

STATE OF FLORIDA
DEPARTMENT OF HEALTH

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DEPARTMENT OF HEALTH

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OFFICE OF THE CLERK

Department of Health,
Bureau of Onsite Sewage
Programs,

Petitioner,

vs.

Donald R. Derby dba
Anytime Septic Enterprise,
Inc.,

Respondent.

LEE COUNTY

2011 APR - 5 A 11:23
DIVISION OF
ADMINISTRATIVE
HEALTH
Rendition no.: DOH-11-0698 -FOF-HST
Registration no.: SR0041456
Authorization no.: SA0091662
DOAH case no.: 10-10103PL

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 three violations of standards applicable to registered septic tank contracting.


The Administrative Law Judge finds that the violations of standards were proved. After weighing the mitigating and aggravating circumstances, the Administrative Law Judge recommends imposition of a fine of one thousand five hundred dollars (\$1,500). I concur. The recommended order of February 24, 2011 is adopted and incorporated by reference.

Based on the foregoing, a fine of one thousand five hundred dollars (\$1,500) is imposed on the Respondent, Donald R. Derby. Payment in full of the fine is due within 15 days after the filing date of this final order.

DONE and ORDERED this 15th day of April 2011 in Tallahassee, Leon County, Florida.

Department of Health
State Surgeon General

By:


Shairi Turner, M.D., M.P.H.
Acting State Surgeon General

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:

Denise Duque, Esquire
Lee County Health Department
2295 Victoria Avenue, room 206
Fort Myers, Florida 33901

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

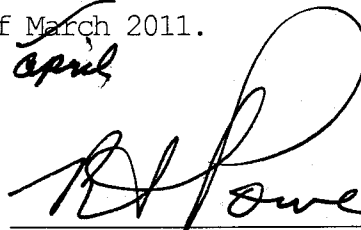
Hon. William F. Quattlebaum
Administrative Law Judge
Division of Administrative Hearings
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

Stephen Maher, Esquire
Stephen Maher, P.A.
2077 First Street, Suite 206
Fort Myers, Florida 33901

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 4th day of ^{April} 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