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Chief Financial Officer
Docketed by: TR



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

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DIVISION OF
ADMINISTRATIVE
HEARINGS

IN THE MATTER OF:

CASE NO. 13-350-1A-WC

MICHAEL CRIBBS, d/b/a MICHAEL CRIBBS
CONSTRUCTION OF PENSACOLA, INC.,
A DISSOLVED FLORIDA CORPORATION,
AND MICHAEL CRIBBS CONSTRUCTION
OF PENSACOLA, INC.

FINAL ORDER

THIS CAUSE came on for consideration of and final agency action on the Recommended Order entered on August 22, 2014, attached hereto as Exhibit A. On July 25, 2013, the Department of Financial Services, Division of Workers' Compensation (the "Department") issued a Stop-Work Order and Order of Penalty Assessment against Michael Cribbs, d/b/a Michael Cribbs Construction of Pensacola, Inc., a dissolved Florida Corporation, and Michael Cribbs Construction of Pensacola, Inc. ("Michael Cribbs Construction") assessing a penalty equal to 1.5 times the amount the employer would have paid in premium, pursuant to subsection 440.107(7), (d), Florida Statutes, for failure to maintain workers' compensation insurance for its employees.

On August 6, 2013, an Amended Order of Penalty Assessment was issued to Michael Cribbs Construction assessing a penalty in the amount of \$85,086.25, for failure to maintain coverage for its employees. On March 12, 2014, the Department issued a Second Amended Order of Penalty Assessment against Michael Cribbs Construction reducing the penalty amount from \$85,086.25 to \$54,128.34, based on the additional information received from Michael Cribbs Construction. Michael Cribbs Construction timely requested a formal hearing.

Pursuant to section 120.57(1), Florida Statutes, a formal hearing was conducted via video teleconference on July 2, 2014, before Administrative Law Judge F. Scott Boyd ("ALJ") in Tallahassee and Pensacola, Florida. No exceptions were filed.

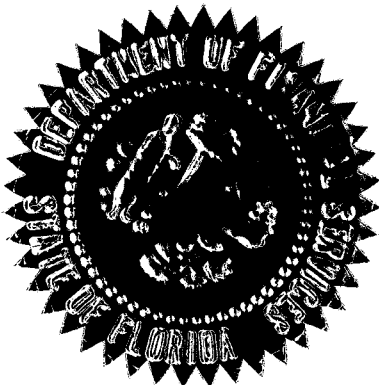
After review of the record, including admitted exhibits, and being otherwise fully apprised in all material premises:

IT IS HEREBY ORDERED that the ALJ's Findings of Fact and Conclusions of Law set forth in the Recommended Order are adopted as the Department's Findings of Fact and Conclusions of Law.

IT IS HEREBY FURTHER ORDERED that a penalty in the amount of \$30,529.96 is imposed against Michael Cribbs Construction, and shall be paid to the Department within thirty (30) days from the date hereof. Alternatively, Michael Cribbs Construction may enter into a Payment Agreement Schedule for Periodic Payment of Penalty.

IT IS HEREBY FURTHER ORDERED that Michael Cribbs Construction shall cease all business operations unless and until it provides evidence satisfactory to the Division of Workers' Compensation of having now complied with the workers' compensation law by securing the necessary workers' compensation insurance coverage for covered employees and, pursuant to section 440.107(7)(a), Florida Statutes, paying the civil penalty imposed herein.

DONE AND ORDERED this 2nd day of September, 2014.




Robert C. Kneip
Chief of Staff

NOTICE OF RIGHTS

Any party to these proceedings adversely affected by this Order is entitled to seek review within **thirty (30) days** of the rendition of this Order, pursuant to section 120.68, Florida Statutes, and Rule 9.190, *Florida Rules of Appellate Procedure*. Review proceedings must be instituted by filing a petition or notice of appeal with Julie Jones, the DFS Agency Clerk. Filing with the Agency Clerk may be accomplished via U.S. Mail, express overnight delivery, hand delivery, facsimile transmission, or electronic mail. The address for overnight delivery or hand delivery is Julie Jones, DFS Agency Clerk, Department of Financial Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida, 32399-0390. The fax number is (850) 488-0697. The email address is Julie.Jones@myfloridacfo.com.

A copy of the petition or notice of appeal must also be filed with the appropriate district court of appeal within thirty (30) days of the rendition of this Order.

Copies furnished to:

Michael James Rudicell, Esquire
Alexander Brick, Esquire
F. Scott Boyd, ALJ