

STATE OF FLORIDA
DEPARTMENT OF HEALTH

FILED

2009 DEC 16 A 10:32

DIVISION OF
ADMINISTRATIVE
HEARINGS

Department of Health,
Bureau of Onsite Sewage
Programs,

Petitioner,

vs.

Rendition no.: DOH-09-2658-FOF-HSTS
Registration no.: SR0951216
Authorization no.: SA0041214
DOAH case no.: 09-4644

Scott Womble, dba Womble's
Septic Tank Service, Inc.,
Respondent.

LEON COUNTY

FINAL ORDER

A recommended order having been received, this matter is before Department of Health (Department) for disposition. At issue is the three count administrative complaint charging the Respondent, a registered septic tank contractor, with the following statutory and rule violations: **one**, repair of on an on-site sewage treatment system without first obtaining a permit; **two**, installation of an on-site sewage treatment system without first obtaining a permit; **three**, repair or installation of an on-site sewage treatment system without first obtaining a permit.

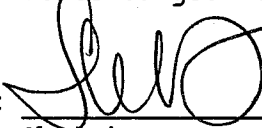
The Administrative Law Judge finds that counts one and two were proved by clear and convincing evidence. Count three was not proved. The Administrative Law Judge recommends a letter of warning as to count one and imposition of a fine of seven hundred fifty dollars (\$750) as to count two. As to the count three, it is dismissed. The recommended order of November 10, 2009 is adopted and incorporated by reference.

Based on the foregoing, a letter of warning is approved and a fine of seven hundred fifty dollars (\$750) is imposed. Payment in full of the fine is due no later than 30 days after the filing date of this final order.

DONE and **ORDERED** this 12 day of December 2009 in Tallahassee, Leon County, Florida.

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

By:


Shairi Turner, M.D., M.P.H.
Deputy Secretary for Health

NOTICE

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:

Jennifer A. Tschetter, Esquire
Department of Health
4052 Bald Cypress Way, bin A-02
Tallahassee, Florida 32399-1703

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

Hon. Lisa Shearer Nelson
Administrative Law Judge
Division of Administrative Hearings
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

Scott Womble
2970 Lake Bradford Road, South
Tallahassee, Florida 32310

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, electronic transmission, or by hand delivery to each of the above-named persons this 14th day of December 2009.



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