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JUL 29 2011

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Chief Financial Officer
Docketed by: CAB



REPRESENTING
CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

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DIVISION OF
ADMINISTRATIVE
HEARINGS

IN THE MATTER OF:

Case No.: 10-341-1A-WC

AN & YA CONSTRUCTION, INC.

FINAL ORDER

THIS PROCEEDING came on for final agency action and Jeff Atwater, Chief Financial Officer of the State of Florida, or his 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 Petition for Request of Hearing, and the Order Closing File, and being otherwise fully advised in the premises, hereby finds that:

1. On August 23, 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. 10-341-1A to AN & YA CONSTRUCTION, INC.

2. On August 23, 2010, the Stop-Work Order and Order of Penalty Assessment was personally served on AN & YA CONSTRUCTION, 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 September 13, 2010, the Department issued an Amended Order of Penalty Assessment in Division of Workers' Compensation Case No. 10-341-1A to AN & YA CONSTRUCTION, INC. The Amended Order of Penalty Assessment assessed a total penalty of \$75,724.80 against AN & YA CONSTRUCTION, INC.

4. On September 20, 2010, the Amended Order of Penalty Assessment was served by certified mail on AN & YA CONSTRUCTION, INC. A copy of the Amended Order of Penalty Assessment is attached hereto as "Exhibit B" and incorporated herein by reference.

5. On October 8, 2010, AN & YA CONSTRUCTION, INC filed a Petition for Request of Hearing ("Petition") with the Department in response to the Amended Order of Penalty Assessment. A copy of the Petition is attached hereto as "Exhibit C" and incorporated herein by reference.

6. On November 24, 2010, the Petition was forwarded to the Division of Administrative Hearings and assigned DOAH Case No. 10-10421.

7. On April 28, 2011, an Order Closing File was entered in Division of Administrative Hearings Case. No. 10-10421. A copy of the Order Closing File is attached hereto as "Exhibit D" and incorporated herein by reference.

FINDINGS OF FACT

The factual allegations contained in the Stop-Work Order and Order of Penalty Assessment issued on August 23, 2010, the Amended Order of Penalty Assessment issued on September 13, 2010, and the Order Closing File which are fully incorporated herein by reference, are hereby adopted as the Department's Findings of Fact in this case.

CONCLUSIONS OF LAW

Based upon the Findings of Fact adopted herein, the Department concludes that AN & YA CONSTRUCTION, INC. violated the specific statutes and rules alleged in the Stop-Work Order and Order of Penalty Assessment, and the Amended Order of Penalty Assessment and hereby adopts the violation(s) charged in the Stop-Work Order and Order of Penalty Assessment, and the Amended Order of Penalty Assessment as the Conclusions of Law in this case.

PENALTY IMPOSED

The Order Closing File, 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.

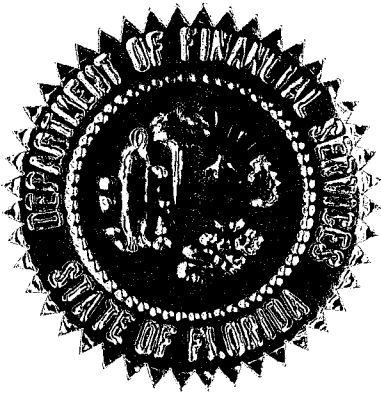
IT IS THEREFORE ORDERED that:


- a. AN & YA CONSTRUCTION, INC. shall immediately pay the total penalty of \$75,724.80, in full, to the Department of Financial Services for deposit into the Workers' Compensation Administration Trust Fund; and

- b. AN & YA CONSTRUCTION, 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 Amended Order of Penalty Assessment. The Department shall not issue an Order releasing the Stop-Work Order and Amended Order

of Penalty Assessment until AN & YA CONSTRUCTION, INC. has come into compliance with the coverage requirements of Chapter 440, Florida Statutes and has paid a total penalty of \$75,724.80 to the Department.

DONE AND ORDERED on this 29th day of July, 2011.



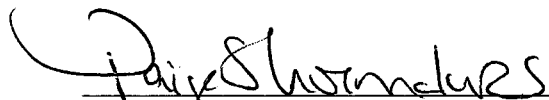

E. Tanner Holloman
Director, Workers' Compensation

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 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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by U.S. Mail to Joseph M. Scheyd, Jr., Esq., 1221 Airport Road, Suite 209, Destin, Florida 32541, on this 29th day of July, 2011.



Paige Shoemaker
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