

STATE OF FLORIDA
DEPARTMENT OF HEALTH

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Department of Health,
Petitioner,

vs.

James L. Smith,
Respondent,

Rendition no.: DOH-06-078-FOF-HST
DOAH case no.: 05-4131
Bureau no.: SC 1033

FILED
DIVISION OF
ADMINISTRATIVE
HEARINGS
MAY -4 A 11:31

FINAL ORDER

A recommended order having been received, this matter is before Department of Health (Department) for disposition. At issue is the citation charging the Respondent, a registered septic tank contractor, with the following statutory and rule violations: **one**, performing repairs on an on-site sewage treatment system without obtaining a permit; **two**, failure to notify the Duval County Health Department for required inspections; **three**, failure to satisfy minimum quality standards applicable to repair of an on-site sewage treatment system; and **four**, refusal to sign and accept the citation.

The Administrative Law Judge finds that the violations were proved by clear and convincing evidence with one exception, refusal to sign and accept the citation. The recommended order of March 30, 2006 is adopted and incorporated by reference. As to the latter violation, it is dismissed; as to the other three violations the Respondent is found guilty. The Administrative Law Judge recommends imposition of fines of two thousand five hundred dollars (\$2,500).

Based on the foregoing, fines totaling two thousand dollars five hundred dollars (\$2,500) are imposed. 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 Duval County Health Department may authorize monthly installment payments over a period of up to 6 months.

DONE and ORDERED this 28th day of April 2006 in Tallahassee, Leon County, Florida.

M. Rony François, M.D., M.S.P.H., Ph.D.
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:

Catherine Berry, Esquire
Department of Health
515 West 6th Street
Jacksonville, Florida 32206-4311

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

✓ Hon. P. Michael Ruff
Administrative Law Judge
Division of Administrative Hearings
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

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

Scott Turner
Duval County Health Department
Environmental Health
900 Univ. Blvd., N., room 323
Jacksonville, FL 32211-9203

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 15th day of ~~April~~ 2006.

May



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