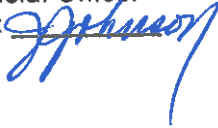


FILED

SEP 26 2018

Chief Financial Officer
Docketed by:



CHIEF FINANCIAL OFFICER
JIMMY PATRONIS
STATE OF FLORIDA

DEPARTMENT OF FINANCIAL
SERVICES, DIVISION OF WORKERS'
COMPENSATION,

Petitioner,

DOAH CASE NO.: 17-6979
DFS CASE NO.: 17-005-1A-WC

v.

VINYL SIDING CONTRACTOR SERVICE
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 all testimony and 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. The comma between "Service" and "LLC" in the caption and body of the Recommended Order (in the "Statement of the Issues" and "Recommendation") is deleted to correctly state the legal name of Respondent in accordance with the evidence presented at hearing. The insertion of the comma is not based upon competent substantial evidence. *See, e.g.*, Petitioner's Exhibits A, C, and G.


2. Findings of Fact paragraph 3 is modified to replace "corporation" with "limited liability company", "incorporated" with "organized", and "officer" with

“member” throughout the Recommended Order, including Findings of Fact paragraphs 2, 3, 7, and 8. The use of the deleted language is not based upon competent substantial evidence. Respondent is a limited liability company, not a corporation. *See, e.g., id.*

3. Findings of Fact paragraph 28 is modified by rejecting all but the last sentence of the paragraph. The Department does not, in this Final Order, take a position on the merits of the opinions expressed by the ALJ in the first three sentences of paragraph 28. However, those opinions are editorial, do not constitute findings of fact or conclusions of law, and are not relevant to the determination of the matter. Therefore, all but the final sentence of paragraph 28 is rejected. To the extent a statement is required pursuant to section 120.57(1)(1), Florida Statutes, modified paragraph 28 is as or more reasonable than the conclusions of law, if any, deleted from paragraph 28, and the facts, if any, deleted from paragraph 28 are not based upon competent substantial evidence or are not relevant to determination of this matter.

Accordingly, Vinyl Siding Contractor Service LLC is assessed a penalty in the amount of \$13,357.20 for failing to secure and maintain required workers' compensation insurance.

DONE and ORDERED this 26 day of September, 2018.



Ryan West
Chief of Staff



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.

Copies furnished to:

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