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MALARET LAW FIRM, PLC

Pedro J. Malaret, Esquire

P.O. Box 4579
Orlando, FL 32802
Telephone (407) 898-8758
Facsimile (407) 898-8768
pedro@malaretlawfirm.com

July 23, 2015

Julie Jones
DFS Agency Clerk
Room 612 Larson Building
200 East Gaines Street
Tallahassee, FL 32399

RE: In The Matter of G & F Renovations, LLC
Case No.:14-166-D1 -WC

Dear Ms. Jones:

Enclosed for submission, please find Motion for Rehearing and/or Relief from Judgment relating to the above reference matter.

Should you require any further documentation, please feel free to contact me.

Yours truly,



Pedro J. Malaret, Esq.
Attorney at Law

15 JUL 27 AM 10:14
DEPT OF FINANCIAL SERVICES
DIV OF LIC & SERVICES
WORKERS COMP SECTION

FILED
Department of Financial Services
<i>Julie Jones</i>
Agency Clerk
Date: <u>7-24-15</u>

STATE OF FLORIDA, DEPARTMENT OF FINANCIAL SERVICES
DIVISION OF WORKERS' COMPENSATION

IN THE MATTER OF:

CASE NO.: 14-166-D1-WC

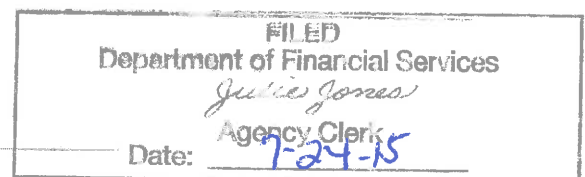
G & F RENOVATIONS, INC.

MOTION FOR REHEARING AND/OR RELIEF FROM JUDGMENT

COMES NOW G & F RENOVATIONS, INC., ("G&F") by and through their undersigned counsel, and does hereby file this Motion for Rehearing and/or Relief from Judgment pursuant to Rules 1.530 and 1.540, Florida Rules of Civil Procedure and states:

1. That on July 8, 2015, this court entered a final order assessing a penalty of \$353,106.42 against G&F as set forth in an Amended Order of Penalty Assessment allegedly served October 6, 2014.
2. However, said amended order was not properly served on G&F. In fact, the Amended Order, dated September 19, 2014, alleges on its face to have been served on G&F on October 6, 2014, *but does not state at what time it was served nor the method of service.*
3. Moreover, on September 25, 2014, the undersigned served a letter to Michael Robinson, Compliance Investigator, specifically advising that all papers to be served on G&F should be served on counsel via mail or delivery to counsel's office.¹ (Exhibit A).

¹ Note that counsel *did not* agree to accept service by any other means, including email.



4. Nonetheless, the May 15, 2015, Notice of Default Pending Final Order *was not sent* to counsel.
5. Additionally, the undersigned spoke with Michael Robinson about the case and both expressed a desire to work together toward a resolution. Mr. Robinson indicated that his reason for issuing the Stop Work Order was only due to fact that workers found on site were not listed on the leasing contract. (Exhibit B). There were four (4) workers found onsite; thus, the Stop Work Order was issued solely as to these four (4) workers.
6. Despite his express pronouncement that the Stop Work Order was issued solely as a result of the four (4) workers found on site, the penalties were assessed against G&F as to several other employees, including exempt company officers. Further, Mr. Robinson did not attempt to work with counsel toward a resolution as promised, and instead the Notice of Default was issued without notice to the undersigned.
7. In addition, the penalties assessed go back as far as 2012, prior to the reinstatement of G&F as a Florida business on August 13, 2013. That is, penalties were assessed *prior to* the date the company was in business.²
8. Furthermore, the four (4) onsite workers that are the subject of this entire penalty assessment and Stop Work Order cause only worked for approximately two (2) weeks in May of 2014; yet, the penalties on these workers span two (2) years.
9. Altogether, the assessment of the alarmingly high penalty of more than \$350,000.00 against G&F is inequitable. G&F was never properly served, the undersigned counsel was kept in the dark, and the penalties ultimately assessed are completely miscalculated and based on incorrect dates and employee information.

² Note that the company was out of business from approximately 2008 through August 13 of 2013.

10. Thus, G&F requests a rehearing and/or relief from the Final Order issued on July 8, 2015, and specifically requests that an administrative proceeding be scheduled in accordance with §§120.569 and 120.57, Florida Statutes.

WHEREFORE, G&F RENOVATIONS, INC. requests that this Motion for Rehearing and/or Relief from Judgment be granted, and that an administrative proceeding be scheduled so that this cause can proceed on the merits with the benefit of argument and evidence from counsel.

Dated this 23rd day of July, 2015.

A handwritten signature in black ink, appearing to read "Pedro Malaret", written over a horizontal line.

Pedro Malaret, Esquire

MALARET LAW FIRM, PLC

Pedro J. Malaret, Esquire

P.O. Box 4579
Orlando, FL 32802
Telephone (407) 898-8758
Facsimile (407) 898-8768
pedro@malaretlawfirm.com

SENT VIA EMAIL ONLY

September 25, 2014

Michael Robinson
Compliance Investigator
Division of Workers' Compensation
921 N. Davis St.
Building B Suite 250
Jacksonville, FL 32209

RE: G & F Renovations, Inc; Stop-Work Order No: 14-166-D1

Dear Mr. Robinson:

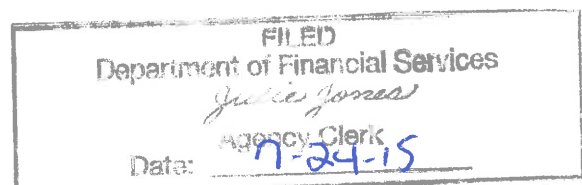
This firm has the pleasure of representing G & F Renovations, Inc. All papers to be served on G & F should be mailed or delivered to this office. My client wishes to resolve all issues relating to the matter amicably and as quickly as possible. As such, please forward a list of all documents needed to my office so that I may get them to you as soon as possible.

Should you require any further documentation, please feel free to contact me either at my office or on my cell at (407) 340-3655. I look forward to working with your to resolve this matter.

Yours truly,

Pedro J. Malaret, Esq.
Attorney at Law

EXHIBIT "A"



From: Robinson, Michael Michael.Robinson@myfloridacfo.com
Subject: RE: G&F Renovations, Inc. Workers Compensation Insurance
Date: September 25, 2014 at 9:36 AM
To: Pedro Malaret pedro@malaretlawfirm.com

RM

Mr. Malaret,

I already have known that G & F Renovations Inc had a leasing contract with this company the issue was the worker's on site were not on that list therefore the Stop Work Order was issued because of the employees not being on the leasing contract.

Michael Robinson
Compliance Investigator
904-798-5875 (office)
904-449-0008 (cell)
7-5875 (Voip)
Michael.Robinson@myfloridacfo.com

From: Pedro Malaret [mailto:pedro@malaretlawfirm.com]
Sent: Thursday, September 25, 2014 9:34 AM
To: Robinson, Michael
Subject: G&F Renovations, Inc. Workers Compensation Insurance

Mr. Robinson,

Attached please find the Worker Comp Dec Page for G&F Renovations, Inc., Please call me at your earliest convenience.

Pedro J. Malaret, Esquire
Malaret Law Firm, PLC
P.O. Box 4579
Orlando, FL 32804
Phone: (407) 898-8758
Fax: (407) 898-8768
pedro@malaretlawfirm.com

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EXHIBIT "B"

FILED
Department of Financial Services
<i>Julia Jones</i>
Agency Clerk
Date: <u>7-24-15</u>

MALARET LAW FIRM, PLC

Pedro J. Malaret, Esquire

P.O. Box 4579
Orlando, FL 32802
Telephone (407) 898-8758
Facsimile (407) 898-8768
pedro@malaretlawfirm.com

July 23, 2015

Julie Jones
DFS Agency Clerk
Room 612 Larson Building
200 East Gaines Street
Tallahassee, FL 32399

RE: In The Matter of Global Roofing, LLC
Case No.: 14-166-D1-OA-WC

Dear Ms. Jones:

Enclosed for submission, please find Motion for Rehearing and/or Relief from Judgment relating to the above reference matter.

Should you require any further documentation, please feel free to contact me.

Yours truly,


Pedro J. Malaret, Esq.
Attorney at Law

15 JUL 27 AM 10:41
DEPT OF FINANCIAL SERVICES
DIV OF LEGAL SERVICES
HONORS CLERK SECTION

FILED
Department of Financial Services
<i>Julie Jones</i>
Agency Clerk
Date: <u>7-24-15</u>

STATE OF FLORIDA, DEPARTMENT OF FINANCIAL SERVICES
DIVISION OF WORKERS' COMPENSATION

IN THE MATTER OF:

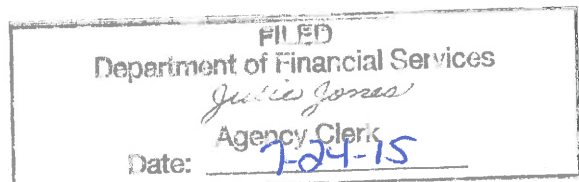
CASE NO.: 14-166-D1-OA-WC

GLOBAL ROOFING, LLC.

MOTION FOR REHEARING AND/OR RELIEF FROM JUDGMENT

COMES NOW GLOBAL ROOFING, LLC, ("GLOBAL") by and through their undersigned counsel, and does hereby file this Motion for Rehearing and/or Relief from Judgment pursuant to Rules 1.530 and 1.540, Florida Rules of Civil Procedure and states:

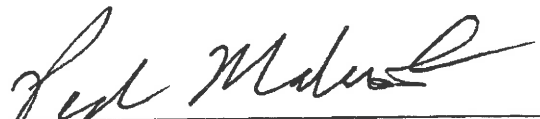
1. That on July 8, 2015, this court entered a final order assessing a penalty of \$353,106.42 against GLOBAL as set forth in an Amended Order of Penalty Assessment allegedly served September, 24, 2014.
2. However, said amended order was not properly served on GLOBAL. Although the Amended Order states that it was served via process server by hand delivery on September 24, 2014, no proof of service is attached.
3. Additionally, the undersigned spoke with Michael Robinson about the case and both expressed a desire to work together toward a resolution. Mr. Robinson indicated that his reason for issuing the Stop Work Order was only due to fact that workers found on site were not listed on the leasing contract. (Exhibit A). There were four (4) workers found onsite; thus, the Stop Work Order was issued solely as to these four (4) workers.



4. Despite his express pronouncement that the Stop Work Order was issued solely as a result of the four (4) workers found on site, the penalties were assessed against GLOBAL as to several other employees, including exempt company officers. Further, Mr. Robinson did not attempt to work with counsel toward a resolution as promised, and instead the Notice of Default was issued on May 15, 2015, without notice to the undersigned.
5. In addition, the penalties assessed go back as far as 2012, prior to the date GLOBAL was formed as a Florida corporation on July 1, 2014. That is, penalties were assessed *prior to* the date the company was in business. (Exhibit B).
6. Furthermore, the four (4) onsite workers that are the subject of this entire cause only worked for approximately two (2) weeks in May of 2014; yet, the penalties on these workers span two (2) years.
7. Altogether, the assessment of the alarmingly high penalty of more than \$350,000.00 is inequitable. GLOBAL was never properly served, the undersigned counsel was kept in the dark, and the penalties ultimately assessed are completely miscalculated and based on incorrect dates and employee information.
8. Thus, GLOBAL requests a rehearing and/or relief from the Final Order issued on July 8, 2015, and specifically requests that an administrative proceeding be scheduled in accordance with §§120.569 and 120.57, Florida Statutes.

WHEREFORE, GLOBAL ROOFING, LLC requests that this Motion for Rehearing and/or Relief from Judgment be granted, and that an administrative proceeding be scheduled so that this cause can proceed on the merits with the benefit of argument and evidence from counsel.

Dated this 23rd day of July, 2015.


Pedro Malaret, Esquire

From: Robinson, Michael Michael.Robinson@myfloridacfo.com
Subject: RE: G&F Renovations, Inc. Workers Compensation Insurance
Date: September 25, 2014 at 9:36 AM
To: Pedro Malaret pedro@malaretlawfirm.com



Mr. Malaret,
I already have known that G & F Renovations Inc had a leasing contract with this company the issue was the worker's on site were not on that list therefore the Stop Work Order was issued because of the employees not being on the leasing contract.

Michael Robinson
Compliance Investigator
904-798-5875 (office)
904-449-0008 (cell)
7-5875 (Voip)
Michael.Robinson@myfloridacfo.com

From: Pedro Malaret [mailto:pedro@malaretlawfirm.com]
Sent: Thursday, September 25, 2014 9:34 AM
To: Robinson, Michael
Subject: G&F Renovations, Inc. Workers Compensation Insurance

Mr. Robinson,

Attached please find the Worker Comp Dec Page for G&F Renovations, Inc., Please call me at your earliest convenience.

Pedro J. Malaret, Esquire
Malaret Law Firm, PLC
P.O. Box 4579
Orlando, FL 32804
Phone: (407) 898-8758
Fax: (407) 898-8768
pedro@malaretlawfirm.com

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EXHIBIT "A"

FILED Department of Financial Services <i>Julie Jones</i> Agency Clerk Date: <u>7-24-15</u>
--

**Electronic Articles of Organization
For
Florida Limited Liability Company**

L14000105034
FILED 8:00 AM
July 01, 2014
Sec. Of State
tcline

Article I

The name of the Limited Liability Company is:
GLOBAL ROOFING, LLC.

Article II

The street address of the principal office of the Limited Liability Company is:
312 NORTH STAR CT
SANFORD, FL. 32771

The mailing address of the Limited Liability Company is:
312 NORTH STAR CT
SANFORD, FL. 32771

Article III

The name and Florida street address of the registered agent is:
G & F RENOVATIONS, INC,
312 NORTH STAR CT
SANFORD, FL. 32771

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

Registered Agent Signature: ERIC FRANCO

Article IV

The name and address of person(s) authorized to manage LLC:

Title: PST
ERIC FRANCO
1572 SHADOW MOSS CIRCLE
LAKE MARY, FL. 32746

Title: MGR
STEPHEN E HALL
1572 SHADOW MOSS CIRCLE
LAKE MARY, FL. 32746

L14000105034
FILED 8:00 AM
July 01, 2014
Sec. Of State
tcline

Article V

The effective date for this Limited Liability Company shall be:

07/07/2014

Signature of member or an authorized representative

Electronic Signature: ERIC FRANCO

I am the member or authorized representative submitting these Articles of Organization and affirm that the facts stated herein are true. I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s.817.155, F.S. I understand the requirement to file an annual report between January 1st and May 1st in the calendar year following formation of the LLC and every year thereafter to maintain "active" status.

MALARET LAW FIRM, PLC

Pedro J. Malaret, Esquire

P.O. Box 4579
Orlando, FL 32802
Telephone (407) 898-8758
Facsimile (407) 898-8768
pedro@malaretlawfirm.com

July 23, 2015

Julie Jones
DFS Agency Clerk
Room 612 Larson Building
200 East Gaines Street
Tallahassee, FL 32399

RE: In The Matter of GES Waste, LLC
Case No.:14-266-D1-OA-WC

Dear Ms. Jones:

Enclosed for submission, please find Motion for Rehearing and/or Relief from Judgment relating to the above reference matter.

Should you require any further documentation, please feel free to contact me.

Yours truly,


Pedro J. Malaret, Esq.
Attorney at Law

15 JUL 27 AM 10:44
DEPT OF FINANCIAL SERVICES
DIV OF LEGAL SERVICES
WORKERS COMP SECTION

FILED
Department of Financial Services
<i>Julie Jones</i>
Agency Clerk
Date: <u>7-24-15</u>

STATE OF FLORIDA, DEPARTMENT OF FINANCIAL SERVICES
DIVISION OF WORKERS' COMPENSATION

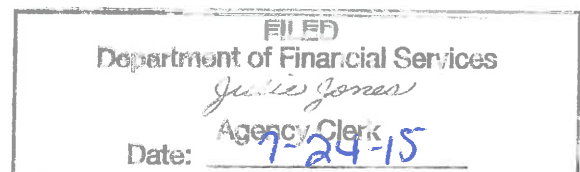
IN THE MATTER OF:
GES WASTE, LLC.

CASE NO.: 14-166-D1-OA-WC

MOTION FOR REHEARING AND/OR RELIEF FROM JUDGMENT

COMES NOW, GES WASTE, LLC, ("GES") by and through their undersigned counsel, and does hereby file this Motion for Rehearing and/or Relief from Judgment pursuant to Rules 1.530 and 1.540, Florida Rules of Civil Procedure and states:

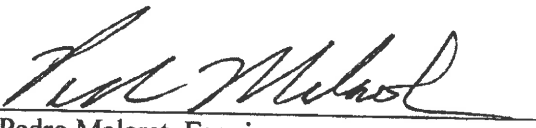
1. That on July 8, 2015, this court entered a final order assessing a penalty of \$353,106.42 against GES as set forth in an Amended Order of Penalty Assessment allegedly served September 24, 2014.
2. However, said amended order was not properly served on GES. Although the Amended Order states that it was served via process server by hand delivery on September 24, 2014, no proof of service is attached.
3. Additionally, the undersigned spoke with Michael Robinson about the case and both expressed a desire to work together toward a resolution. Mr. Robinson indicated that his reason for issuing the Stop Work Order was only due to fact that workers found on site were not listed on the leasing contract. (Exhibit A). There were four (4) workers found onsite; thus, the Stop Work Order was issued solely as to these four (4) workers.



4. Despite his express pronouncement that the Stop Work Order was issued solely as a result of the four (4) workers found on site, the penalties were assessed against GES as to several other employees, including exempt company officers. Further, Mr. Robinson did not attempt to work with counsel toward a resolution as promised, and instead the Notice of Default was issued on May 15, 2015, without notice to the undersigned.
5. In addition, the penalties assessed go back as far as 2012, prior to the date GES was formed as a Florida corporation on July 1, 2014. That is, penalties were assessed *prior to* the date the company was in business. (Exhibit B).
6. Furthermore, the four (4) onsite workers that are the subject of this entire penalty assessment and Stop Work Order cause only worked for approximately two (2) weeks in May of 2014; yet, the penalties on these workers span two (2) years.
7. Altogether, the assessment of the alarmingly high penalty of more than \$350,000.00 is inequitable. GES was never properly served, the undersigned counsel was kept in the dark, and the penalties ultimately assessed are completely miscalculated and based on incorrect dates and employee information.
8. Thus, GES requests a rehearing and/or relief from the Final Order issued on July 8, 2015, and specifically requests that an administrative proceeding be scheduled in accordance with §§120.569 and 120.57, Florida Statutes.

WHEREFORE, GES WASTE, LLC requests that this Motion for Rehearing and/or Relief from Judgment be granted, and that an administrative proceeding be scheduled so that this cause can proceed on the merits with the benefit of argument and evidence from counsel.

Dated this 23rd day of July, 2015.

A handwritten signature in black ink, appearing to read 'Pedro Malaret', written over a horizontal line.

Pedro Malaret, Esquire

From: Robinson, Michael Michael.Robinson@myfloridacfo.com
Subject: RE: G&F Renovations, Inc. Workers Compensation Insurance
Date: September 25, 2014 at 9:36 AM
To: Pedro Malaret pedro@malaretlawfirm.com

RM

Mr. Malaret,

I already have known that G & F Renovations Inc had a leasing contract with this company the issue was the worker's on site were not on that list therefore the Stop Work Order was issued because of the employees not being on the leasing contract.

Michael Robinson
Compliance Investigator
904-798-5875 (office)
904-449-0008 (cell)
7-5875 (Voip)
Michael.Robinson@myfloridacfo.com

From: Pedro Malaret [mailto:pedro@malaretlawfirm.com]
Sent: Thursday, September 25, 2014 9:34 AM
To: Robinson, Michael
Subject: G&F Renovations, Inc. Workers Compensation Insurance

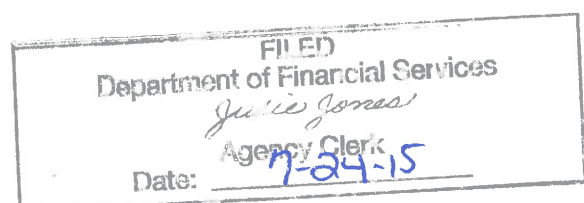
Mr. Robinson,

Attached please find the Worker Comp Dec Page for G&F Renovations, Inc., Please call me at your earliest convenience.

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EXHIBIT "A"



**Electronic Articles of Organization
For
Florida Limited Liability Company**

L14000105027
FILED 8:00 AM
July 01, 2014
Sec. Of State
bbostick

Article I

The name of the Limited Liability Company is:
GES WASTE, LLC.

Article II

The street address of the principal office of the Limited Liability Company is:

312 NORTH STAR CT
SANFORD, FL. 32771

The mailing address of the Limited Liability Company is:

312 NORTH STAR CT
SANFORD, FL. 32771

Article III

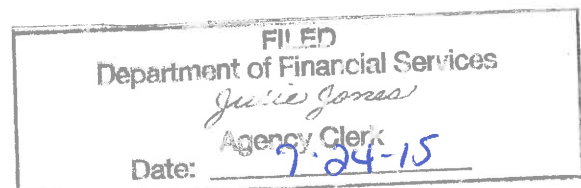
The name and Florida street address of the registered agent is:

G & F RENOVATIONS, INC,
312 NORTH STAR CT
SANFORD, FL. 32771

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

Registered Agent Signature: ERIC FRANCO

EXHIBIT "B"



Article IV

The name and address of person(s) authorized to manage LLC:

Title: PST
ERIC FRANCO
1572 SHADOW MOSS CIRCLE
LAKE MARY, FL. 32746

Title: MGR
STEPHEN E HALL
1572 SHADOW MOSS CIRCLE
LAKE MARY, FL. 32746

L14000105027
FILED 8:00 AM
July 01, 2014
Sec. Of State
bbostick

Article V

The effective date for this Limited Liability Company shall be:

07/01/2014

Signature of member or an authorized representative

Electronic Signature: ERIC FRANCO

I am the member or authorized representative submitting these Articles of Organization and affirm that the facts stated herein are true. I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s.817.155, F.S. I understand the requirement to file an annual report between January 1st and May 1st in the calendar year following formation of the LLC and every year thereafter to maintain "active" status.

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