

**AGENCY FOR WORKFORCE INNOVATION
Unemployment Compensation Appeals
MSC 347 CALDWELL BUILDING
107 EAST MADISON STREET
TALLAHASSEE, FL 32399-4143**

PETITIONER:

Employer Account No. - 2909238
SPANISH IN ACTION INC
EVANGELINA RODRIGUEZ
9121 N MILITARY TRAIL STE 213
VERO BEACH FL 33410-5988

**PROTEST OF LIABILITY
DOCKET NO. 2009-120675L**

RESPONDENT:

State of Florida
AGENCY FOR WORKFORCE INNOVATION
c/o Department of Revenue

ORDER TO SHOW CAUSE

The Petitioner is directed to show cause why the Director should not dismiss the petition for lack of jurisdiction pursuant to Section 443.141(2)(c), Florida Statutes, and Rules 60BB-2.035(5) and 60BB-2.022(5), Florida Administrative Code.

The Petitioner is directed to file a written statement within fifteen (15) calendar days of the mailing date of this Order, explaining why the protest should not be dismissed for lack of jurisdiction. The statement should specifically address whether the protest was filed within the time allowed by law.

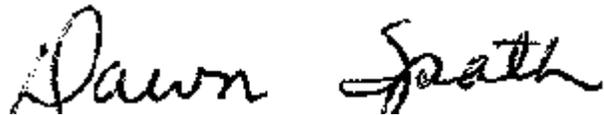
The following documents are attached for consideration by the Petitioner:

1. Letter of determination dated July 15, 2009, and
2. Letter of protest dated/postmarked August 11, 2009.

Done and ordered on September 16, 2009 at Tallahassee, FL.

This is to certify that this *Order to Show Cause* was sent to the last known address of each interested party on or before September 16, 2009.

DOROTHY JOHNSON, Manager
Unemployment Compensation Appeals



DAWN SPATH, Special Deputy Clerk

FAX: (850) 921-3594

Copies mailed to:

Petitioner

Respondent: DOR Protest Coordinator

Wage Determination Unit

MONICA M CARDENAS
4934 ROYAL COURT N
WEST PALM BEACH FL 33415

DEPARTMENT OF REVENUE
ATTN: DENNIS FINKEY - BUILDING G
5050 WEST TENNESSEE STREET
TALLAHASSEE FL 32399-0100

DOR BLOCKED CLAIMS UNIT
ATTENTION MYRA TAYLOR
P O BOX 6417
TALLAHASSEE FL 32314-6417

**AGENCY FOR WORKFORCE INNOVATION
TALLAHASSEE, FLORIDA**

PETITIONER:

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RESPONDENT:

State of Florida
AGENCY FOR WORKFORCE INNOVATION
c/o Department of Revenue

ORDER

This matter comes before me for final Agency Order.

An *Order to Show Cause* mailed to the Petitioner on September 16, 2009, provided fifteen (15) calendar days for the Petitioner to explain why its protest filed August 11, 2009, should be considered a timely appeal to the determination dated July 15, 2009. Since no evidence of timely filing was received, the Petitioner's protest is dismissed pursuant to Rule 60BB-2.035(5), Florida Administrative Code.

In consideration thereof, it is ORDERED that the Petitioner's protest of the determination dated July 15, 2009, is dismissed due to lack of jurisdiction.

DONE and ORDERED at Tallahassee, Florida, this _____ day of **October, 2009**.



TOM CLENDENNING
Director, Unemployment Compensation Services
AGENCY FOR WORKFORCE INNOVATION



Charlie Crist
Governor

Cynthia Lorenzo
Director

May 21, 2010

SPANISH IN ACTION INC
EVANGELINA RODRIGUEZ
9121 N MILITARY TRAIL STE 213
PALM BEACH GARDENS FL 33410

Re: Docket Number: 2009-120675L

Dear Ms. Rodriguez:

This is in reply to your request for reopening of the above referenced case.

The request alleges that the Petitioner filed a timely appeal, motion, or request for review in response to the Final Order, that the Petitioner filed a timely response to the Order to Show Cause, and that the Petitioner's response to the Order to Show Cause showed that the Petitioner filed a timely appeal to the determination issued by the Department of Revenue on July 15, 2009. A hearing will be scheduled to provide you with an opportunity to show that the case should not be dismissed due to a lack of jurisdiction.

If it is shown that the Petitioner filed a timely appeal, motion, or request for review in response to the Final Order, the Special Deputy will proceed to determine if the Petitioner filed a timely response to the Order to Show Cause. If it is shown that the Petitioner filed a timely response to the Order to Show Cause, the Special Deputy will then proceed to determine if the Petitioner's appeal to the determination dated July 15, 2009, was timely filed. If it is established that the Petitioner filed timely appeal, motion, or request for review in response to the Final Order, that the Petitioner filed a timely response to the Order to Show Cause, and that the Petitioner filed a timely appeal to the determination dated July 15, 2009, the Special Deputy will then take testimony on whether the Joined Party was an employee or independent contractor.

If the Petitioner fails to establish that a timely appeal, motion, or request for review was filed in response to the Final Order, does not show that the Petitioner filed a timely response to the Order to Show Cause, or fails to demonstrate that the Petitioner's appeal to the determination dated July 15, 2009 was timely, the Special Deputy will not re-open the record regarding the June 10, 2009, determination, and will instead reinstate the Order dated November 2, 2009.

This case will be re-assigned to the Special Deputy, and another hearing will be scheduled. You will be notified of the date and time of the telephone hearing.

Sincerely,

Dorothy Johnson
Manager, Unemployment Compensation Appeals

Copies mailed to:

DOR Protest Coordinator
Wage Determination Unit
Petitioner
Joined Party

Joined Party:

MONICA M CARDENAS
4934 ROYAL COURT N
WEST PALM BEACH FL 33415

DEPARTMENT OF REVENUE
ATTN: DENNIS FINKEY - BUILDING G
5050 WEST TENNESSEE STREET
TALLAHASSEE FL 32399-0100

DOR BLOCKED CLAIMS UNIT
ATTENTION MYRA TAYLOR
P O BOX 6417
TALLAHASSEE FL 32314-6417

**AGENCY FOR WORKFORCE INNOVATION
Unemployment Compensation Appeals**

MSC 345 CALDWELL BUILDING
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PETITIONER:

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SPANISH IN ACTION INC
EVANGELINA RODRIGUEZ
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PALM BEACH GARDENS FL 33410-5988

PROTEST OF LIABILITY
DOCKET NO. 2010-66221L

RESPONDENT:

State of Florida
Agency for Workforce Innovation
c/o Department of Revenue

RECOMMENDED ORDER OF DISMISSAL

TO: Assistant Director
Agency for Workforce Innovation

This matter comes before the undersigned Special Deputy pursuant to the Petitioner’s protest of the Respondent’s determination dated July 15, 2009.

After due notice to the parties, a hearing was held on August 19, 2010. The Petitioner did not appear.

Since the Petitioner did not prosecute the appeal, this matter should be dismissed pursuant to Rule 60BB-2.035(17), Florida Administrative Code.

Respectfully submitted on the 19th day of August, 2010.



R. O. SMITH, Special Deputy
Office of Appeals



Charlie Crist
Governor

Cynthia R. Lorenzo
Director

September 9, 2010

SPANISH IN ACTION INC
EVANGELINA RODRIGUEZ
9121 N MILITARY TRAIL STE 213
PALM BEACH GARDENS FL 33410-5988

Re: Docket Number: 2010-66221L

Dear Ms. Rodriguez:

This is in reply to your request for reopening of the above referenced case. The request was received more than 15 days after the mailing date of the Recommended Order and alleges good cause for not appearing at the last scheduled hearing. A new hearing will be scheduled to allow you an opportunity to show that the Petitioner filed a timely rehearing request and that there is good cause for proceeding with an additional hearing. If the Petitioner fails to establish that the Petitioner filed a timely rehearing request or that there is good cause for proceeding with an additional hearing, the Special Deputy will dismiss the case and reinstate the prior recommended order.

If the Petitioner establishes that the Petitioner filed a timely rehearing request and that there is good cause for proceeding with an additional hearing, the Special Deputy will then proceed to address the following jurisdictional issues: whether the Petitioner filed a timely appeal, motion, or request for review in response to the Final Order, whether the Petitioner filed a timely response to the Order to Show Cause, and whether the Petitioner's response to the Order to Show Cause showed that the Petitioner filed a timely appeal to the determination issued by the Department of Revenue on July 15, 2009. If the Special Deputy proceeds to address these issues, the Petitioner will be required to show that the case should not be dismissed due to a lack of jurisdiction.

If it is shown that the Petitioner filed a timely appeal, motion, or request for review in response to the Final Order, the Special Deputy will then proceed to determine if the Petitioner filed a timely response to the Order to Show Cause. If it is shown that the Petitioner filed a timely response to the Order to Show Cause, the Special Deputy will then proceed to determine if the Petitioner's appeal to the determination dated July 15, 2009, was timely filed. If it is established that the Petitioner filed a timely appeal, motion, or request for review in response to the Final Order, that the Petitioner filed a timely response to the Order to Show Cause, and that the Petitioner filed a timely appeal to the determination dated July 15, 2009, the Special Deputy will then take testimony on whether the Joined Party was an employee or independent contractor. If the Petitioner fails to establish that a timely appeal, motion, or request for review was filed in response to the Final Order, does not show that the Petitioner filed a timely response to the Order to Show Cause, or fails to demonstrate that the Petitioner's appeal to the determination dated July 15, 2009 was timely, the Special Deputy will not reopen the record regarding the June 10, 2009, determination, and will instead reinstate the Final Order dated November 2, 2009.

This case will be reassigned to the Special Deputy, and another hearing will be scheduled. You will be notified of the date and time of the telephone hearing.

Sincerely,

Sondra Timpson
Special Deputy Program Administrator

Copies mailed to:

DOR Protest Coordinator
Wage Determination Unit
Employer Records Section
Petitioner
Joined Party

Joined Party:

MONICA M CARDENAS
4934 ROYAL COURT N
WEST PALM BEACH FL 33415

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PROTEST OF LIABILITY
DOCKET NO. 2010-66221L

RESPONDENT:

State of Florida
Agency for Workforce Innovation
c/o Department of Revenue

RECOMMENDED ORDER OF DISMISSAL

TO: Assistant Director,
Agency for Workforce Innovation

This matter comes before the undersigned Special Deputy pursuant to the Petitioner’s protest of the Respondent’s determination dated July 15, 2009.

After due notice to the parties, a hearing was held on November 4, 2010. The Petitioner did not appear.

Since the Petitioner did not prosecute the appeal, this matter should be dismissed pursuant to Rule 60BB-2.035(17), Florida Administrative Code.

Respectfully submitted on the 4th day of November, 2010.



R. O. SMITH, Special Deputy
Office of Appeals

**AGENCY FOR WORKFORCE INNOVATION
TALLAHASSEE, FLORIDA**

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DOCKET NO. 2010-66221L**

RESPONDENT:

State of Florida
AGENCY FOR WORKFORCE INNOVATION
c/o Department of Revenue

ORDER

This matter comes before me for final Agency Order.

Having fully considered the record of the case and, in the absence of any exceptions to the Special Deputy's Recommended Order, I hereby adopt the Recommended Order, a copy of which is attached and incorporated herein.

In consideration thereof, it is ORDERED that the Petitioner's protest of the determination dated July 15, 2009, is dismissed.

DONE and ORDERED at Tallahassee, Florida, this ____ day of **January, 2011**.



TOM CLENDENNING
Assistant Director
AGENCY FOR WORKFORCE INNOVATION