

**AGENCY FOR WORKFORCE INNOVATION
TALLAHASSEE, FLORIDA**

PETITIONER:

Employer Account No. - 0645088
BENJAMIN P BUTERA INC
ATTN: CHRIS BUTERA
51 W GRANADA BLVD
ORMOND BEACH FL 32174-6302

RESPONDENT:

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

**PROTEST OF LIABILITY
DOCKET NO. 2010-142084L**

ORDER

This matter comes before me for final Agency Order.

An *Order to Show Cause* mailed to the Petitioner on October 26, 2010, provided fifteen (15) calendar days for the Petitioner to explain why its protest filed July 13, 2010, should be considered a timely appeal to the determinations dated June 22, 2010. 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 June 22, 2010, is dismissed due to lack of jurisdiction.

DONE and ORDERED at Tallahassee, Florida, this ____ day of **December, 2010**.



TOM CLENDENNING
Assistant Director
AGENCY FOR WORKFORCE INNOVATION

**AGENCY FOR WORKFORCE INNOVATION
 Unemployment Compensation Appeals
 MSC 345 CALDWELL BUILDING
 107 EAST MADISON STREET
 TALLAHASSEE, FL 32399-4143**

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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.

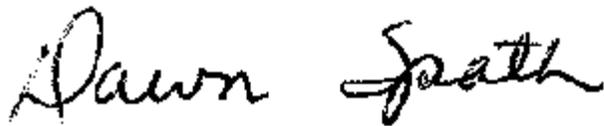
The following documents are attached for consideration by the Petitioner:

1. Letter of determination dated June 22, 2010, and
2. Letter of protest dated/postmarked July 13, 2010.

Done and ordered on October 26, 2010 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 October 26, 2010.

John Pelham, Appeals Manager



**Unemployment Compensation
 Appeals**

DAWN SPATH, Special Deputy Clerk

FAX: (850) 921-3594

Copies mailed to:

Petitioner

Respondent: DOR Protest Coordinator

Wage Determination Unit

WENDY R CALDERON-BIRKIG
600 JIMMY ANN DRIVE APT 1112
DAYTONA BEACH FL 32114

DEPARTMENT OF REVENUE
ATTN: DENNIS FINKEY - CCOC 1-1400
5050 WEST TENNESSEE STREET
TALLAHASSEE FL 32399

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