

STATE OF FLORIDA
DEPARTMENT OF HEALTH

FILED
05 DEC 30 AM 11:50
DIVISION OF
ADMINISTRATIVE
HEARINGS

Department of Health, Duval
County Health Department,
Petitioner,

vs.

Rendition no.: DOH-05-2258-FOF-HST
Case no.: 05-3245 (formerly 04-2226)

James L. Smith,
Respondent,

FINAL ORDER


A recommended order having been received, this matter is before Department of Health (Department) for disposition. At issue is the citation of March 10, 2004, charging the Respondent with violations of Chapter 64E-6, *Standards for Onsite Sewage Treatment and Disposal Systems*; specifically, three violations of section 64E-6.022, Florida Administrative Code as follows: one, completing contracted repairs without obtaining a permit, two, failure to call for required inspection of repairs, and three, repair of a septic tank system in violation of statutory and rule standards. The Administrative Law Judge recommends finding the Respondent guilty of the charged violations, and imposing a fine of one thousand dollars (\$1,000).

The recommended order dated December 6, 2005 is adopted and incorporated by reference.

Based on the foregoing, the Respondent, James L. Smith, is found guilty of the charged violations, and a fine of one thousand dollars (\$1,000) is imposed. Payment in full is due no later than 30 days after the filing date of this final order.

DONE and ORDERED this 28th day of December 2005 in Tallahassee, Leon County, Florida.

M. Rony François, M.D., M.S.P.H., Ph.D
Secretary, Department of Health

By: 
Joseph J. Chiaro, M.D.
Deputy Secretary

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:

Catherine Berry, Esquire
Department of Health
515 West Sixth Street, MC33
Jacksonville, Florida 32206

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

✓ Hon. Suzanne F. Hood
Administrative Law Judge
Division of Administrative Hearings
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

Scott Turner
Duval County Health Department
Environmental Health(septic tank)
900 University Blvd., N., rm. 323
Jacksonville, Florida 32211-9203

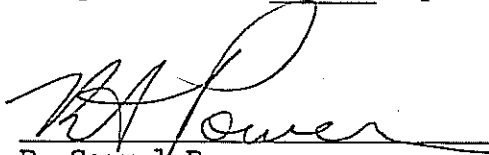
Thomas Koch, Dep. Gen. Counsel
Department of Health
4052 Bald Cypress Way, bin A02
Tallahassee, Florida 32399-1703

James L. Smith
All Florida Septic Tank Service, Inc.
8300 West Beaver Street
Jacksonville, Florida 32220

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 28th day of December 2005.



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