

7.7.05

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

RECEIVED  
DEPARTMENT OF HEALTH  
05 AUG -1 AM 8:39  
OFFICE OF THE CLERK

Department of Health,  
Petitioner,

vs.

Matthew T. Beebe,  
Respondent,

Rendition no.: DOH-05-1255-FOF-HST  
Case nos.: 04-4333 & 05-0695  
Collier Co. permit 11-QN-0054

LPS  
closed

AT

FINAL ORDER

FILED  
2005 AUG -2 AM 11:18  
OFFICE OF THE CLERK  
DEPARTMENT OF HEALTH

A recommended order having been received, this matter is before Department of Health (Department) for disposition. At issue in 04-4333 is the citation charging the Respondent with the following: **one**, the failure to properly treat or dispose of septage; and **two**, creation or maintenance of a sanitary nuisance. At issue in 05-0695 is the administrative complaint charging the Respondent with the following: **one**, installation of a holding tank without a permit; **two**, improper disposition of septage from the holding tank; and **three**, failure to maintain adequate septage and hauling logs.

The Administrative Law Judge finds that the charges were proved by clear and convincing evidence with one exception, improper disposition of septage from the holding tank as charged in 05-0695. As to the latter charge, the Respondent is found not guilty of the violation; as to the other violations the Respondent is found guilty.

The recommended order of July 7, 2005 is adopted and incorporated by reference.

Based on the foregoing, fines totaling one thousand dollars (\$1,000) are imposed for the violations in case number 04-4333. For the violations established in case number 05-0695 fines totaling one thousand five hundred dollars (\$1,500) are imposed and the Respondent's septage disposal permit

is suspended for 90 days commencing five days from the filing date of this final order. As to the fines imposed, payment in full is due no later than 30 days after the filing date of this final order. If requested by the Respondent, the Collier County Health Department may authorize payment of the fines by monthly installment payments over a period of up to 12 months.

**DONE** and **ORDERED** this 29<sup>th</sup> day of July 2005, in Tallahassee, Leon County, Florida.

JOHN O. AGWUNOBI, M.D., M.B.A., M.P.H.  
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 each of the following:

Susan Mastin Scott  
Department of Health  
2295 Victoria Ave., room 206  
Fort Myers, Florida 33901

Gerald Briggs, Bureau Chief  
Department of Health  
Onsite Sewage Program  
4052 Bald Cypress Way, bin A08  
Tallahassee, Florida 32399-1713

Hon. Lawrence Stevenson  
Administrative Law Judge  
Division of Administrative Hearings  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060

Michael F. Kayusa, Esquire  
Post Office Box 6096  
Fort Myers, Florida 33911  
FALR

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing FINAL ORDER has been served by ordinary mail via the United States Postal Service, inter-office mail, or by hand delivery to each of the above-named persons this 1<sup>st</sup> day of ~~July~~ August 2005.



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