

FILED

NOV 06 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.: 18-1804
DFS CASE NO.: 17-181-1A-WC

v.

HORACE BRADLEY SHEFFIELD
BUILDERS 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 follows.

1. The caption is modified by replacing "Builders, LLC" with "Builders LLC". See Department's Exhibit 3.
2. Findings of Fact paragraph 2 is modified by replacing "§ 440.02(15), Fla. Stat." with "§§ 440.02(15)- (17)(b)2., Fla. Stat.". The modification clarifies the paragraph by providing legal citation for the second legal proposition in the paragraph. While characterized as a Finding of Fact, the paragraph sets forth a statement of law, over which the Department has substantive jurisdiction. The modification is as or more reasonable than the modified language.

3. Conclusions of Law paragraph 48 endnote 2 is modified by replacing “However, the Department’s Exhibit 15 demonstrates that Mr. Hedrington is not the owner. Nevertheless,” with “Even if Mr. Hedrington was not the owner,”. Petitioner’s Exhibit 15 does not identify the owner(s) of Professional Electrical Systems, Inc. Although the modified language is part of an endnote to a paragraph characterized as a Conclusion of Law, the modified language sets forth a finding of fact. The record does not contain competent substantial evidence to support the finding of fact.

Accordingly, Horace Bradley Sheffield Builders LLC is assessed a penalty of \$6,031.46.

DONE and ORDERED this 6th day of November, 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:

Horace Bradley Sheffield Builders LLC
c/o Horace B. Sheffield
4564 Ambervalley Drive
Tallahassee, Florida 32312

Dustin Metz
Executive Senior Attorney
Department of Financial Services
200 East Gaines Street
Tallahassee, Florida 32399-0333

