

STATE OF FLORIDA
DEPARTMENT HEALTH

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DEPARTMENT OF HEALTH
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VIRGIL CARDIN, D/B/A
VIRGIL CARDIN SEPTIC TANK SERVICE,

Petitioner,

Rendition No.: DOH-14-0731-FOF-HSE
Case No.: 2014-0122
DOAH Case No.: 14-0028

vs.

DEPARTMENT OF HEALTH,
POLK COUNTY,

Respondent.

FILED
2014 MAY 29 AM 11 14
DIVISION OF
ADMINISTRATIVE
HEARINGS

FINAL ORDER

This proceeding was initiated by Petitioner's request for an administrative hearing. This matter is before the Department of Health for consideration of a Settlement Agreement pursuant to a Motion for Final Agency Order.

On November 20, 2013, the Department issued an Administrative Complaint against Petitioner alleging violations of Florida Administrative Code Chapter 64E-6. This Complaint was forwarded to the Division of Administrative Hearings for a hearing on the matter, DOAH Case No. 14-0028.

An Agreement was reached by the Parties for Settlement on February 19, 2014, for all claims made in the Complaint. The case was remanded back to the Agency Clerk by DOAH on February 26, 2014, for action consistent with the terms of the executed Settlement Agreement. Polk CHD has filed a Motion for Final Agency Order based on the Settlement Agreement on May 5, 2014.

Upon consideration of the CHD's Motion on this matter, and being otherwise fully advised on the premises, the Department hereby finds as follows:

1. The facts as alleged in the Administrative Complaint are sufficient to support a finding of violation of Florida Administrative Code Rule 64E-6.022(1)(l)1, gross negligence, incompetence, or misconduct which causes no monetary or other harm to a customer.
2. Petitioner's actions constitute grounds upon which an administrative fine may be imposed.
3. The Department hereby incorporates the Settlement Agreement by reference and finds Petitioner in violation of Florida Administrative Code Rule 64E-6.022(1)(l)1, and imposes as administrative fine of \$1,500, payable to the Polk County Health Department.

DONE and ORDERED this 21st day of May, 2014, in Tallahassee, Leon County, Florida.

JOHN H. ARMSTRONG, M.D.
State Surgeon General

By:


C. Meade Grigg
Deputy Secretary for Statewide Services

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS MAY BE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE CLERK OF THE DEPARTMENT OF HEALTH AND A SECOND COPY ACCOMPANIED BY THE FILING FEES REQUIRED BY LAW WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES OR THE FIRST DISTRICT COURT OF APPEAL. THE NOTICE MUST BE FILED WITHIN 30 DAYS OF RENDITION OF THIS FINAL ORDER.

Copies Furnished to:

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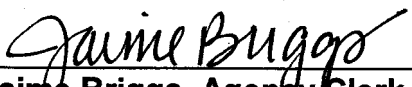
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Cynthia Goldstein-Hart, RS, MPH
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Linzie F. Bogan
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, FL 32399-3060

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing FINAL ORDER has been sent to U.S. Mail, inter-office mail or by hand delivery to each of the above-named persons this 27 day of May, 2014.



Jaime Briggs, Agency Clerk
Department of Health
4052 Bald Cypress Way, #A02
Tallahassee, Florida 32399-1703
Tel. (850) 245-4005