely affected by this final order may seek judicial review as provided in section 120.68, Florida Statutes, and Florida Rule of Appellate Procedure 9.190. Judicial review is initiated by filing a notice of appeal with the Agency Clerk, and a copy of the notice of appeal, accompanied by the filing fee, with the appropriate district court of appeal. The notice of appeal must conform to the requirements of Florida Rule of Appellate Procedure 9.110(d), and must be filed (i.e., received by the Agency Clerk) within thirty days of rendition of this final order.

Filing with the Department's Agency Clerk may be accomplished via U.S. Mail, express overnight delivery, hand delivery, facsimile transmission, or electronic mail. The address for overnight delivery or hand delivery is Julie Jones, DFS Agency Clerk, Department of Financial Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0390. The facsimile number is (850) 488-0697. The email address is Julie.Jones@myfloridacfo.com.

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