

FILED

JUN 24 2019

Chief Financial Officer
Docketed by: *Johnson*



CHIEF FINANCIAL OFFICER
JIMMY PATRONIS
STATE OF FLORIDA

DEPARTMENT OF FINANCIAL
SERVICES, DIVISION OF
WORKERS' COMPENSATION,

Petitioner,

vs.

DFS Case No.: 18-114-D1-WC
DOAH Case No.: 19-0025

RAMS CONSTRUCTION OF NE FL LLC,

Respondent.

FINAL ORDER

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

FINDINGS OF FACT

1. On March 29, 2018, the Department of Financial Services, Division of Workers' Compensation ("Department"), served Employer a Stop-Work Order and Order of Penalty Assessment ("Stop-Work Order").
2. On April 4, 2018, 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 July 11, 2018, the Department served Employer an Amended Order of Penalty Assessment. The Amended Order of Penalty Assessment assessed a total penalty of \$72,536.48.

4. On November 28, 2018, the Department served Employer a 2nd Amended Order of Penalty Assessment. The 2nd amended order assessed a total penalty of \$39,639.64.

5. On December 14, 2018, the Department received Employer's petition for hearing.

6. On January 2, 2019, the Department referred the petition for hearing to the Division of Administrative Hearings ("DOAH").

7. On May 2, 2019, based on the absence of any disputed issues of material fact, the Administrative Law Judge entered an Order Closing File that relinquished jurisdiction to the Department.

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

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CONCLUSIONS OF LAW

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

Accordingly:

a. Employer shall immediately execute a payment agreement or pay the penalty of \$39,639.64 in full to the Department for deposit into the Workers' Compensation Administration Trust Fund;

b. Employer remains subject to the Conditional Release until the total penalty of \$39,639.64 is paid in full to the Department.

DONE and ORDERED this 24th day of June, 2019.



A handwritten signature in black ink, appearing to read "E. Tanner Holloman". The signature is written in a cursive style and is positioned above a horizontal line.

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.

COPY FURNISHED TO:

DUSTIN CHARLES-ADEEB NEMATI
ARMSTRONG LAW GROUP, P.A.
300 WEST ADAMS STREET, SUITE 400
JACKSONVILLE, FLORIDA 32202

