

FILED

MAR 27 2019

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.: 18-0619
DFS CASE NO.: 17-266-D2-WC

v.

GRANDVIEW GARDENS BED
& BREAKFAST, INC.,

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 with the following modifications.

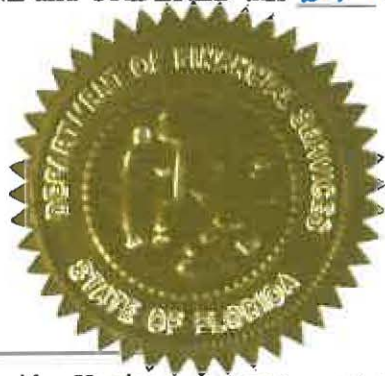
1. The caption, "Appearances," "Preliminary Statement" (first paragraph), and "Copies Furnished" provisions are modified by replacing "Grandview Gardens Bed and Breakfast, Inc.," with "Grandview Gardens Bed & Breakfast, Inc.," to correctly state the legal name of Respondent. *See, e.g.*, Petitioner's Exhibits 1, 3, and 4.
2. The Preliminary Statement (third paragraph) is modified by replacing "Exhibits 1 through 6" with "Exhibits A through F".
3. Findings of Fact paragraph 4 and the accompanying footnote are rejected

because the finding that Respondent met with an agent from Henderson Insurance on July 19, 2017, is not supported by competent, substantial evidence. *See* Tr. 55:21-25, 56:1-25, 57: 1-16; R's Ex. D and E.¹

4. Findings of Fact paragraph 13 is rejected because the finding that the reduction to the penalty is based solely upon the timely production of business records is not supported by competent, substantial evidence. A full review of the record shows reduction of the penalty from \$25,397.06 to \$13,755.55 is based on two separate credits and application of a down payment. Therefore, the finding is replaced with the following: "After Grandview made a down payment on the initial penalty, obtained a workers' compensation policy, and timely provided sufficient business records, Jackson correctly applied the initial down payment, the Workers' Compensation Coverage credit, and the twenty-five percent (25%) penalty reduction credit to arrive at the reduced penalty amount of \$13,755.55."

Accordingly, Grandview Gardens Bed & Breakfast, Inc., is assessed a penalty in the amount of \$13,755.55 for failing to secure and maintain required workers' compensation insurance.

DONE and ORDERED this 27th day of March, 2019.




Ryan West
Chief of Staff

¹ The meeting with a Henderson insurance agent occurred following Respondent's receipt of a notice from the Division of Workers' Compensation bearing a postmark of July 26, 2017. Further, although the erroneous date in the finding is a harmless error, the partial quote from Respondent's deposition is not only incomplete, but it is lacking context. Thus, the finding creates the appearance of a disregard of the law on the part of Respondent that is not supported by competent substantial evidence.

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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 **MAILED**
3.27.19
J. Johnson