

5-27-03

FILED

DEPARTMENT OF HEALTH  
Deputy Clerk

DEPUTY CLERK Diane CLO

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

DATE 7-9-03

AT

Department of Health,

Petitioner,

Rendition No.: DOH-03-0705 -FOF-HSW  
Case No.: 03-0326

vs.

DMK-CLO

Clarke Keller,

Respondent.

RECEIVED  
DEPARTMENT OF HEALTH  
TALLAHASSEE, FLORIDA  
JUL 10 AM 11:17

FINAL ORDER

A recommended order having been received, this matter is before Department of Health for the entry of a final order. At issue is whether fines should be imposed on the Respondent for failure to comply with regulatory requirements applicable to the operation of a "limited use community water system".

The Administrative Law Judge recommends the imposition of fines totaling two thousand dollars (\$2,000.00). The recommended order of May 27, 2003 is incorporated by reference. The findings, conclusions, and recommendations set forth in the recommended order are adopted.

Based on the foregoing, fines totaling two thousand dollars (\$2,000.00) are imposed on the Respondent, Clarke Keller. The Respondent is also directed to pay outstanding charges for testing his well water totaling five hundred and sixty dollars (\$560.00). Payment in full is due no later than 30 days after the date this final order is filed. Pay by check or money order payable to the Charlotte County Health Department. Address payment to Susan Mastin Scott, Department of Health, 2295 Victoria Avenue, room 206, Fort Myers, Florida 33901.

DONE and ORDERED this 8<sup>th</sup> day of July 2003, in Tallahassee, Leon County, Florida.

JOHN O. AGWUNOBI, M.D., M.B.A.  
Secretary, Department of Health

By: Bonita J. Sorensen  
Bonita J. Sorensen, M.D., M.B.A.  
Deputy State Health Officer

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. A REVIEW PROCEEDING IS GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. A REVIEW PROCEEDING IS INITIATED BY FILING A NOTICE OF APPEAL WITH THE CLERK OF THE DEPARTMENT OF HEALTH AND A COPY ACCOMPANIED BY THE FILING FEE WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES OR THE FIRST DISTRICT COURT OF APPEAL. THE NOTICE OF APPEAL MUST BE FILED WITHIN 30 DAYS OF THE FILING DATE OF THIS FINAL ORDER.

Copy furnished to:

Susan Mastin Scott, Esquire  
Department of Health  
2295 Victoria Avenue, Room 206  
Fort Myers, Florida 33901

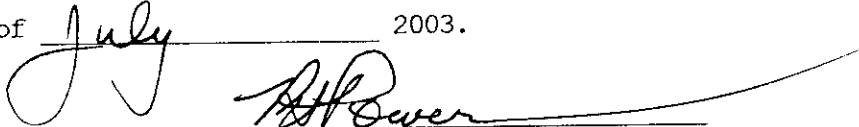
Bart Bibler, Bureau Chief  
Department of Health  
Environmental Health/Water Programs  
4042 Bald Cypress Way, Bin A08  
Tallahassee, Florida 32399

Hon. Daniel M. Kilbride  
Administrative Law Judge  
Division of Administrative Hearings  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060

Pamela D. Keller, Esquire  
Moore & Waksler, PL  
1625 West Marion Avenue, Suite 2  
Punta Gorda, Florida 33950

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing FINAL ORDER has been served by U.S. Mail, inter-office mail, or by hand delivery to each of the above-named persons this 9<sup>th</sup> day of July 2003.

  
R. Samuel Power  
Agency Clerk  
Department of Health  
4052 Bald Cypress Way, Bin A02  
Tallahassee, Florida 32399-1703  
Telephone: (850) 245-4005