

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

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DEPARTMENT OF HEALTH  
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Department of Health, Bay  
County Health Department,

*Petitioner,*

vs.

G. D. Yon, Jr., dba Yon  
Septic Tank Company,

*Respondent.*

Registration no.: SR0890264  
Authorization no.: SA0900453  
Rendition no.: DOH-08-1206-S-HST  
Complaint no.: SC1243  
DOAH no.: 07-5504

**FINAL ORDER**

This proceeding is before the Department of Health for consideration of the administrative complaint charging the Respondent with violation of standards applicable to septic tank contractors. The Department of Health (hereinafter the Department) is the agency responsible for regulation and registration of septic tank contractors. See chapter 489, Part III, *Septic Tank Contracting*, Florida Statutes, and Chapter 64E-6, Part III, Florida Administrative Code. The Respondent's request for an administrative hearing was referred to the Division of Administrative Hearings for an adjudicatory proceeding pursuant to section 120.57(1), Florida Statutes.

The Respondent is charged with violating Rule 64E-6.022(1) (l), *Standards of Practice and Disciplinary Guidelines*. A final evidentiary hearing was conducted and the presiding Administrative Law Judge found that the Respondent did threaten to physically harm the Department's inspector on August 22, 2007; which is gross misconduct constituting a violation of section 489.556(4), Florida Statutes, and Rule 64E-6.022(1) (l)1. Subsequent to the entry of the recommended order of May 5, 2008, the parties executed a "Stipulated Settlement", which agreed to the imposition of a five thousand dollar fine (\$5,000) as the final disposition of the misconduct violation. The "Stipulated Settlement" is incorporated by reference.


Based on the foregoing, the "Stipulated Settlement" is accepted, and the Parties are directed to comply with it.

**DONE** and **ORDERED** this 10 day of June 2008 in Tallahassee, Leon County, Florida.

2008 JUN 16 AM 11:23  
FILED  
DIVISION OF ADMINISTRATIVE HEARINGS

Ana M. Viamonte Ros, M.D., M.P.H.  
State Surgeon General

By:

  
Jean L. Kline, R.N., B.S.N., M.P.H.  
Deputy Secretary for Health

**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:

Diane Cleavinger  
Administrative Law Judge  
Division of Administrative Hearings  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060

Gerald Briggs, Bureau Chief  
Department of Health  
Onsite Sewage Program  
4052 Bald Cypress Way, bin A-08  
Tallahassee, Florida 32399-1713

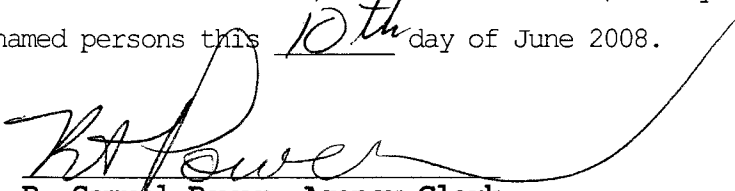
Rodney Johnson, Esquire  
Department of Health  
1295 West Fairfield Drive  
Pensacola, Florida 32501

John H. Holley, Esquire  
Shutts & Bowden, LLP  
215 S. Monroe Street, suite 804  
Tallahassee, Florida 32301-1858

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 10<sup>th</sup> day of June 2008.

  
R. Samuel Power, Agency Clerk  
Department of Health  
4052 Bald Cypress Way, bin A-02  
Tallahassee, Florida 32399-1703  
phone: (850) 245-4005

**STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS**

STATE OF FLORIDA,  
DEPARTMENT OF HEALTH;

Petitioner,

vs.

G.D. Yon, Jr., d/b/a  
YON SEPTIC TANK COMPANY  
2988 Highway 71  
Marianna, FL 32446,

Respondent.

**CASE NO. 2007-5504  
HSES COMPLAINT SC1243  
SEPTIC TANK CONTRACTOR  
NO. SR0890264  
AUTHORIZATION SA0900453**

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**STIPULATED SETTLEMENT**

The parties hereby agree to settle the matters referenced in the above-entitled case which is pending Final Order according to the following terms:

1. G.D. Yon, Jr., d/b/a Yon's Septic Tank Company, referred to as Contractor, agrees:

a. This matter has received a Recommended Order from Diane Cleavinger, Administrative Law Judge, Division of Administrative Hearings.

b. To accept the Department's reduction of discipline in this matter from a ninety (90) day license suspension of registration and \$500.00 fine to a fine in the amount of \$5,000.00.

c. The Contractor, for himself, his attorneys, heirs, executors, administrators, successors and assigns, does hereby fully, finally and forever release and discharge the State of Florida, Department of Health, Bay County Health Department, Bay County and any of their agents, representatives, and attorneys, of and from all claims, demands, actions, causes of action, suits, damages, losses and expenses, of any and every nature whatsoever arising from any or all of the facts or circumstances which gave rise to this action, including, but not limited to, those claims asserted or any federal, state or administrative action or other claims that were or might have been asserted by or on behalf of the Contractor and any other suits or charges filed or which may be filed by or on behalf of the Contractor with any federal, state or local agency or court whatsoever.

2. The Department agrees:

a. To reduce the discipline in the above referenced case from ninety (90) day License Suspension and \$500.00 fine to a fine in the amount of \$5,000.00; providing said fine is paid prior to close of business, August 22, 2008.

b. Hold punishment in abeyance until August 22, 2008. If the \$5,000.00 fine is not paid before close of business August 22, 2008, G.D. Yon Jr.'s ninety (90) day license suspension of registration and \$500.00 fine shall begin September 1, 2008.

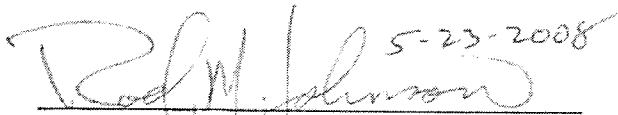
c. To forego instituting any other action that may be available to the Department arising from the circumstances that are the subject of the discipline in this case.


3. Both parties agree:

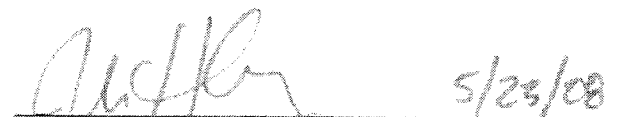
a. For <sup>PURPOSES</sup> proposes of the Stipulated Settlement Agreement, The Findings of Fact in the Recommended Order are not contested.

b. Each shall bear their own costs, including attorney fees, as incurred in litigation of this matter.

c. Stipulate any Final Department Order issued for the above-styled case shall reflect the above agreement of \$5,000.00 in lieu of recommended penalty providing payment is received at the office of Rodney M. Johnson, Chief Counsel, Department of Health, prior to close of business August 22, 2008. If payment is not timely received the recommended ninety (90) day license suspension of registration and \$500 fine shall begin September 1, 2008.

 5-23-2008  
\_\_\_\_\_  
RODNEY M. JOHNSON Date  
Chief Counsel, Department of Health  
1295 West Fairfield Drive  
Pensacola, FL 32501

 5-22-08  
\_\_\_\_\_  
G. D. YON, JR. Date  
Contractor, d/b/a Yon Septic Tank Company  
2988 Highway 71  
Marianna, FL 32446

 5/23/08  
\_\_\_\_\_  
JOHN H. HOLLEY Date  
Shutts & Bowden, LLP  
Attorney for Respondent  
215 S Monroe Street, Suite 804  
Tallahassee, FL 32301-1858