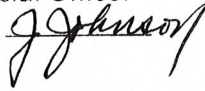


FILED

JAN 26 2021

Chief Financial Officer
Docketed by:



CHIEF FINANCIAL OFFICER
JIMMY PATRONIS
STATE OF FLORIDA

2021 JAN 29 PM 2:12
DIVISION OF
ADMINISTRATIVE HEARINGS

FILED

DEPARTMENT OF FINANCIAL
SERVICES, DIVISION OF WORKERS'
COMPENSATION,

Petitioner,

DOAH CASE NO.: 18-1300
DFS CASE NO.: 16-433-D4-WC

v.

JOHN MCCARY GENERAL
CONTRACTOR, INC.,

Respondent.

FINAL ORDER

THIS CAUSE came on for consideration of and for final agency action on a Recommended Order. Respondent timely filed an exception to the Recommended Order and Petitioner filed a response to Respondent's exception.

RULING ON RESPONDENT'S EXCEPTION

Exceptions to a recommended order are authorized by section 120.57(1)(k), Florida Statutes (2018), and Rule 28-106.217, *Florida Administrative Code*.

The final order shall include an explicit ruling on each exception, but an agency need not rule on an exception that does not clearly identify the disputed portion of the recommended order by page number or paragraph, that does not identify the legal basis for the exception, or that does not include appropriate and specific citations to the record.

§ 120.57(1)(k), Fla. Stat. (2018). Respondent's exception fails entirely to comply with the above requirements, and, therefore, need not be addressed. It is noted however, that Respondent's exception requests a hardship reduction of the penalty to the amount of

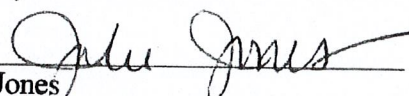
\$167,000.00, without citing any supporting law (of which there is none), or, in the alternative, a period of 96 months within which to pay the full penalty, which would violate the terms of Rule 69L-6.025(2)(b)1., *Florida Administrative Code*. For the above reasons, Respondent's exception is rejected.

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.

Accordingly, John McCary General Contractor, Inc., is assessed a penalty of \$269,317.06, with a credit in the amount of \$1,000.00 previously paid by Respondent.

DONE and ORDERED this 19 day of January, 2021




Julie Jones
Deputy Chief Financial Officer

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 Diane Wint, 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 DFSAgencyClerk@myfloridacfo.com.

Copies furnished to:

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John D. C. Newton, II
Administrative Law Judge
Division of Administrative Hearings
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060



MAILED

01.26.2021

J. Johnson