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Chief Financial Officer
Docketed by: BAB

CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

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DIVISION OF
ADMINISTRATIVE
HEARINGS

IN THE MATTER OF:

CASE NO.: 11-269-D5-WC

ARTEZANOS, 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 Petition received from ARTEZANOS, INC., as well as the Stop-Work Order and Order of Penalty Assessment, and the Amended Order of Penalty Assessment and being otherwise fully advised in the premises, hereby finds that:

FINDINGS OF FACT

1. On August 4, 2011, 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. 11-269-D5 to ARTEZANOS, INC. The Stop-Work Order and Order of Penalty Assessment included a Notice of Rights wherein ARTEZANOS, INC. was advised that any request for an administrative proceeding to challenge or contest the Stop-Work Order and Order of Penalty Assessment must conform to Rule 28-106.2015, Florida Administrative Code.
2. On February 3, 2012, the Stop-Work Order and Order of Penalty Assessment was served by certified mail on ARTEZANOS, INC. A copy of the Stop-Work Order and Order of Penalty Assessment is attached hereto as "Exhibit 1" and incorporated herein by reference.

3. On February 13, 2012, ARTEZANOS, INC. filed a Petition for Administrative Review Hearing ("Petition") with the Department. The petition for administrative review was forwarded to the Division of Administrative Hearings (hereinafter "DOAH") on February 24, 2012, and the matter was assigned DOAH Case No. 12-0757. A copy of the petition is attached hereto as "Exhibit 2" and incorporated herein by reference.

4. On February 29, 2012, the Department issued an Amended Order of Penalty Assessment in Division of Workers' Compensation Case No. 11-269-D5 to ARTEZANOS, INC. assessing a total penalty in the amount of \$209,107.32. The Amended Order of Penalty Assessment included a Notice of Rights wherein ARTEZANOS, INC. was advised that any request for an administrative proceeding to challenge or contest the Amended Order of Penalty Assessment must conform to Rule 28-106.2015, Florida Administrative Code.

5. On March 9, 2012, the Petitioner served on Respondent the Department's First Interlocking Discovery Requests via overnight mail.

6. On March 15, 2012, the Amended Order of Penalty Assessment was served via DOAH on ARTEZANOS, INC. A copy of the Motion to Amended Order of Penalty Assessment, Penalty Assessment Worksheet and the Order Granting Motion to Amend Order of Penalty Assessment is attached hereto as "Exhibit 3" and incorporated herein by reference.

7. On April 11, 2012, the Petitioner filed with DOAH a Motion to Deem Matters Admitted and to Relinquish Jurisdiction Pursuant to Section 120.57(1)(i), Florida Statutes. A copy of the Motion to Deem Matters Admitted and to Relinquish Jurisdiction Pursuant to Section 120.57(1)(i), Florida Statutes (without Exhibits) is attached hereto as "Exhibit 4" and incorporated herein by reference.

8. On April 26, 2012, the Administrative Law Judge entered an Order granting the Department's Motion in part and denying in part. The Administrative Law Judge granted the Department's request to deem matters admitted as a result of the Respondent's failure to object or

otherwise respond to such requests. Additionally, the Respondent was given until May 8, 2012, to file a motion to withdraw or amend the technical admissions and to provide responses to the Department's requests for admissions. The Order stated that the Department could renew their Motion to Relinquish Jurisdiction if the Respondent had not responded to the Order by May 8, 2012. A copy of the Order Regarding Motion to Deem Matters Admitted is attached hereto as "Exhibit 5" and incorporated herein by reference.

9. On May 9, 2012, the Department filed a Renewed Motion to Relinquish Jurisdiction as a result of the Respondent failing to file a motion to withdraw or amend the technical admissions or to provide responses to the Department's requests for admissions. A copy of the Renewed Motion to Relinquish Jurisdiction is attached hereto as "Exhibit 6" and incorporated herein by reference.

10. On May 10, 2012, the Administrative Law Judge entered an Order granting the Department's Renewed Motion to Relinquish Jurisdiction and the Department received a copy of an Order Closing File and Relinquishing Jurisdiction. A copy of the Order Closing File and Relinquishing Jurisdiction is attached hereto as "Exhibit 7" and incorporated herein by reference.

11. The factual allegations contained in the Stop-Work Order and Order of Penalty Assessment, issued on August 4, 2011, and the Amended Order of Penalty Assessment, issued on February 29, 2012, are fully incorporated herein by reference, and are adopted as the Department's Findings of Fact in this matter.

CONCLUSIONS OF LAW

12. The conclusions of law contained in the Stop-Work Order and Order of Penalty Assessment, issued on August 4, 2011 and the Amended Order of Penalty Assessment, issued on February 29, 2012, which are fully incorporated herein by reference, are adopted as the Department's Conclusions of Law in this matter.

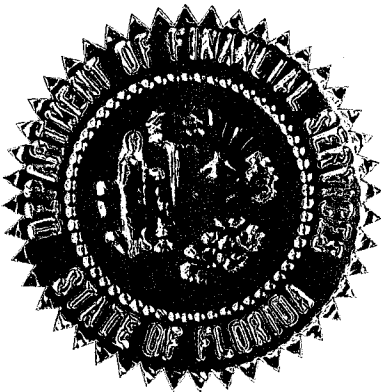
IT IS HEREBY ORDERED that

a. The Stop-Work Order and Order of Penalty Assessment against ARTEZANOS, INC., issued on August 4, 2011, and the Amended Order of Penalty Assessment, issued on February 29, 2012, are affirmed; and

b. ARTEZANOS, INC. shall immediately pay the total penalty of \$209,107.32 in full to the Department of Financial Services for deposit into the Workers' Compensation Administration Trust Fund.

c. ARTEZANOS, INC. shall immediately cease all business operations 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 ARTEZANOS, INC. has come into compliance with the coverage requirements of Chapter 440, Florida Statutes, and has paid the total penalty of \$209,107.32 to the Department.

DONE AND ORDERED on this 25th day of May, 2012.



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, 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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished Daniel Arguelles, authorized representative for ARTEZANOS, INC., 9455 S.W. 78th Street, Miami, Florida 33173; Julio Cabrera, Investigator for the Department via facsimile at (305) 377-7239; and to the Division of Legal Services file via, copies, this 25th day of May, 2012.

for Michael T. McQuinn
Ryan C. Cox Fl Bar #
881030
Florida Bar Number: 61647
Assistant General Counsel
Department of Financial Services
Division of Legal Services
200 E. Gaines Street
Tallahassee, FL 32399-4229
850 413-1606