

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

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Department of Health,  
Bureau of Onsite Sewage  
Programs,

*Petitioner,*

Rendition no.: DOH-10-1066-FOF-HST  
Case no.: 09-6062

vs.

LAKE COUNTY

Alex Macdonell, Jr.,  
*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 the Respondent for violations of Chapter 386, **Particular Conditions Affecting Public Health**, Part I, **Sanitary Nuisances**, section 386.041, Florida Statutes; and Chapter 64E-6, **Standards for Onsite sewage treatment and Disposal Systems**, sections 64E-6.001(2) and 64E-6.003(1), Florida Administrative Code. The citation assessed a fine of five hundred dollars (\$500) and ordered corrective action to avoid a sanitary nuisance, an accumulation of raw sewage.

The Administrative Law Judge concludes that a factual and legal basis for the citation is established and recommends the entry of a final order imposing a fine and ordering corrective action within a fixed time frame. I concur. The amended recommended order of April 2, 2010, is adopted and incorporated by reference.

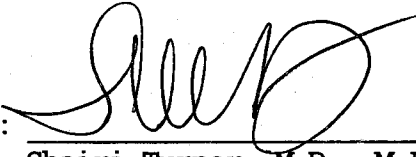
Based on the foregoing, the following is adjudged: the Respondent, Alex MacDonell, Jr., is found guilty of the cited violations; a fine of five hundred dollars (\$500) is imposed on the Respondent; and finally, the Respondent is ordered to obtain a repair permit and make the repairs necessary to bring his septic tank system into full compliance within

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DIVISION OF ADMINISTRATIVE HEARINGS  
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forty-five days from the filing date of this final order.<sup>1</sup> Payment in full of the fine is due within 30 days after the filing date of this final order.

**DONE** and **ORDERED** this 30<sup>th</sup> day of April 2010 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:

William Westerfield, Esquire  
Department of Health  
6101 Lake Ellenor Drive, suite 1083  
Orlando, Florida 32809

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

James H. Peterson, III  
Administrative Law Judge  
Division of Administrative Hearings  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060

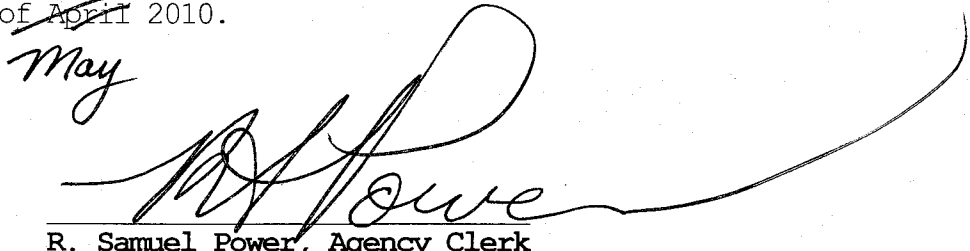
Alex MacDonell, Jr.  
6345 Lake Erie Road  
Groveland, Florida 34736

FALR

<sup>1</sup> It is noted that a person is subject to criminal prosecution for creating or maintaining a sanitary nuisance under section 386.051, Florida Statutes; additionally, failure to comply with this final order may result in civil liability for additional penalties, costs, and attorney fees under section 120.69, Florida Statutes.

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 4<sup>th</sup> day of ~~April~~ May 2010.

A large, stylized handwritten signature in black ink, appearing to read "R. Samuel Power". The signature is written over a horizontal line and extends across the width of the page.

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