

STATE OF FLORIDA
DEPARTMENT OF HEALTH

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DEPARTMENT OF HEALTH

11 MAR -7 AM 8:34

Department of Health, Bureau
of Onsite Sewage Programs,

Petitioner,

vs.

Arlender Miller dba, Ms.

Rooter, Inc.¹,

Respondent.

2011 MAR -8 A 11:02
DIVISION OF
ADMINISTRATIVE
HEARINGS
Rendition no.: DOH-11-0559 -FOF-HST
DOAH case no.: 10-9214PL
Authorization no.: SA0071430
Registration no.: SR0911046

MIAMI-DADE COUNTY

FINAL ORDER

At issue in this proceeding is the administrative complaint charging the Respondent, Arlender Miller, a registered septic tank contractor, with multiple violations of regulatory standards. The administrative complaint notified the Respondent of the Department's intent to revoke the Respondent, Arlender Miller's registration as a septic tank contractor.

The duty to regulate and register septic tank contractors is given to the Department of Health (hereinafter the Department) by Chapter 489, *Contracting*, Part III, *Septic Tank Contracting*, sections 489.551 through 489.558, Florida Statutes. The Department's regulatory and disciplinary rules for septic tank contractors are found in *Standards for Onsite Sewage Treatment and Disposal Systems*, Chapter 64E-6, Florida Administrative Code.

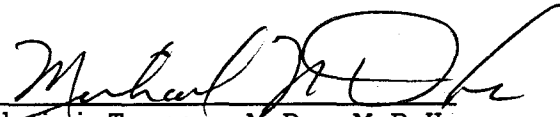
The presiding administrative law judge (ALJ) found that three violations were proved, and along with an extensive disciplinary history, the proved violations ". . . demonstrate a shoddiness in contracting that [the] Respondent has been unable or unwilling to correct for ten years. . .". The ALJ recommends revocation of the Respondent's registration as a septic tank contractor. I fully concur with the ALJ's findings and recommendation of revocation. Accordingly, the recommended order of January 31, 2011, is adopted and incorporated by reference.

Based on the foregoing, the Respondent, Arlender Miller's registration as a septic tank contractor is revoked.

¹ Under section 489.555, Florida Statutes, a registered septic tank contractor may provide, or offer to provide contracting services through a corporation or partnership, which has been issued a certificate of authorization by the Department of Health.

~~DONE~~ and **ORDERED** this 7th day of March 2011 in Tallahassee, Leon County,
Florida.

Department of Health
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:

Jenea Reed, Esquire
Department of Health
8323 N.W. 12th Street, suite 214
Miami, Florida 33126

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

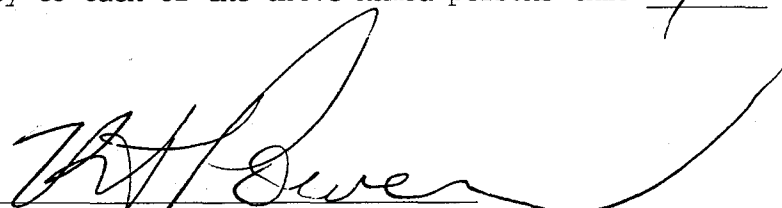
Arlender Miller
640 N.W. 129th Street
Miami, Florida 33168

FALR

DOAH

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 7th day of March 2011.


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