

1-3-03

STATE OF FLORIDA
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

FILED
03 FEB 18 PM 2:00
DIVISION OF
ADMINISTRATIVE
HEARINGS

DEPARTMENT OF AGRICULTURE
AND CONSUMER SERVICES,

AT

Petitioner,

PMR-CLOS

vs.

DOAH Case No: 2002-0415
DOACS Case No: 2002-0021

STEPHEN W. DANIELS, EARL G. PETTIJOHN,
AND ENVIRONMENTAL SECURITY OF
PANAMA CITY, INC.,

Respondents.

_____ /

FINAL ORDER

THIS CAUSE came on before the undersigned COMMISSIONER OF AGRICULTURE of the STATE OF FLORIDA, for consideration and final agency action. An Administrative Complaint dated December 5, 2001 was filed against the Respondents charging the Respondents with violations of the Florida Structural Pest Control Act, Chapter 482, Section 482.051 (5), Florida Statutes and Rule 5E-14.106 (6), Florida Administrative Code. Respondents timely filed a request for proceeding pursuant to Section 120.57 (1), Florida Statutes. Pursuant to notice, the final hearing was ultimately heard before P. Michael Ruff, Administrative Law Judge of the Division of Administrative Hearings on August 23, 2002.

After consideration of the evidence, argument and testimony presented at hearing and subsequent written submissions by Petitioner and Respondents, the Administrative Law Judge issued his recommended order on January 3, 2003 (Attached as Exhibit A). The Administrative Law Judge recommended that a final order be entered assessing a fine against Respondent

Stephen W. Daniels in the amount of \$350.00 and that the Administrative Complaint as to Respondents Earl J. Pettijohn and Environmental Security of Panama City be dismissed.

The Petitioner and Respondents were notified in writing by the Administrative Law Judge on January 3, 2003 that they had the right to submit written exceptions within 15 days from the date of the Recommended Order with the agency that would issue the final order. No written exceptions were filed within 15 days from the date of the final order.

After careful consideration of the entire record, the submissions of the parties and being otherwise fully advised in the premises, it is ORDERED:

1. The Findings of Fact of the Administrative Law Judge are adopted as the Department's Findings of Fact.
2. The Conclusions of Law of the Administrative Law Judge are adopted as the Department's Conclusions of Law.
3. The Administrative Law Judge's recommendation to assess a fine against the Respondent, Stephen W. Daniels in the amount of \$350.00 and to dismiss the Administrative Complaint as to Respondents Earl G. Pettijohn and Environmental Security of Panama City is adopted

ACCORDINGLY, Respondent, Stephen W. Daniels is hereby assessed a fine in the amount of \$350.00 and the Administrative Complaint is dismissed as to Respondents, Earl G. Pettijohn and Environmental Security of Panama City, Florida.

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 Rule 9.110, Florida Rules of Civil Procedure. Review proceedings must be instituted by filing a Notice of Appeal with the Agency Clerk, Department of Agriculture and Consumer Services, 407 Calhoun Street, Mayo Building, Suite 509, Tallahassee, Florida 32399-0080 and a copy of the same and filing fee with the appropriate District Court of Appeal within (30) days of rendition of this Order.

DONE and ORDERED this 15th day of February 2003.

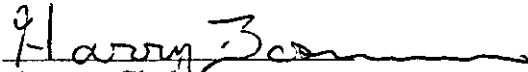
**CHARLES H. BRONSON,
COMMISSIONER OF AGRICULTURE
STATE OF FLORIDA**

By



Terry L. Rhodes
Assistant Commissioner
Florida Department of Agriculture
And Consumer Services

Filed with the Agency Clerk this 15th day of February, 2003.


Agency Clerk

Copies Furnished to:

Sharyn L. Smith, Chief Judge
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