

1-28-05



**FLORIDA**  
DEPARTMENT OF  
**FINANCIAL SERVICES**



**TOM GALLAGHER**  
CHIEF FINANCIAL OFFICER  
STATE OF FLORIDA

**FILED**

MAR 17 2005

AT

IN THE MATTER OF:

Treasurer and  
Insurance Commissioner  
Docketed by: DF

CASE NUMBERS  
DOAH 04-2264  
DFS 76792-04-WC  
DWC 04-376-DI-02

ADMINISTRATIVE LAW JUDGE

2005 MAR 18 P 1:20

FILED

MIKE FUTCH, d/b/a FUTCH  
CONSTRUCTION COMPANY.

FSR-CLOS

FINAL ORDER

This cause came on before Chief Financial Officer Tom Gallagher, as head of the Department of Financial Services (the "Department"), for consideration of and final agency action on a Recommended Order entered on January 28, 2005, after a formal administrative hearing conducted by Administrative Law Judge Florence Snyder Rivas. Neither the Department nor Mike Futch, d/b/a Futch Construction Company ("Futch") filed exceptions to the Recommended Order.

The style of the Recommended Order mistakenly describes the Respondent as "Mike Futch d/b/a Futch, Inc., Construction Company". The correct name is as stated in the style above.


Having reviewed the record, including the transcript of proceedings, and being otherwise fully apprised in all material premises,

IT IS HEREBY ORDERED that the Findings of Fact made by the Administrative Law Judge are adopted as the Department's Findings of Fact, and that the Conclusions of Law reached by the Administrative Law Judge are adopted as the Department's Conclusions of Law.

IT IS HEREBY FURTHER ORDERED that the Recommendation made by the Administrative Law Judge is adopted by the Department, and that Mike Futch, d/b/a Futch Construction Company, is directed to pay the sum of \$198,311.82 to the Department within thirty days from the date hereof.

IT IS HEREBY FURTHER ORDERED that the Amended Stop Work and Penalty Assessment Order entered by the Division of Workers' Compensation is affirmed, and that Mike Futch, d/b/a Futch Construction Company, shall cease all business operations unless and until it provides evidence satisfactory to the Division of Workers' Compensation of having now complied with the workers' compensation law by securing the necessary workers' compensation coverage for covered employees and, pursuant to Section 440.107(7)(a), Florida Statutes, paid the civil penalty imposed herein.

DONE AND ORDERED this 10<sup>th</sup> day of March, 2005.

  
Tom Gallagher  
Chief Financial Officer

COPIES FURNISHED:

Florence Snyder Rivas  
Administrative Law Judge  
Division of Administrative Hearings  
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