

FILED

SEP 05 2018

Chief Financial Officer
Docketed by:



CHIEF FINANCIAL OFFICER
JIMMY PATRONIS
STATE OF FLORIDA

DEPARTMENT OF FINANCIAL
SERVICES, DIVISION OF WORKERS'
COMPENSATION,

Petitioner,

CASE NO.: 17-269-D1-WC

v.

RUVALCABA CONSTRUCTION LLC,

Respondent.

FINAL ORDER

THIS CAUSE came before me for final action on Ruvalcaba Construction LLC's ("Employer") request for administrative review ("petition") challenging a Stop-Work Order and Order of Penalty Assessment and 2nd Amended Order of Penalty Assessment.

FINDINGS OF FACT

1. On July 19, 2017, the Department of Financial Services, Division of Workers' Compensation ("Department"), personally served Employer a Stop-Work Order and Order of Penalty Assessment.
2. On July 20, 2017, the Department and Employer executed an Agreed Order of Conditional Release from Stop-Work Order ("Conditional Release"), wherein Employer agreed to pay the Department the penalty assessed against Employer.
3. On December 11, 2017, the Department personally served an Amended Order of Penalty Assessment on Employer. The Amended Order of Penalty Assessment assessed a total penalty of \$158,608.52.

4. On January 18, 2018, the Department personally served a 2nd Amended Order of Penalty Assessment on Employer. The 2nd Amended Order of Penalty Assessment assessed a total penalty of \$130,164.68.

5. On February 7, 2018, the Department received a request for administrative review (“petition”) from Employer.

6. On April 3, 2018, the Department referred Employer’s petition to the Division of Administrative Hearings (“DOAH”).

7. On May 7, 2018, the Employer withdrew its petition.

8. On May 8, 2018, DOAH relinquished jurisdiction back to the Department.

9. The factual allegations contained in the Stop-Work Order and Order of Penalty Assessment, and the 2nd Amended Order of Penalty Assessment are hereby adopted as the Department’s findings of fact in this case.

CONCLUSIONS OF LAW

10. Based upon the findings of fact adopted herein, the Department concludes Employer violated the specific statutes and rules as alleged in the Stop-Work Order and Order of Penalty Assessment, and the 2nd Amended Order of Penalty Assessment.

Accordingly, Employer remains subject to the Conditional Release until Employer has paid the total penalty of \$130,164.68 to the Department.

DONE AND ORDERED on this 5th day of September, 2018.




E. TANNER HOLLOMAN, DIRECTOR
Division of Workers' Compensation

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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