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Chief Financial Officer
Docketed by: CSB

CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

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DIVISION OF
ADMINISTRATIVE
HEARINGS

IN THE MATTER OF:

Case No.: 10-230-D5-WC

DISTINGUISHED CONTRACTING GROUP, 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 for Specific Worksite Only and Order of Penalty Assessment, the Amended Order of Penalty Assessment, the Petition for Formal Hearing, the Amended Stop-Work Order and Order of Penalty Assessment, the 2nd Amended Order of Penalty Assessment, the Notice of Voluntary Dismissal, and the Order Closing file, and being otherwise fully advised in the premises, hereby finds that:

1. On July 20, 2010, the Department of Financial Services, Division of Workers' Compensation (hereinafter "Department") issued a Stop-Work Order for Specific Worksite Only and Order of Penalty Assessment in Division of Workers' Compensation Case No. 10-230-D5 to DISTINGUISHED CONTRACTING GROUP, INC. The Stop-Work Order for Specific Worksite Only and Order of Penalty Assessment included a Notice of Rights wherein DISTINGUISHED CONTRACTING GROUP, INC. was advised that any request for an administrative proceeding to challenge or contest the Stop-Work Order for Specific Worksite Only and Order of Penalty Assessment must be filed within twenty-one (21) days of receipt of

the Stop-Work Order for Specific Worksite Only 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 July 21, 2010, the Stop-Work Order for Specific Worksite Only and Order of Penalty Assessment was served by personal service on DISTINGUISHED CONTRACTING GROUP, INC. A copy of the Stop-Work Order for Specific Worksite Only and Order of Penalty Assessment is attached hereto as "Exhibit A" and incorporated herein by reference.

3. On August 17, 2010, the Department issued an Amended Order of Penalty Assessment in Division of Workers' Compensation Case No. 10-230-D5 to DISTINGUISHED CONTRACTING GROUP, INC. The Amended Order of Penalty Assessment assessed a total penalty of \$235,415.26 against DISTINGUISHED CONTRACTING GROUP, INC. The Amended Order of Penalty Assessment included a Notice of Rights wherein DISTINGUISHED CONTRACTING GROUP, 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 August 18, 2010, the Amended Order of Penalty Assessment was served by certified mail on DISTINGUISHED CONTRACTING GROUP, INC. A copy of the Amended Order of Penalty Assessment is attached hereto as "Exhibit B" and incorporated herein by reference.

5. On August 20, 2010, DISTINGUISHED CONTRACTING GROUP, INC. filed a Petition for Formal 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 September 14, 2010, the Petition was forwarded to the Division of Administrative Hearings and assigned DOAH Case No. 10-9054. The case was subsequently assigned DOAH Case No. 11-1188.

7. On September 13, 2010, the Department issued an Amended Stop-Work Order and Order of Penalty Assessment in Division of Workers' Compensation Case No. 10-230-D5 to DISTINGUISHED CONTRACTING GROUP, INC.

8. On September 14, 2010, the Amended Stop-Work Order and Order of Penalty Assessment was served at the Division of Administrative Hearings. A copy of the Amended Stop-Work Order and Order of Penalty Assessment is attached hereto as "Exhibit D" and incorporated herein by reference.

9. On September 14, 2010, the Department of Financial Services, Division of Workers' Compensation issued a 2nd Amended Order of Penalty Assessment in Division of Workers' Compensation Case No. 10-230-D5 to DISTINGUISHED CONTRACTING GROUP, INC. The 2nd Amended Order of Penalty Assessment assessed a penalty in the amount of \$150,655.64 against DISTINGUISHED CONTRACTING GROUP, INC.

10. On September 14, 2010, the 2nd Amended Order of Penalty Assessment was served at the Division of Administrative Hearings. A copy of the 2nd Amended Order of Penalty Assessment is attached hereto as "Exhibit E" and incorporated herein by reference.

11. On May 11, 2011, DISTINGUISHED CONTRACTING GROUP, INC. filed a Notice of Voluntary Dismissal. A copy of the Notice of Voluntary Dismissal is attached hereto as "Exhibit F" and incorporated herein by reference.

12. On May 12, 2011, an Order Closing File was entered in Division of Administrative Hearings Case. No. 11-1188. A copy of the Order Closing File is attached hereto as "Exhibit G" and incorporated herein by reference.

FINDINGS OF FACT

13. The factual allegations contained in the Stop-Work Order for Specific Worksite Only and Order of Penalty Assessment issued on July 20, 2010, the Amended Order of Penalty Assessment issued on August 17, 2010, the Amended Stop-Work Order and Order of Penalty Assessment issued on September 13, 2010, and the 2nd Amended Order of Penalty Assessment issued on September 14, 2010, the Notice of Voluntary Dismissal, 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

14. Based upon the Findings of Fact adopted herein, the Department concludes that DISTINGUISHED CONTRACTING GROUP, INC. violated the specific statutes and rules alleged in the Stop-Work Order for Specific Worksite Only and Order of Penalty Assessment, the Amended Order of Penalty Assessment, the Amended Stop-Work Order and Order of Penalty Assessment, and the 2nd Amended Order of Penalty Assessment, and hereby adopts the violation(s) charged in the Stop-Work Order for Specific Worksite Only and Order of Penalty Assessment, the Amended Order of Penalty Assessment, the Amended Stop-Work Order and Order of Penalty Assessment, and the 2nd Amended Order of Penalty Assessment, as the Conclusions of Law in this case.

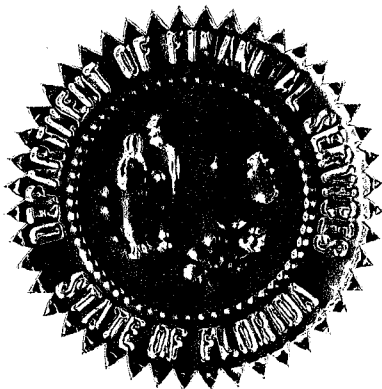
PENALTY IMPOSED

The Notice of Voluntary Dismissal, taken together with the Findings of Fact and Conclusions of Law adopted herein, constitutes grounds for the Chief Financial Officer to impose the penalty as set forth herein.

IT IS THEREFORE ORDERED that:

- a. DISTINGUISHED CONTRACTING GROUP, INC. shall immediately pay the total penalty of \$150,655.64, in full, to the Department of Financial Services for deposit into the Workers' Compensation Administration Trust Fund; and
- b. DISTINGUISHED CONTRACTING GROUP, INC. shall immediately cease all business operations in the State of Florida until such time as the Department issues an order releasing the Amended Stop-Work Order and 2nd Amended Order of Penalty Assessment. The Department shall not issue an Order releasing the Amended Stop-Work Order and 2nd Amended Order of Penalty Assessment until DISTINGUISHED CONTRACTING GROUP, INC. has come into compliance with the coverage requirements of Chapter 440, Florida Statutes and has paid a total penalty of \$150,655.64 to the Department.

DONE AND ORDERED on this 6th day of June, 2011.



A handwritten signature in black ink, appearing to read "E. Tanner Holloman". The signature is written in a cursive style and is positioned above a horizontal line.

E. Tanner Holloman
Director, Workers' Compensation

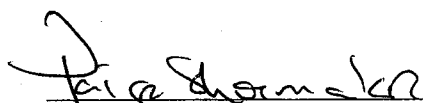
NOTICE OF RIGHTS

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 John D. Middleton, Esq., 303 State Road 26, Melrose, Florida 32666, on this 16th day of

June, 2011.



Paige Shoemaker
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