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DIVISION OF
ADMINISTRATIVE
HEARINGS



REPRESENTING
ALEX SINK
CHIEF FINANCIAL OFFICER
STATE OF FLORIDA

001150

FILED

AUG 23 2010

Chief Financial Officer
Docketed by: YGB

IN THE MATTER OF:

A. J. ELECTRIC INC.

Case No.: 09-008-D1-WC

FINAL ORDER

THIS PROCEEDING came on for final agency action and Alex Sink, Chief Financial Officer of the State of Florida, or her designee, having considered the record in this case, including the Stop-Work Order and Order of Penalty Assessment, the Amended Order of Penalty Assessment, and the 2nd Amended Order of Penalty Assessment served in Division of Workers' Compensation Case No. 09-008-D1, and being otherwise fully advised in the premises, hereby finds that:

1. On January 9, 2009, the Department of Financial Services, Division of Workers' Compensation (hereinafter "Department") issued a Stop-Work Order and Order of Penalty Assessment in Division of Workers' Compensation Case No. 09-008-D1 to A. J. ELECTRIC INC. The Stop-Work Order and Order of Penalty Assessment included a Notice of Rights wherein A. J. ELECTRIC INC. was advised that any request for an administrative proceeding to challenge or contest the Stop-Work Order and Order of Penalty Assessment must be filed within twenty-one (21) days of receipt of the Stop-Work Order and Order of Penalty Assessment in accordance with Sections 120.569 and 120.57, Florida Statutes, and must conform to Rule 28-106.2015, Florida Administrative Code.

2. On January 14, 2009, the Stop-Work Order and Order of Penalty Assessment was served by certified mail on A. J. ELECTRIC INC. A copy of the Stop-Work Order and Order of Penalty Assessment is attached hereto as "Exhibit A" and incorporated herein by reference.

3. On February 18, 2009, the Department issued an Amended Order of Penalty ~~Assessment to A. J. ELECTRIC INC. in Case No. 09-008-D1. The Amended Order of Penalty~~
Assessment assessed a total penalty of \$10,273.51 against A. J. ELECTRIC INC. The Amended Order of Penalty Assessment included a Notice of Rights wherein A. J. ELECTRIC INC. was advised that any request for an administrative proceeding to challenge or contest the Amended Order of Penalty Assessment must be filed within twenty-one (21) days of receipt of the Amended Order of Penalty Assessment in accordance with Sections 120.569 and 120.57, Florida Statutes, and must conform to Rule 28-106.2015, Florida Administrative Code.

4. On April 2, 2009, the Amended Order of Penalty Assessment was served by process server on A. J. ELECTRIC INC. A copy of the Amended Order of Penalty Assessment is attached hereto as "Exhibit B" and incorporated herein by reference.

5. On September 4, 2009, the Department issued a 2nd Amended Order of Penalty Assessment to A. J. ELECTRIC INC. in Case No. 09-008-D1. The 2nd Amended Order of Penalty Assessment assessed a total penalty of \$5,988.97 against A. J. ELECTRIC INC. The 2nd Amended Order of Penalty Assessment included a Notice of Rights wherein A. J. ELECTRIC INC. was advised that any request for an administrative proceeding to challenge or contest the 2nd Amended Order of Penalty Assessment must be filed within twenty-one (21) days of receipt of the 2nd Amended Order of Penalty Assessment in accordance with Sections 120.569 and 120.57, Florida Statutes, and must conform to Rule 28-106.2015, Florida Administrative Code.

6. On September 9, 2009, the 2nd Amended Order of Penalty Assessment was served by certified mail on A. J. ELECTRIC INC. A copy of the 2nd Amended Order of Penalty Assessment is attached hereto as "Exhibit C" and incorporated herein by reference.

7. On September 29, 2009, A. J. ELECTRIC INC. filed a petition requesting an ~~administrative hearing with the Department. The petition was forwarded to the Division of~~ Administrative Hearings on October 15, 2009, and the matter was assigned DOAH Case No. 09-5631.

8. On January 14, 2010, an Unopposed Motion for Continuance and to Place Case in Abeyance was filed with the Division of Administrative Hearings. Subsequently, the Administrative Law Judge entered an Order Granting Continuance and Placing Case in Abeyance on January 26, 2010, which required a written response regarding the status of the matter be filed with the Division of Administrative Hearings no later than March 15, 2010.

9. On June 9, 2010, after receiving no response to the Order Granting Continuance and Placing Case in Abeyance, the Administrative Law Judge entered an Order Closing File which relinquished jurisdiction of the matter to the Department for final disposition. A copy of the Order Closing File is attached hereto as "Exhibit D" and incorporated herein by reference.

FINDINGS OF FACT

10. The factual allegations contained in the Stop-Work Order and Order of Penalty Assessment issued on January 9, 2009, the Amended Order of Penalty Assessment issued on February 18, 2009, and the 2nd Amended Order of Penalty Assessment issued on September 4, 2009, which are attached as "Exhibit A," "Exhibit B," and "Exhibit C," respectively, and fully incorporated herein by reference, are hereby adopted as the Department's Findings of Fact in this case.

CONCLUSIONS OF LAW

11. Based upon the Findings of Fact adopted herein, the Department concludes that A. J. ELECTRIC INC. violated the specific statutes and rules alleged in the Stop-Work Order and Order of Penalty Assessment, the Amended Order of Penalty Assessment, and the 2nd ~~Amended Order of Penalty Assessment and hereby adopts the violation(s) charged in the Stop-~~ Work Order and Order of Penalty Assessment, the Amended Order of Penalty Assessment, and the 2nd Amended Order of Penalty Assessment as the Conclusions of Law in this case.

PENALTY IMPOSED

12. The Order Closing File from the Division of Administrative Hearings, the Stop-Work Order and Order of Penalty Assessment, the Amended Order of Penalty Assessment, and the 2nd Amended Order of Penalty Assessment, taken together with the Findings of Fact and Conclusions of Law adopted herein, constitute grounds for the Chief Financial Officer to impose the penalty as set forth herein.

IT IS THEREFORE ORDERED that:

a. A. J. ELECTRIC INC. shall immediately pay the total penalty of \$5,988.97 in full to the Department of Financial Services for deposit into the Workers' Compensation Administration Trust Fund; and

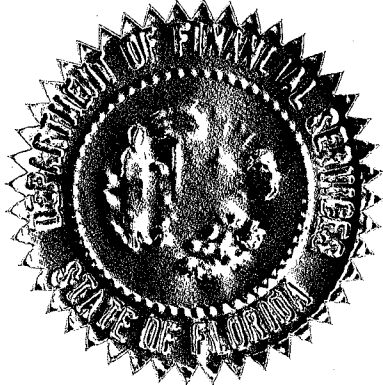
b. A. J. ELECTRIC INC. shall immediately cease all business operations in the State of Florida until such time as the Department issues an order releasing the Stop-Work Order and Order of Penalty Assessment. The Department shall not issue an Order releasing the Stop-Work Order and Order of Penalty Assessment until A. J. ELECTRIC INC. has come into compliance

with the coverage requirements of Chapter 440, Florida Statutes, and has paid the total penalty of \$5,988.97 to the Department.

DONE and ORDERED this 23rd day of August, 2010.



BRIAN LONDON
DEPUTY CHIEF FINANCIAL OFFICER



NOTICE OF RIGHTS

Any party to these proceedings adversely affected by this Order is entitled to seek review of this Order pursuant to Section 120.68, Florida Statutes, and Florida Rule of Appellate Procedure 9.110. Review proceedings must be instituted by filing a Notice of Appeal with Julie

~~Jones, DFS Agency Clerk, Department of Financial Services, Room 612 Larson Building, 200~~

East Gaines Street, Tallahassee, Florida 32399-0390, and a copy of the Notice of Appeal, a copy of this Order and filing fee with the appropriate District Court of Appeal within thirty (30) days of rendition of this Order.

COPIES FURNISHED TO:

ANTHONY PRANO
A. J. ELECTRIC INC.
7662 JESTER COURT
ORLANDO, FLORIDA 32807

DONALD BOWMAN

~~FLORIDA DEPARTMENT OF FINANCIAL SERVICES~~

DIVISION OF WORKERS' COMPENSATION
BUREAU OF COMPLIANCE
921 NORTH DAVIS STREET
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JUSTIN FAULKNER
DEPARTMENT OF FINANCIAL SERVICES
DIVISION OF LEGAL SERVICES
200 EAST GAINES STREET
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