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Chief Financial Officer
Docketed by: JAB

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CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA 12 APR 11 4:43

DIVISION OF
ADMINISTRATIVE
HEARINGS

Case No. 10-216-D7-WC

In the Matter of:

**CHASTANG & SIEGEL CUSTOM
BUILDERS, LLC**

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, and the 2nd Amended Order of Penalty Assessment served in Division of Workers' Compensation Case No. 10-216-D7, 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. 10-216-D7 to Chastang & Siegel Custom Builders, LLC (Chastang). The Stop-Work Order and Order of Penalty Assessment included a Notice of Rights wherein Chastang 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 September 7, 2010, the Stop-Work Order and Order of Penalty Assessment was served on Chastang by certified mail. 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 October 5, 2010, the Department issued an Amended Order of Penalty Assessment to Chastang in Case No. 10-216-D7. The Amended Order of Penalty Assessment assessed a total penalty of \$82,917.81 against Chastang. The Amended Order of Penalty Assessment included a Notice of Rights wherein Chastang 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 Chastang by certified mail on October 23, 2010. A copy of the Amended Order of Penalty Assessment is attached hereto as "Exhibit B" and incorporated herein by reference.

5. On or about November 8, 2010, Chastang filed a timely Petition for 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. 10-10826.

6. On March 10, 2011, the Department issued a 2nd Amended Order of Penalty Assessment to Chastang in Case No. 10-216-D7. The 2nd Amended Order of Penalty Assessment assessed a total penalty of \$1,000.00 against Chastang. The 2nd Amended Order of Penalty Assessment was served on Chastang on March 14, 2011 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 March 28, 2011, the Department filed a Notice of Settlement in DOAH Case No. 10-10826. A copy of the Notice of Settlement filed by the Department is attached hereto as "Exhibit D."

8. On March 28, 2011, Administrative Law Judge W. David Watkins entered an Order Closing File, relinquishing jurisdiction to the Department. A copy of the March 28, 2011 Order Closing File is attached hereto as "Exhibit E."

FINDINGS OF FACT

9. The factual allegations in the Stop-Work Order and Order of Penalty Assessment issued on August 23, 2010, and the 2nd Amended Order of Penalty Assessment issued on March 10, 2011, which are fully incorporated herein by reference, are hereby adopted as the Department's Findings of Fact in this case.

CONCLUSIONS OF LAW

10. Based on the Findings of Fact adopted herein, the Department concludes that Chastang violated the specific statues and rules alleged in the Stop-Work Order and Order of Penalty Assessment and the 2nd Amended Order of Penalty Assessment, and hereby adopts the violations charged in the Stop-Work Order and Order of Penalty Assessment and the 2nd Amended Order of Penalty Assessment as the Conclusions of Law in this case.

PENALTY IMPOSED

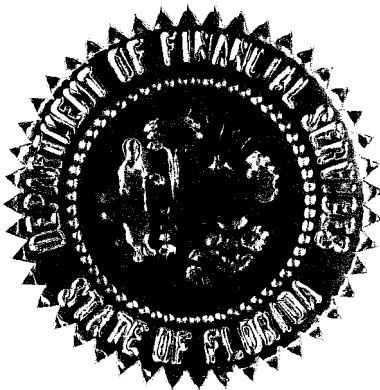
11. The Notice of Settlement and resulting Order Closing File, wherein Chastang no longer contested the 2nd Amended Order of Penalty Assessment pursuant to Sections 120.569 and 120.57, Florida Statutes, taken together with the Findings of Fact and Conclusions of Law adopted herein, constitute grounds for the Chief Financial Officer to impose the penalty and order the cessation of business operations as set forth herein.

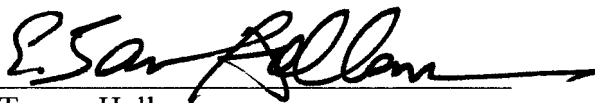
IT IS THEREFORE ORDERED that:

a) Chastang is assessed the total penalty of \$1,000.00 for deposit into the Workers' Compensation Administration Trust Fund, based upon its violation of the workers' compensation coverage requirements contained in Chapter 440, Florida Statutes, receipt of which is hereby acknowledged by the Department, Chastang is further ordered to demonstrate compliance with the coverage requirements of Chapter 440, Florida Statutes.

b) Chastang 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 Chastang has come into compliance with the coverage requirements of Chapter 440, Florida Statutes.

DONE AND ORDERED this 11th day of April, 2011.




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 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:

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