

FILED

SEP 28 2021

Chief Financial Officer
Docketed by: *P. W. Woberton*



CHIEF FINANCIAL OFFICER
JIMMY PATRONIS
STATE OF FLORIDA

DEPARTMENT OF FINANCIAL
SERVICES, DIVISION OF WORKERS'
COMPENSATION,

Petitioner,

v.

Case No. 18-025-D2-WC

THE FENCE COMPANY OF SOUTH
FLORIDA, INC.,

Respondent.

FINAL ORDER

THIS CAUSE came before me for final action on The Fence Company of South Florida, Inc.'s ("Employer") request for administrative review ("petition") challenging a Stop-Work Order and a 2nd Amended Order of Penalty Assessment.

FINDINGS OF FACT

1. On February 7, 2018, the Department of Financial Services, Division of Workers' Compensation ("Department"), posted a Stop-Work Order and Order of Penalty Assessment at Employer's worksite.
2. On February 8, 2018, the Department personally served Employer a Stop-Work Order and Order of Penalty Assessment.
3. On February 8, 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.
4. On February 8, 2018, Employer paid \$1,000 to the Department.

5. On April 19, 2018, the Department served Employer an Amended Order of Penalty Assessment. The Amended Order of Penalty Assessment assessed a penalty of \$65,846.16.

6. On December 31, 2018, the Department served Employer a 2nd Amended Order of Penalty Assessment. The 2nd Amended Order of Penalty Assessment imposed a penalty of \$62,144.00.

7. On January 11, 2019, the Department received Employer's petition.

8. On March 11, 2019, the Department received Employer's second petition.

9. On July 12, 2021, the Department referred this matter to the Division of Administrative Hearings (DOAH) for a formal hearing on Employer's petitions.

10. On July 12, 2021, the Department served its First Request for Admissions ("discovery") on Respondent by electronic mail.

11. On July 22, 2021, the Department served its discovery on Respondent by U.S. certified mail.

12. On August 30, 2021, the Department filed a Motion to Deem Matters Admitted and to Relinquish Jurisdiction ("Motion"), based upon Employer's failure to respond to the discovery.

13. On September 13, 2021, the administrative law judge granted the Department's Motion and entered an Order Closing File and Relinquishing Jurisdiction to the Department.

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

CONCLUSIONS OF LAW

15. 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 2nd Amended Order of Penalty Assessment.

Accordingly, Employer remains subject to the Conditional Release until the entire penalty of \$62,144.00 is paid

DONE and ORDERED this 28th day of September, 2021.



A handwritten signature in black ink, appearing to read "E. Tanner Holloman".

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 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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 **MAILED**
9-28-2021
P. Woolverton