

**FILED**

DEC 28 2010

004953

Chief Financial Officer  
Docketed by: WAA



REPRESENTING  
**ALEX SINK**  
CHIEF FINANCIAL OFFICER  
STATE OF FLORIDA

**FILED**  
10 DEC 29 PM 1:16  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

IN THE MATTER OF:

Case Number: 10-005-D3-WC

BELES & COMPANY CUSTOM  
DECORATING/DRAPERIES, INC.

10-1246

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, the 2nd Amended Order of Penalty Assessment, and the 3rd Amended Order of Penalty Assessment, served in Division of Workers' Compensation Case No. 10-005-D3, and being otherwise fully advised in the premises, hereby finds that:

1. On January 11, 2010, 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. 10-005-D3 to BELES & COMPANY CUSTOM DECORATING/DRAPERIES, INC. (BELES). The Stop-Work Order and Order of Penalty Assessment included a Notice of Rights wherein BELES 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.

2. On January 11, 2010, the Stop-Work Order and Order of Penalty Assessment was served via personal service on BELES. 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 January 27, 2010, the Department issued an Amended Order of Penalty Assessment to BELES in Case No. 10-005-D3. The Amended Order of Penalty Assessment assessed a total penalty of \$66,004.52 against BELES. The Amended Order of Penalty Assessment included a Notice of Rights wherein BELES 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.

4. The Amended Order of Penalty Assessment was served on BELES by certified mail on February 2, 2010. A copy of the Amended Order of Penalty Assessment is attached hereto as "Exhibit B" and incorporated herein by reference.

5. On February 22, 2010, BELES filed a timely Petition for a formal administrative hearing in accordance with Sections 120.569 and 120.57, Florida Statutes. The Petition was forwarded to the Division of Administrative Hearings and assigned Case No. 10-1246.

6. On March 19, 2010, the Department issued a 2nd Amended Order of Penalty Assessment to BELES in Case No. 10-005-D3. The 2nd Amended Order of Penalty Assessment assessed a total penalty of \$64,690.23 against BELES. The 2nd Amended Order of Penalty Assessment was served on BELES through the Division of Administrative Hearings. A copy of the 2nd Amended Order of Penalty Assessment is attached hereto as "Exhibit C" and is incorporated herein by reference.

7. On September 24, 2010, the Department issued a 3rd Amended Order of Penalty Assessment to BELES in Case No. 10-005-D3. The 3rd Amended Order of Penalty Assessment assessed a total penalty of \$35,341.21 against BELES. The 3rd Amended Order of Penalty Assessment was served on BELES through the Division of Administrative Hearings. A copy of the 3rd Amended Order of Penalty Assessment is attached hereto as "Exhibit D" and is incorporated herein by reference.

8. On September 27, 2010, the Department filed a Notice of Settlement in DOAH Case No. 10-1246. A copy of the Notice of Settlement filed by the Department is attached hereto as "Exhibit E."

9. On September 27, 2010, Administrative Law Judge William F. Quattlebaum entered an Order Closing File, relinquishing jurisdiction to the Department. A copy of the September 27, 2010 Order Closing File is attached hereto as "Exhibit F."

#### FINDINGS OF FACT

10. The factual allegations in the Stop-Work Order and Order of Penalty Assessment issued on January 11, 2010, the Amended Order of Penalty Assessment issued on January 27, 2010, the 2nd Amended Order of Penalty Assessment issued on March 19, 2010 and the 3rd Amended Order of Penalty Assessment issued on September 24, 2010, which are fully incorporated herein by reference, are hereby adopted as the Department's Findings of Fact in this case.

#### CONCLUSIONS OF LAW

11. Based on the Findings of Fact adopted herein, the Department concludes that BELES violated the specific statutes and rules alleged in the Stop-Work Order and Order of Penalty Assessment, the Amended Order of Penalty Assessment, the 2nd Amended Order of

Penalty Assessment, and the Third Amended Order of Penalty Assessment, and hereby adopts the violations charged in the Stop-Work Order and Order of Penalty Assessment, the Amended Order of Penalty Assessment, the 2nd Amended Order of Penalty Assessment, and the Third Amended Order of Penalty Assessment as the Conclusions of Law in this case.

PENALTY IMPOSED

12. The Notice of Settlement and resulting Order Closing File, wherein BELES no longer contested the Third Amended Order of Penalty Assessment pursuant to Sections 120.569 and 120.57, Florida Statutes, taken together with the Findings of Fact and Conclusions of Law adopted herein, constitute grounds for the Chief Financial Officer to impose the penalty and order the cessation of business operations as set forth herein.

IT IS THEREFORE ORDERED that:

a) BELES shall immediately pay the total penalty of \$35,341.21 in full to the Department for deposit into the Workers' Compensation Administration Trust Fund, or shall enter into a Payment Agreement Schedule for Periodic Payment of Penalty and demonstrate compliance with the coverage requirements of Chapter 440, Florida Statutes, pursuant to Section 440.107(7)(a), Florida Statutes, and Rule 69L-6.025, Florida Administrative Code, based upon its violation of the workers' compensation coverage requirements contained in Chapter 440, Florida Statutes.

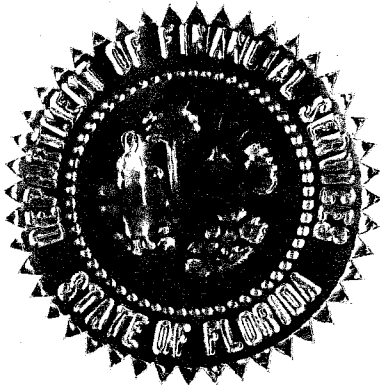
b) BELES shall immediately cease all business operations in the State of Florida until such time as the Department issues an Order Releasing the Stop-Work Order and Order of Penalty Assessment. The Department shall not issue an Order Releasing the Stop-Work Order and Order of Penalty Assessment until BELES has come into

compliance with the coverage requirements of Chapter 440, Florida Statutes, and has paid the total penalty of \$35,341.21 to the Department.

DONE AND ORDERED this 28<sup>th</sup> day of December, 2010.



TANNER HOLLOMAN, DIRECTOR,  
DIVISION OF WORKERS' COMPENSATION



## 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 the Agency Clerk at Room 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida, 32399-0333 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:

Beles & Company Custom Decorating/  
Draperies, Inc.  
c/o Morgan R. Bentley, Esq.  
200 S. Orange Avenue  
Sarasota, Florida 34236

Timothy L. Newhall  
Assistant General Counsel  
Department of Financial Services  
200 E. Gaines Street  
Tallahassee, FL 32399-4229

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

EMPLOYER NAME: BELES & COMPANY CUSTOM DECORATING/DRAPERIES, INC.	STOP-WORK ORDER No.: 10-005-D3
FEIN: 651119566	ISSUANCE DATE: 03/19/2010
EMPLOYER ADDRESS: 2901 HERMITAGE BLVD	
CITY: VENICE	STATE: FL ZIP: 34292

## 2nd AMENDED ORDER OF PENALTY ASSESSMENT

The Division of Workers' Compensation issued a Stop-Work Order against the above-referenced Employer on 01/11/2010. The Stop-Work Order included an Order of Penalty Assessment that identified the penalties assessable under sections 440.10 and 440.107, F.S.

Based upon additional information, the Division hereby amends the Amended Order of Penalty Assessment issued on 01/27/2010 and assesses the penalty(s) as specified in the Penalty Worksheet, which is attached hereto and made a part hereof.

**It is ORDERED that the Employer is hereby assessed a TOTAL PENALTY of \$64,690.23.**

The penalty(s) assessed herein supersedes any penalty(s) previously assessed in this case. The Employer shall pay the TOTAL PENALTY by money order or cashier's check, made payable to the DFS-Workers' Compensation Administration Trust Fund, or enter into a Payment Agreement Schedule for Periodic Payment of Penalty with the Division of Workers' Compensation.

If the total penalty assessed in this Amended Order of Penalty Assessment is less than the total penalty assessed in the Amended Order of Penalty Assessment issued on 01/27/2010, the Division will mail a refund in the amount of the difference to the Employer.

Pursuant to Rule 69L-6.028, Florida Administrative Code, if the Division imputes the employer's payroll, the employer shall have twenty business days after service of the order assessing the penalty to provide business records sufficient for the Division to determine the employer's payroll for the period requested in the business records request for the calculation of the penalty. If sufficient business records are not provided within twenty business days after service of the order assessing the penalty, the calculation of the penalty imputing the employer's payroll will remain in effect.

### LIEN NOTICE

Pursuant to Section 440.107(11), F.S., the Department may initiate lien proceedings to collect any penalty due that has not been paid. In addition, the Department may refer any unpaid penalty that is due to a collection agency for the initiation of proceedings to collect the unpaid penalty.

Please see the Notice of Rights on the reverse side that pertains to your rights regarding this action.

### CERTIFICATE OF SERVICE

Pursuant to section 440.107(4), F.S., COLLEEN WHARTON

served a true copy of this 2nd Amended Order of Penalty Assessment:

By hand delivery: DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ SERVER: \_\_\_\_\_  
 By certified mail: DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ ARTICLE: \_\_\_\_\_

October 2009



## NOTICE OF RIGHTS

You have a right to administrative review of this action by the Department under sections 120.569 and 120.57, Florida Statutes.

To obtain review, you must file a written petition requesting review. If you dispute a material fact contained in this action, you are entitled to a hearing under Sections 120.569 and 120.57(1), Florida Statutes, at which you may be represented by counsel, present evidence and argument on the issue(s), examine witnesses, submit a proposed recommended order, and file exceptions to the recommended order of the Administrative Law Judge. If you do not dispute a material fact contained in this action, you are entitled to a hearing under section 120.57(2), Florida Statutes, at which you may be represented by counsel, present documentary evidence, and present a written statement in opposition to this action.

A petition for a hearing under sections 120.569 and 120.57, Florida Statutes, must conform to Rule 28-106.2015, Florida Administrative Code. The petition shall contain a) the name, address, and telephone number, and facsimile number (if any) of the petitioner; b) the name, address, and telephone number, and facsimile number of the attorney or qualified representative of the petitioner (if any) upon whom service of pleadings and other papers shall be made; c) a statement requesting an administrative hearing identifying those material facts that are in dispute. If there are none, the petition must so indicate; d) a statement of when the petitioner received notice of the agency action; and e) a statement including the file number to the agency action.

You must file the petition for hearing so that it is received by the Department within twenty-one (21) days of your receipt of this agency action. The petition must be filed with Julie Jones, DFS Agency Clerk, Department of Financial Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0390.

**FAILURE TO FILE A PETITION WITHIN THE TWENTY-ONE (21) DAYS CONSTITUTES A WAIVER OF YOUR RIGHT TO ADMINISTRATIVE REVIEW OF THE AGENCY ACTION.**

Mediation under section 120.573, Florida Statutes, is not available.

### ISSUING AGENCY NAME AND ADDRESS

Division of Workers' Compensation, Bureau of Compliance: \_\_\_\_\_

Attn: Colleen Wharton, Telephone: 941-329-1126



State of Florida, Department of Financial Services  
 Division of Workers' Compensation, Bureau of Compliance  
 Penalty Worksheet

**BUSINESS NAME: BELES & COMPANY CUSTOM DECORATING/DRAPERIES INC**

**DWC Case No. 10-005-D3**

Part I: Penalty for failure to obtain coverage for the insured requirements of Chapter 440, F.S. and 440.107, F.S.									
Employee Name	Imputed	(a) Class Code	(b) Period of Non-Compliance		(c) Gross Payroll*	(d) Column (c) /100	(e) Approved Statutory Rate	(f) Premium (d) x (e)	(g) Penalty** (f) x 1.5
BARBARA BELES-CORP OFF	<input checked="" type="checkbox"/>	8810	07/01/2009	12/31/2009					
BARBARA BELES-CORP OFF	<input checked="" type="checkbox"/>	8810	04/01/2009	06/30/2009					
BARBARA BELES-CORP OFF	<input checked="" type="checkbox"/>	8810	01/01/2009	03/31/2009					
BRYAN BELES-CORP OFF	<input checked="" type="checkbox"/>	5474	07/01/2009	12/31/2009					
BRYAN BELES-CORP OFF	<input checked="" type="checkbox"/>	5474	04/01/2009	06/30/2009					
BRYAN BELES-CORP OFF	<input checked="" type="checkbox"/>	5474	01/01/2009	03/31/2009					
RON SECKFORD	<input type="checkbox"/>	5474	08/24/2009	12/23/2009	1,555.00				
RON SECKFORD	<input type="checkbox"/>	5474	03/10/2009	03/10/2009	400.00				
RICH DRAKE	<input type="checkbox"/>	5474	07/03/2009	12/24/2009	17,670.00				
RICH DRAKE	<input type="checkbox"/>	5474	04/02/2009	06/27/2009	8,085.00				
RICH DRAKE	<input type="checkbox"/>	5474	01/09/2009	03/23/2009	8,390.00				
PAUL MCCLARIN	<input type="checkbox"/>	5348	11/01/2009	11/01/2009	700.00				
NICK DOW	<input type="checkbox"/>	5437	07/01/2009	12/30/2009	7,525.00				
NICK DOW	<input type="checkbox"/>	5437	05/01/2009	05/07/2009	620.00				
JUSTIN MCNESKY	<input type="checkbox"/>	5474	11/06/2009	11/25/2009	415.00				
JIM HUDDLESTON	<input type="checkbox"/>	5474	07/01/2009	08/15/2009	375.00				
JIM HUDDLESTON	<input type="checkbox"/>	5474	04/14/2009	04/14/2009	200.00				
JEFF SWENSON	<input type="checkbox"/>	5474	08/28/2009	12/31/2009	11,355.00				
JEFF SWENSON	<input type="checkbox"/>	5474	04/02/2009	06/30/2009	8,530.00				
JEFF SWENSON	<input type="checkbox"/>	5474	01/09/2009	03/29/2009	8,375.00				
EMPIMENIO HERNANDEZ	<input type="checkbox"/>	5474	08/13/2009	08/13/2009	1,330.00				
DAVE DRYAN	<input type="checkbox"/>	5474	07/09/2009	07/09/2009	300.00				

\* If the employer has failed to provide business records sufficient to enable the Department to determine the employer's payroll, payroll shall be imputed to be the statewide average weekly wage as defined in s.440.12(2) F.S. multiplied by 1.5, (440.107(7)(e)).

\*\* Premium multiplied by statutory factor of 1.5

\*\*\* Greater of penalty under column (g) or \$1000. s440.107(d)(1)

State of Florida, Department of Financial Services  
 Division of Workers' Compensation, Bureau of Compliance  
 Penalty Worksheet

BUSINESS NAME: BELES & COMPANY CUSTOM DECORATING/DRAPERIES INC

DWC Case No. 10-005-D3

Employee Name	Imputed	(a) Class Code	(b) Period of Non-Compliance		(c) Gross Payroll	(d) Column (c) x 1.00	(e) Approved Manual Rate	(f) Premium (d) x (e)	(g) Penalty** (f) x 1.5
CHRIS MARCHAND	<input type="checkbox"/>	5474	08/26/2009	08/26/2009	75.00				
CHRIS MARCHAND	<input type="checkbox"/>	5474	06/22/2009	06/22/2009	50.00				
CARLOS ALBINO	<input type="checkbox"/>	5474	07/09/2009	10/02/2009	1,215.00				
CARLOS ALBINO	<input type="checkbox"/>	5474	06/19/2009	06/27/2009	349.00				
BRAD BELES	<input type="checkbox"/>	5474	04/22/2009	04/22/2009	80.00				
BRAD BELES	<input type="checkbox"/>	5474	03/06/2009	03/06/2009	200.00				
ANDY MIROTZNIK	<input type="checkbox"/>	5474	07/03/2009	12/24/2009	16,985.00				
ANDY MIROTZNIK	<input type="checkbox"/>	5474	04/01/2009	06/27/2009	8,975.00				
ANDY MIROTZNIK	<input type="checkbox"/>	5474	01/07/2009	03/29/2009	9,475.00				
BARBARA BELES-CORP OFF	<input checked="" type="checkbox"/>	8810	01/01/2008	12/31/2008					
BRYAN BELES-CORP OFF	<input checked="" type="checkbox"/>	5474	01/01/2008	12/31/2008					
TODD MINGO	<input type="checkbox"/>	5474	05/09/2008	05/09/2008	400.00				
TIM MONTGOMERY	<input type="checkbox"/>	5474	07/25/2008	07/25/2008	110.00				
RICH DRAKE	<input type="checkbox"/>	5474	01/03/2008	12/24/2008	33,826.00				
RAY GARDNER	<input type="checkbox"/>	5474	01/03/2008	09/17/2008	5,895.00				
PAUL MCCLARIN	<input type="checkbox"/>	5348	01/31/2008	08/08/2008	6,090.00				
MIKE BELES	<input type="checkbox"/>	5474	01/11/2008	01/11/2008	400.00				
MARK HOFF	<input type="checkbox"/>	5474	06/19/2008	09/23/2008	572.00				
JOE RICHARDS	<input type="checkbox"/>	5474	10/10/2008	10/10/2008	285.00				
JIM HUDDLESTON	<input type="checkbox"/>	5474	03/22/2008	10/02/2008	175.00				
JEFF SWENSON	<input type="checkbox"/>	5474	01/02/2008	12/31/2008	25,966.00				
DANIEL BURDA	<input type="checkbox"/>	5474	08/01/2008	11/01/2008	4,438.00				

\* If the employer has failed to provide business records sufficient to enable the Department to determine the employer's payroll, payroll shall be imputed to be the statewide average weekly wage as defined in s.440.12(2) F.S. multiplied by 1.5, (440.107(7)(e)).

\*\* Premium multiplied by statutory factor of 1.5

\*\*\* Greater of penalty under column (g) or \$1000. s440.107(d)(1)

State of Florida, Department of Financial Services  
 Division of Workers' Compensation, Bureau of Compliance  
 Penalty Worksheet

BUSINESS NAME: BELES & COMPANY CUSTOM DECORATING/DRAPERIES INC

DWC Case No. 10-005-D3

Part I. Penalty for failure to obtain coverage that meets the requirements of Chapter 440, F.S. and the Insurance Code									
Employee Name	Imputed	(a) Class Code	(b) Period of Non-Compliance		(c) Gross Payroll**	(d) Column (c) /100	(e) Approved Manual Cap	(f) Premium (d) x (e)	(g) Penalty** (f) x 1.5
ANDY MIROZNIK	<input type="checkbox"/>	5474	04/11/2008	12/31/2008	21,260.00				
BRAD BELES	<input type="checkbox"/>	5474	01/02/2008	10/10/2008	4,600.00				
BRAD BELES	<input type="checkbox"/>	5474	11/01/2007	12/28/2007	3,315.00				
CARLOS ALBINO	<input type="checkbox"/>	5474	08/24/2007	12/22/2007	2,053.00				
CARLOS ALBINO	<input type="checkbox"/>	5474	01/04/2008	10/12/2008	4,410.00				
CHRIS MARCHAND	<input type="checkbox"/>	5474	10/11/2008	10/20/2008	325.00				
BRYAN BELES- CORP OFF	<input checked="" type="checkbox"/>	5474	01/12/2007	12/31/2007					
BARBARA BELES-CORP OFF	<input checked="" type="checkbox"/>	8810	01/01/2007	12/31/2007					
DAVID REYNOLDS	<input type="checkbox"/>	5437	08/31/2007	12/20/2007	7,950.00				
FRED STEWART	<input type="checkbox"/>	5474	01/12/2007	03/21/2007	1,005.00				
JEFF SWENSON	<input type="checkbox"/>	5474	12/29/2007	12/29/2007	260.00				
JIM HUDDLESTON	<input type="checkbox"/>	5474	06/22/2007	11/09/2007	3,434.00				
MARK ELLIOT	<input type="checkbox"/>	5474	04/06/2007	04/06/2007	550.00				
MARK HOFF	<input type="checkbox"/>	5474	01/19/2007	04/19/2007	4,580.00				
RICH DRAKE	<input type="checkbox"/>	5474	11/30/2007	12/28/2007	2,015.00				
NICK DOW	<input checked="" type="checkbox"/>	5437	01/01/2010	01/11/2010					
RICHARD DRAKE	<input checked="" type="checkbox"/>	5474	01/01/2010	01/11/2010					
BRYAN BELES- CORP OFF	<input checked="" type="checkbox"/>	5474	01/01/2010	01/11/2010					
BARBARA BELES-CORP OFF	<input checked="" type="checkbox"/>	8810	01/01/2010	01/11/2010					

\* If the employer has failed to provide business records sufficient to enable the Department to determine the employer's payroll, payroll shall be imputed to be the statewide average weekly wage as defined in s.440.12(2) F.S. multiplied by 1.5, (440.107(7)(e)).

\*\* Premium multiplied by statutory factor of 1.5

\*\*\* Greater of penalty under column (g) or \$1000. s440.107(d)(1)

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

EMPLOYER NAME: BELES & COMPANY CUSTOM DECORATING/DRAPERIES, INC.	STOP-WORK ORDER No.: 10-005-D3
FEIN: 651119566	ISSUANCE DATE: 09/24/2010
EMPLOYER ADDRESS: 2901 HERMITAGE BLVD	
CITY: VENICE	STATE: FL ZIP: 34292

### 3rd AMENDED ORDER OF PENALTY ASSESSMENT

The Division of Workers' Compensation issued a Stop-Work Order against the above-referenced Employer on 01/11/2010. The Stop-Work Order included an Order of Penalty Assessment that identified the penalties assessable under sections 440.10 and 440.107, F.S.

Based upon additional information, the Division hereby amends the Amended Order of Penalty Assessment issued on 01/27/2010 and assesses the penalty(s) as specified in the Penalty Worksheet, which is attached hereto and made a part hereof.

**It is ORDERED that the Employer is hereby assessed a TOTAL PENALTY of \$35,341.21.**

The penalty(s) assessed herein supersedes any penalty(s) previously assessed in this case. The Employer shall pay the TOTAL PENALTY by money order or cashier's check, made payable to the DFS-Workers' Compensation Administration Trust Fund, or enter into a Payment Agreement Schedule for Periodic Payment of Penalty with the Division of Workers' Compensation.

If the total penalty assessed in the 3rd Amended Order of Penalty Assessment is less than the total penalty assessed in the Amended Order of Penalty Assessment issued on 01/27/2010, the Division will mail a refund in the amount of the difference to the Employer.

Pursuant to Rule 69L-6.028, Florida Administrative Code, if the Division imputes the employer's payroll, the employer shall have twenty business days after service of the order assessing the penalty to provide business records sufficient for the Division to determine the employer's payroll for the period requested in the business records request for the calculation of the penalty. If sufficient business records are not provided within twenty business days after service of the order assessing the penalty, the calculation of the penalty imputing the employer's payroll will remain in effect.

### LIEN NOTICE

Pursuant to Section 440.107(11), F.S., the Department may initiate lien proceedings to collect any penalty due that has not been paid. In addition, the Department may refer any unpaid penalty that is due to a collection agency for the initiation of proceedings to collect the unpaid penalty.

Please see the Notice of Rights on the reserve side that pertains to your rights regarding this action.

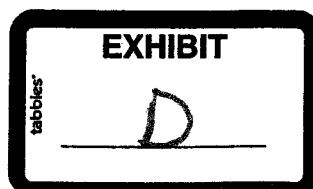
### CERTIFICATE OF SERVICE

Pursuant to section 440.107(4), F.S., COLLEEN WHARTON

served a true copy of this 3rd Amended Order of Penalty Assessment:

By hand delivery: DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ SERVER: \_\_\_\_\_  
 By certified mail: DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ ARTICLE: \_\_\_\_\_

October 2009



## NOTICE OF RIGHTS

You have a right to administrative review of this action by the Department under sections 120.569 and 120.57, Florida Statutes.

To obtain review, you must file a written petition requesting review. If you dispute a material fact contained in this action, you are entitled to a hearing under Sections 120.569 and 120.57(1), Florida Statutes, at which you may be represented by counsel, present evidence and argument on the issue(s), examine witnesses, submit a proposed recommended order, and file exceptions to the recommended order of the Administrative Law Judge. If you do not dispute a material fact contained in this action, you are entitled to a hearing under section 120.57(2), Florida Statutes, at which you may be represented by counsel, present documentary evidence, and present a written statement in opposition to this action.

A petition for a hearing under sections 120.569 and 120.57, Florida Statutes, must conform to Rule 28-106.2015, Florida Administrative Code. To petition for a hearing, you must send in either a completed Election of Proceedings form (attached) with any required attachments or a petition requesting a hearing, which contains a) the name, address, and telephone number, and facsimile number (if any) of the petitioner; b) the name, address, and telephone number, and facsimile number of the attorney or qualified representative of the petitioner (if any) upon whom service of pleadings and other papers shall be made; c) a statement requesting an administrative hearing identifying those material facts that are in dispute. If there are none, the petition must so indicate; d) a statement of when the petitioner received notice of the agency action; and e) a statement including the file number to the agency action. If there are no facts in dispute, the petition must so indicate.

You must file the petition for hearing so that it is received by the Department within twenty-one (21) days of your receipt of this agency action. The petition must be filed with Julie Jones, DFS Agency Clerk, Department of Financial Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0390.

**FAILURE TO FILE A PETITION WITHIN THE TWENTY-ONE (21) DAYS CONSTITUTES A WAIVER OF YOUR RIGHT TO ADMINISTRATIVE REVIEW OF THE AGENCY ACTION.**

Mediation under section 120.573, Florida Statutes, is not available.

### ISSUING AGENCY NAME AND ADDRESS

Division of Workers' Compensation, Bureau of Compliance: \_\_\_\_\_

Attn: \_\_\_\_\_, Telephone: \_\_\_\_\_

State of Florida, Department of Financial Services  
 Division of Workers' Compensation, Bureau of Compliance  
 Penalty Worksheet

BUSINESS NAME: BELES & COMPANY CUSTOM DECORATING/DRAPERIES, INC.

DWC Case No. 10-005-D3

Part I: Penalty for failure to obtain coverage that meets the requirements of Chapter 440, F.S. and the Insurance Code									
Employee Name	Imputed	(a) Class Code	(b) Period of Non-Compliance		(c) Gross Payroll	(d) Column (b) 7/00	(e) Approved Manual Rate	(f) Premium (d) x (e)	(g) Penalty** (f) x 1.5
BARBARA BELES-CORP OFF	<input checked="" type="checkbox"/>	8810	07/01/2009	12/31/2009					
BARBARA BELES-CORP OFF	<input checked="" type="checkbox"/>	8810	04/01/2009	06/30/2009					
BARBARA BELES-CORP OFF	<input checked="" type="checkbox"/>	8810	01/01/2009	03/31/2009					
BRYAN BELES-CORP OFF	<input checked="" type="checkbox"/>	5474	07/01/2009	12/31/2009					
BRYAN BELES-CORP OFF	<input checked="" type="checkbox"/>	5474	04/01/2009	06/30/2009					
BRYAN BELES-CORP OFF	<input checked="" type="checkbox"/>	5474	01/01/2009	03/31/2009					
RON SECKFORD	<input type="checkbox"/>	5474	08/24/2009	12/23/2009	1,555.00				
RON SECKFORD	<input type="checkbox"/>	5474	03/10/2009	03/10/2009	400.00				
ROBERT HARRIS	<input type="checkbox"/>	5474	03/18/2009	03/19/2009	3,750.00				
RICH DRAKE	<input type="checkbox"/>	5474	07/03/2009	12/24/2009	17,670.00				
RICH DRAKE	<input type="checkbox"/>	5474	04/02/2009	06/27/2009	8,085.00				
RICH DRAKE	<input type="checkbox"/>	5474	01/09/2009	03/23/2009	8,390.00				
PAUL MCCLARIN	<input type="checkbox"/>	5348	11/01/2009	11/01/2009	700.00				
NICK DOW	<input type="checkbox"/>	5437	07/01/2009	12/30/2009	7,525.00				
NICK DOW	<input type="checkbox"/>	5437	05/01/2009	05/07/2009	620.00				
MATT SHAW	<input type="checkbox"/>	5474	08/06/2009	12/31/2009	10,110.00				
JUSTIN MCNESKY	<input type="checkbox"/>	5474	11/06/2009	11/25/2009	415.00				
JIM HUDDLESTON	<input type="checkbox"/>	5474	07/01/2009	08/15/2009	375.00				
JIM HUDDLESTON	<input type="checkbox"/>	5474	04/14/2009	04/14/2009	200.00				
JEFF SWENSON	<input type="checkbox"/>	5474	08/28/2009	12/31/2009	11,355.00				
JEFF SWENSON	<input type="checkbox"/>	5474	04/02/2009	06/30/2009	8,530.00				
JEFF SWENSON	<input type="checkbox"/>	5474	01/09/2009	03/29/2009	8,375.00				

\* If the employer has failed to provide business records sufficient to enable the Department to determine the employer's payroll, payroll shall be imputed to be the statewide average weekly wage as defined in s.440.12(2) F.S. multiplied by 1.5, (440.107(7)(e)).

\*\* Premium multiplied by statutory factor of 1.5

\*\*\* Greater of penalty under column (g) or \$1000. s440.107(d)(1)

State of Florida, Department of Financial Services  
 Division of Workers' Compensation, Bureau of Compliance  
 Penalty Worksheet

BUSINESS NAME: BELES & COMPANY CUSTOM DECORATING/DRAPERIES, INC.

DWC Case No. 10-005-D3

Part I. Penalty for failure to obtain coverage that meets the requirements of Chapter 440, F.S. and the Insurance Code									
Employee Name	Imputed	(a) Class Code	(b) Period of Non-Compliance		(c) Gross Payroll	(d) Column (c) x (b)	(e) Approved Manual Rate	(f) Premium (d) x (e)	(g) Penalty** (f) x 1.5
EMPIMENIO HERNANDEZ	<input type="checkbox"/>	5474	08/13/2009	08/13/2009	1,330.00				
DAVE DRYAN	<input type="checkbox"/>	5474	07/09/2009	07/09/2009	300.00				
CHRIS MARCHAND	<input type="checkbox"/>	5474	08/26/2009	08/26/2009	75.00				
CHRIS MARCHAND	<input type="checkbox"/>	5474	06/22/2009	06/22/2009	50.00				
CARLOS ALBINO	<input type="checkbox"/>	5474	07/09/2009	10/02/2009	1,215.00				
CARLOS ALBINO	<input type="checkbox"/>	5474	06/19/2009	06/27/2009	349.00				
BRAD BELES	<input type="checkbox"/>	5474	04/22/2009	04/22/2009	80.00				
BRAD BELES	<input type="checkbox"/>	5474	03/06/2009	03/06/2009	200.00				
BRAD ALDEN	<input type="checkbox"/>	5474	07/03/2009	12/09/2009	720.00				
ANDY MIROTZNIK	<input type="checkbox"/>	5474	07/03/2009	12/24/2009	16,985.00				
ANDY MIROTZNIK	<input type="checkbox"/>	5474	04/01/2009	06/27/2009	8,975.00				
ANDY MIROTZNIK	<input type="checkbox"/>	5474	01/07/2009	03/29/2009	9,475.00				
BARBARA BELES-CORP OFF	<input checked="" type="checkbox"/>	8810	01/01/2008	12/31/2008					
BRYAN BELES-CORP OFF	<input checked="" type="checkbox"/>	5474	01/01/2008	12/31/2008					
TODD MINGO	<input type="checkbox"/>	5474	05/09/2008	05/09/2008	400.00				
TIM MONTGOMERY	<input type="checkbox"/>	5474	07/25/2008	07/25/2008	110.00				
RICH DRAKE	<input type="checkbox"/>	5474	01/03/2008	12/24/2008	33,826.00				
RAY GARDNER	<input type="checkbox"/>	5474	01/03/2008	09/17/2008	5,895.00				
PAUL MCCLARIN	<input type="checkbox"/>	5348	01/31/2008	08/08/2008	6,090.00				
MIKE BELES	<input type="checkbox"/>	5474	01/11/2008	01/11/2008	400.00				
MARK HOFF	<input type="checkbox"/>	5474	06/19/2008	09/23/2008	572.00				
JOE RICHARDS	<input type="checkbox"/>	5474	10/10/2008	10/10/2008	285.00				

\* If the employer has failed to provide business records sufficient to enable the Department to determine the employer's payroll, payroll shall be imputed to be the statewide average weekly wage as defined in s.440.12(2) F.S. multiplied by 1.5, (440.107(7)(e)).

\*\* Premium multiplied by statutory factor of 1.5

\*\*\* Greater of penalty under column (g) or \$1000. s.440.107(d)(1)

State of Florida, Department of Financial Services  
 Division of Workers' Compensation, Bureau of Compliance  
 Penalty Worksheet

BUSINESS NAME: BELES & COMPANY CUSTOM DECORATING/DRAPERIES, INC.

DWC Case No. 10-005-D3

Part I. Penalty for failure to obtain coverage that meets the requirements of Chapter 440, F.S. and the Insurance Code									
Employee Name	Imputed	(a) Class Code	(b) Period of Non-Compliance		(c) Gross Payroll	(d) Column (c) /100	(e) Approved Manual Rate	(f) Premium (d) x (e)	(g) Penalty** (f) x 1.5
JIM HUDDLESTON	<input type="checkbox"/>	5474	03/22/2008	10/02/2008	175.00				
JEFF SWENSON	<input type="checkbox"/>	5474	01/02/2008	12/31/2008	25,966.00				
DANIEL BURDA	<input type="checkbox"/>	5474	08/01/2008	11/01/2008	4,438.00				
ANDY MIROTZNIK	<input type="checkbox"/>	5474	04/11/2008	12/31/2008	21,260.00				
BRAD BELES	<input type="checkbox"/>	5474	01/02/2008	10/10/2008	4,600.00				
BRAD BELES	<input type="checkbox"/>	5474	11/01/2007	12/28/2007	3,315.00				
BRIAN ALDEN	<input type="checkbox"/>	5474	05/15/2008	09/05/2008	804.00				
CARLOS ALBINO	<input type="checkbox"/>	5474	08/24/2007	12/22/2007	2,053.00				
CARLOS ALBINO	<input type="checkbox"/>	5474	01/04/2008	10/12/2008	4,410.00				
CHRIS MARCHAND	<input type="checkbox"/>	5474	10/11/2008	10/20/2008	325.00				
BRYAN BELES- CORP OFF	<input checked="" type="checkbox"/>	5474	01/12/2007	12/31/2007					
BARBARA BELES-CORP OFF	<input checked="" type="checkbox"/>	8810	01/01/2007	12/31/2007			259.84	389.76	
DAVID REYNOLDS	<input type="checkbox"/>	5437	08/31/2007	12/20/2007	7,950.00				
FRED STEWART	<input type="checkbox"/>	5474	01/12/2007	03/21/2007	1,005.00				
JEFF SWENSON	<input type="checkbox"/>	5474	12/29/2007	12/29/2007	260.00				
JIM HUDDLESTON	<input type="checkbox"/>	5474	06/22/2007	11/09/2007	3,434.00				
MARK ELLIOT	<input type="checkbox"/>	5474	04/06/2007	04/06/2007	550.00				
MARK HOFF	<input type="checkbox"/>	5474	01/19/2007	04/19/2007	4,580.00				
RICH DRAKE	<input type="checkbox"/>	5474	11/30/2007	12/28/2007	2,015.00				
Part I. Penalty Sub-Total:									

\* If the employer has failed to provide business records sufficient to enable the Department to determine the employer's payroll, payroll shall be imputed to be the statewide average weekly wage as defined in s.440.12(2) F.S. multiplied by 1.5, (440.107(7)(e)).

\*\* Premium multiplied by statutory factor of 1.5

\*\*\* Greater of penalty under column (g) or \$1000. s440.107(d)(1)