

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

RECEIVED  
DEPARTMENT OF HEALTH

10 MAR 25 AM 10:17

2010 MAR 26 A 11:21

OFFICE OF THE CLERK

Department of Health,  
Bureau of Onsite Sewage  
Programs,

*Petitioner,*

vs.

John E. McDaniel, dba  
Superior Septic and Sewer,  
Inc.,

*Respondent.*

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

Petition no.: DOH-10-0785-FOF-HST

Registration no.: SR0931141

Authorization no.: SA0890161

DOAH case no.: 09-6439

BAY COUNTY

Complaint SC1357

FINAL ORDER

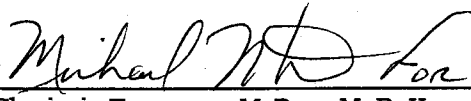
A recommended order having been received, this matter is before Department of Health (Department) for disposition. At issue is the two count administrative complaint (as amended) charging the Respondent, a registered septic tank contractor, with the following statutory and rule violations: **one**, gross negligence, incompetence, or misconduct which caused monetary harm to a customer; and **two**, fraud or deceit by making a misleading or untrue representation to a home purchaser or agent incident to a loan application.

The Administrative Law Judge finds that count one was proved, and count two was **not** proved. After a careful weighing of the mitigating and aggravating circumstances, the Administrative Law Judge recommends a six months suspension and one thousand dollars fine. I concur. As to the count two, it is dismissed. The recommended order of February 25, 2010 is adopted and incorporated by reference.

Based on the foregoing, the Respondent's registration as a septic tank contractor is suspended for six months and the certificate of authorization to do business as Superior Septic and Sewer, Incorporated, is suspended for six months. The suspensions run concurrently and commence fifteen (15) days after the filing date of this final order. Additionally, a fine of one thousand dollars (\$1,000) is imposed on the Respondent, John E. McDaniel. Payment in full of the fine is due no later than 15 days after the filing date of this final order.

DONE and ORDERED this 25<sup>th</sup> day of March 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:

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

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

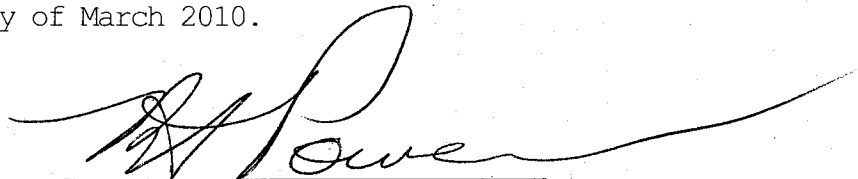
Hon. Robert S. Cohen  
Administrative Law Judge  
Division of Administrative Hearings  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060

John E. McDaniel  
Superior Septic and Sewer, Inc.  
7315 Highway 231, North  
Panama City, Florida 32404

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 25<sup>th</sup> day of March 2010.



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