

BEFORE THE BOARD OF SUPERVISORS OF THE
WALNUT CREEK COMMUNITY DEVELOPMENT DISTRICT

FILED
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DIVISION OF
7 DEPT OF ENVIRONMENTAL
PROTECTION

MAINGUY ENVIRONMENTAL CARE,
INC., a Florida corporation, d/b/a
MAINGUY LANDSCAPE SERVICES,

DOAH CASE NO.: 07-4753BID

Petitioner,

vs.

WALNUT CREEK COMMUNITY
DEVELOPMENT DISTRICT,

Respondent,

and

SQUIRES ENTERPRISES, INC,
d/b/a TURF MANAGEMENT,

Intervenor.

SUPERIOR LANDSCAPING &
LAWN SERVICE, INC.

DOAH CASE NO.: 07-4774BID

Petitioner,

vs.

WALNUT CREEK COMMUNITY
DEVELOPMENT DISTRICT,

Respondent,

and

SQUIRES ENTERPRISES, INC,
d/b/a TURF MANAGEMENT,

Intervenor.

FINAL ORDER

This matter came before the Board of Supervisors of the Walnut Creek Community
Development District at a public meeting held on January 10, 2008, pursuant to the

Recommended Order of the Division of Administrative Hearings' Administrative Law Judge rendered in this matter on December 21, 2007 (a copy of which is attached hereto and incorporated herein by reference as Exhibit A) ("Recommended Order"). The Administrative Law Judge ("ALJ") recommends that the Walnut Creek Community Development District enter a final order dismissing the protest of Superior Landscaping and Lawn Service, Inc. ("Superior") and granting the protest of Mainguy Environmental Care, Inc., d/b/a Mainguy Landscape Services ("Mainguy").

Having reviewed the Recommended Order, the District Board of Supervisors makes the following findings, conclusions, and ruling:

FINDINGS OF FACT

The Findings of Fact set forth in the Recommended Order are approved, adopted, and incorporated herein by reference.

CONCLUSIONS OF LAW

1. With the exception of that which is set forth in the Exception to Recommended Order filed on December 31, 2007 (a copy of which is attached hereto and incorporated herein by reference as Exhibit B), by the District with the Division of Administrative Hearings, the Conclusions of Law set forth in the Recommended Order are approved, adopted and incorporated herein by reference.

2. Accordingly, paragraphs 50 and 51 of the Recommended Order are hereby modified to the extent and for the reasons more particularly set forth in the Exception to Recommended Order.

3. The District Board of Supervisors hereby rescinds its August 7, 2007, approved motion to award the Contract for Landscape Maintenance of Rights-of-Way, Water Management Areas and Similar Planting Areas (the "Contract") to Squires Enterprise, Inc., d/b/a Turf

Management ("Turf"), and consistent with the Recommended Order, by approved motion at its meeting of January 10, 2008, awards the Contract to Mainguy.

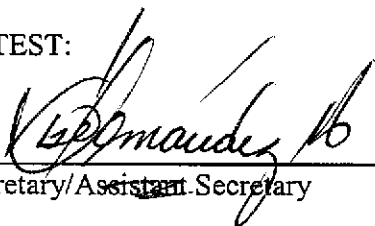
RULING


The ALJ's recommendation that the District dismiss the protest of Superior and grant the protest of Mainguy is accepted, the protest of Superior is DISMISSED, and the protest of Mainguy is ACCEPTED.

ORDERED by the Board of Supervisors of the Walnut Creek Community Development District, at its public meeting on January 10, 2008.

**WALNUT CREEK COMMUNITY
DEVELOPMENT DISTRICT**

ATTEST:


Secretary/Assistant Secretary

By: 
Print Name: Madeline B. DeFazio
Title: Chair / Vice-Chair

Date Rendered: 1-17, 2008

THIS ORDER CONSTITUTES FINAL AGENCY ACTION. ANY PARTY WHO IS ADVERSELY AFFECTED BY THIS ORDER HAS THE RIGHT TO SEEK JUDICIAL REVIEW UNDER SECTION 120.68, FLORIDA STATUTES, BY FILING A NOTICE OF ADMINISTRATIVE APPEAL PURSUANT TO RULE 9.110 OF THE FLORIDA RULES OF APPELLATE PROCEDURE, WITH THE DISTRICT MANAGER OF THE WALNUT CREEK COMMUNITY DEVELOPMENT DISTRICT, 5701 N. PINE ISLAND ROAD, SUITE 370, TAMARAC, FLORIDA 33321; AND BY FILING A COPY OF THE NOTICE OF APPEAL ATTACHED TO WHICH IS A CONFIRMED COPY OF THE ORDER DESIGNATED IN THE NOTICE OF APPEAL ACCOMPANIED WITH THE APPLICABLE FILING FEES WITH THE APPROPRIATE DISTRICT COURT OF APPEAL. THE NOTICE OF ADMINISTRATIVE APPEAL MUST BE FILED WITHIN 30 DAYS OF THE DATE THIS ORDER IS RENDERED.

Copies furnished:

MAINGUY ENVIRONMENTAL CARE, INC., d/b/a MAINGUY LANDSCAPE SERVICES:
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SQUIRES ENTERPRISES, INC., d/b/a TURF MANAGEMENT:
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HONORABLE ROBERT E. MEALE
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399

DIVISION OF ADMINISTRATIVE HEARINGS
c/o Clerk of the Division of Administrative Hearings
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EXHIBIT A
RECOMMENDED ORDER