

FILED

JAN 10 2022

Chief Financial Officer
Docketed by: *J. Johnson*



CHIEF FINANCIAL OFFICER
JIMMY PATRONIS
STATE OF FLORIDA

DEPARTMENT OF FINANCIAL
SERVICES, DIVISION OF WORKERS'
COMPENSATION,

Petitioner,

v.

Case No.: 18-376-D5-WC

CRISTO TE AMA LLC,

Respondent.

FINAL ORDER

THIS CAUSE came before me for final action on Cristo Te Ama LLC's ("Respondent") request for administrative review ("petition") challenging a Stop-Work Order and Order of Penalty Assessment ("Stop-Work Order"), an Amended Order of Penalty Assessment, a 2nd Amended Order of Penalty Assessment, and a 3rd Amended Order of Penalty Assessment.

FINDINGS OF FACT

1. On September 24, 2018, the Department of Financial Services, Division of Workers' Compensation ("Department"), served Respondent the Stop-Work Order.
2. On October 9, 2018, the Department and Employer executed an Agreed Order of Conditional Release from Stop-Work Order ("Conditional Release"), wherein Employer agreed to pay the Department the penalty assessed against Employer.
3. On November 2, 2018, the Department served Respondent an Amended Order of Penalty Assessment. The Amended Order of Penalty Assessment assessed a total penalty of \$67,461.66.

4. On January 18, 2019, the Department served Respondent a 2nd Amended Order of Penalty Assessment. The 2nd Amended Order of Penalty Assessment assessed a total penalty of \$22,462.62.

5. On July 8, 2019, the Department received Respondent's petition.

6. On January 12, 2021, the Department served Respondent a 3rd Amended Order of Penalty Assessment. The 3rd Amended Order of Penalty Assessment assessed a total penalty of \$15,612.24.

7. On November 8, 2021, the Department referred the petition to the Division of Administrative Hearings ("DOAH").

8. On January 5, 2022, DOAH entered an order deeming matters admitted and relinquishing jurisdiction to the Department. A true and correct copy of the order is attached hereto as exhibit "1."

9. The factual allegations contained in the Stop-Work Order and the 3rd Amended Order of Penalty Assessment are hereby adopted as the Department's findings of fact in this case.

CONCLUSIONS OF LAW

10. Based upon the findings of fact adopted herein, the Department concludes Respondent violated the specific statutes and rules as alleged in the Stop-Work Order and the 3rd Amended Order of Penalty Assessment.

Accordingly:

a. Respondent shall immediately execute a payment agreement or pay the penalty of \$15,612.24 in full to the Department for deposit into the Workers' Compensation Administration Trust Fund.

b. Employer remains subject to the Conditional Release until the entire penalty

of \$15,612.24 has been paid.

DONE and ORDERED this 10th day of January, 2022.



A handwritten signature in black ink, appearing to read "E. Tanner Holloman", is written over a horizontal line.

E. Tanner Holloman, Director
Division of Workers' Compensation

NOTICE OF RIGHT TO APPEAL

A party adversely affected by this final order may seek judicial review as provided in section 120.68, Florida Statutes, and Florida Rule of Appellate Procedure 9.190. Judicial review is initiated by filing a notice of appeal with the Agency Clerk, and a copy of the notice of appeal, accompanied by the filing fee, with the appropriate district court of appeal. The notice of appeal must conform to the requirements of Florida Rule of Appellate Procedure 9.110(d), and must be filed (i.e., received by the Agency Clerk) within thirty days of rendition of this final order.

Filing with the Department's 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 DFS Agency Clerk, Department of Financial Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 2399-0390. The facsimile number is (850) 488-0697. The email address is DFSAgencyClerk@myfloridacfo.com.

COPY FURNISHED TO:

CRISTO TE AMA LLC
C/O ARTURO L. ARCA, ESQ.
9700 SOUTH DIXIE HIGHWAY, PENTHOUSE 1100
MIAMI, FLORIDA 33156

MAILED
Date: 01.10.2022
Johnson