

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION,

Petitioner,

vs.

Case No. 18-1654

NORMAN ERIC JOHNS,

Respondent.

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RECOMMENDED ORDER

Pursuant to notice, a formal administrative hearing was conducted before Administrative Law Judge Mary Li Creasy by video teleconference with locations in Port St. Lucie and Tallahassee, Florida, on May 18, 2018.

APPEARANCES

For Petitioner: Brandy Elaine Elliott, Esquire
Florida Fish and Wildlife
Conservation Commission
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Tallahassee, Florida 32399-1600

For Respondent: Steven J. Polhemus, Esquire
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STATEMENT OF THE ISSUE

Whether Respondent's licenses and permits issued by Petitioner should be revoked for the reasons set forth in the Notice of Revocation issued February 5, 2018.

PRELIMINARY STATEMENT

Respondent, Norman Eric Johns, at all times material hereto, was the licensed operator of Flashy Gator Farm ("Flashy Gator") located in Moore Haven, Florida. On August 9, 2017, Petitioner, Florida Fish and Wildlife Conservation Commission ("FWC"), conducted an inspection of Flashy Gator and determined a number of recordkeeping violations occurred with regard to alligator eggs and hatchlings. As a result, on February 5, 2018, FWC issued a Notice of Revocation ("NOR") to Respondent seeking to revoke all licenses and permits issued by FWC, including, but not limited to his: alligator farm license; alligator farming permit; saltwater fishing license; hunting license; freshwater fishing license; lobster permit; and waterfowl permit.

Respondent timely filed a Petition for a Formal Administrative Proceeding which was referred to the Division of Administrative Hearings ("DOAH") on March 29, 2018. The final hearing was conducted as scheduled by video teleconference on May 18, 2018.

FWC presented the testimony of three witnesses: Dwayne Carbonneau, FWC's alligator management program coordinator; Jesse Alford, captive wildlife investigator; and Kyle Patterson, investigator of boating homicides and commercialization of fish and wildlife. FWC's Exhibits 1 through 6 were admitted without objection.

Respondent presented the testimony of Alvin Ward, the property owner of Flashy Gator and its manager. Respondent's Exhibits 1 through 6 were admitted without objection.

A two-volume Transcript of the final hearing was filed on June 11, 2018, and the parties timely filed proposed recommended orders that have been considered in the drafting of the Recommended Order. Except as otherwise indicated, citations to Florida Statutes or rules of the Florida Administrative Code refer to the versions in effect at the time of the alleged violations.

FINDINGS OF FACT

The Parties

1. FWC is the agency with exclusive jurisdiction to regulate all wild animal life, including captive wildlife, in Florida. As such, it issues licenses and permits related to a variety of wildlife, including for alligator farms and farmers. As part of its duties, FWC regularly inspects alligator farms to ensure compliance with applicable rules and regulations.

2. On June 1, 2017, Respondent was issued an alligator farm permit authorizing him to operate Flashy Gator on the premises of Alvin Ward. Prior to that time, Flashy Gator was operated by Mr. Ward's son. Mr. Ward's son lost his license after pleading guilty to a second-degree misdemeanor unrelated to his operation of Flashy Gator. Respondent bought the alligator stock, and

Mr. Ward leased the premises to Respondent. In order to salvage the business, Mr. Ward agreed also to manage the daily operations of Flashy Gator for Respondent.

3. Flashy Gator is a five-acre parcel located on Mr. Ward's 100-acre property. It is comprised of several brood ponds for alligators six feet in length or greater and an extensive canal system, an incubator room for the eggs, an adjacent temperature-controlled trailer, and a grow-out house with tanks for alligators less than six feet in length.

4. Respondent was previously issued a variety of licenses and permits by Petitioner, including those for saltwater fishing, hunting, freshwater fishing, lobster collection, and waterfowl hunting.

The Investigation

5. On August 9, 2017, Investigator Jesse Alford, Investigator Kyle Patterson, and Lieutenant George Wilson arrived at Flashy Gator to conduct an unannounced inspection. Upon finding no one present, they contacted Mr. Ward by telephone. Mr. Ward advised that he was on another farm, Dove Hill, collecting alligator eggs with a biologist and they would return to Flashy Gator after concluding the collection.

6. At the time of the inspection of Flashy Gator, Investigator Alford was attending his first alligator farm inspection, and Investigator Patterson was attending his tenth

inspection. The farm had been inspected each of its prior five years without issuance of any citations.

7. When alligator eggs are collected, they are carefully placed in a single layer in a crate and covered with sphagnum moss, with special care given to not twist the position of the eggs or turn them over, and to maintaining the temperature and moisture of the eggs' natural environment. Unhatched alligators are extremely delicate. Failure to maintain the position, moisture, and temperature of the eggs leads to the death of the unhatched alligator.

8. Mr. Ward returned to Flashy Gator with 189 eggs from the collection at Dove Hill. When he arrived, Mr. Ward told FWC representatives that they would also find five bins of eggs sitting on the floor of the incubator room that were not yet in inventory because they had been collected from nests on Flashy Gator the night before and were stabilizing. There were 117 eggs in these five bins.

9. Mr. Ward also advised that the previous night he found the season's first hatchlings on the floor of the incubator room and had placed these 34 hatchlings in a baby pool in the adjacent, temperature-controlled trailer. It is not uncommon to remove alligator babies from the nest because their cries can cause other eggs to prematurely hatch. However, the hatchlings are not immediately transferred to the grow-out house and tanks

because the hatchlings are too small for the tanks and could drown.

10. Mr. Ward unlocked the incubator room and the trailer. He placed the eggs he had just collected from Dove Hill on the floor of the incubator room and then accompanied the investigators as they inspected the premises.

11. After looking into several nest boxes stacked in the incubator room and the hatchlings in the baby pool in the trailer, Mr. Ward showed the investigators where he had dug the five nests on the previous day. The investigators chose to only inspect two of the former nest spots. The investigators walked around the perimeter and down the middle of the ponds but did not explore the canals. The ponds are surrounded by high grasses and weeds. They spent approximately 15 to 30 minutes inspecting the outside operation. The investigators counted approximately 75 alligators in the breeding ponds.

12. The investigators asked Mr. Ward to show them his inventory records. Mr. Ward explained that instead of using FWC's Form 1004AF, he used a white board and grease marker system, recommended by Commission Investigator Scott Van Buren, to track eggs in, and eggs and alligators out. According to Mr. Ward, Flashy Gator used this system during multiple inspections over the four years prior to the current inspection without any problem.

13. More specifically, Mr. Ward explained that Investigator Van Buren instructed the farm that they did not need to immediately add eggs into the recorded inventory of the farm and that they could be entered as soon as reasonably practicable, but generally within 24 to 48 hours of harvest on the farm or being brought into the farm from a private egg collection or purchase of eggs. Eggs harvested from the permittee's land do not need a separate transfer document when harvested. Eggs harvested from private lands (farms owned by others) require a transfer document. Investigator Van Buren suggested the farm use a white board to maintain a running inventory total of eggs coming in and from which farm, a subtraction for bad eggs, a subtraction from eggs when hatchlings moved to the grow-out house, the total number of breeding stock and rearing stock alligators on the farm, and a total number of hatchlings moved to the grow-out house on the grow-out house door. Hatchling alligators needed a transfer document when leaving the farm from the grow-out house.

14. According to Mr. Ward, he photographed the white board daily to maintain running records of the inventory. He also maintained a notebook indicating egg collections designating the source of the eggs (Flashy Gator or one of five private lands sources), the number of eggs in each bin, and the specific number labeled on the Flashy Gator bin in which the eggs were placed in the incubator room. Mr. Ward maintained this notebook for

quality control purposes to determine which private lands were most productive. Mr. Ward also produced the transfer documents accounting for all eggs harvested from private lands. All of these records were made available at the inspection.

15. During the inspection, the investigators pulled several crates of eggs to spot check that the number of eggs matched the inventory. One of the bins was labeled on the outside as containing 15 eggs. Mr. Ward's notebook inventory for the bin showed 17 eggs. When counted, there were actually a total of 20 eggs.

16. On the date of the inspection, the inventory records of Flashy Gator showed a total of 4,540 eggs, with 3,588 of those coming from harvesting on Flashy Gator property. The white board showed that 412 eggs came from the private lands of Garcia and 550 (which included ten bad eggs) came from Hilliard Brothers private lands. Although the white board did not show the individual dates of private lands collection, these dates are located and maintained on the transfer documents.

17. Prior to leaving, Investigator Patterson told Mr. Ward that FWC was "constructively seizing" the five bins of eggs that were not in inventory in the incubator room and the 34 hatchlings. Because FWC does not have an incubator, Investigator Patterson told Mr. Ward the eggs and hatchlings would be left at Flashy Gator. Investigator Patterson sealed the

egg bins with tape and told Mr. Ward that he could water the bins as needed but, if the eggs started to hatch, they should not be touched. Investigator Patterson told Mr. Ward he would contact him the following day with further instructions. However, it was not until five weeks later that FWC notified Mr. Ward that the bins and hatchlings were released back to Flashy Gator and they could be unsealed. At that point, most of the eggs failed to hatch, and the few hatchlings from the bins were all dead.

18. At the conclusion of the inspection, the investigators told Mr. Ward to add a column to his white board going forward to reflect any hatchlings put into the trailer next to the incubator room. Mr. Ward followed this instruction; however, no FWC representative returned to Flashy Gator after the inspection to verify compliance.

Recordkeeping Requirements

19. Florida Administrative Code Rule 68A-25.004(3) (a) requires that alligator farm permittees:

shall maintain inventory records of the number of alligator eggs and alligators in each incubator, tank, pond, and enclosure. The source and disposition of eggs and alligators added to or removed from each incubator, rearing tank, and breeding stock enclosure shall be accurately recorded. Such inventory records shall be kept on the farm on an Alligator Farm Inventory Record (FWC Form 1004AF), effective June 30, 1992, which is incorporated herein by reference and may be obtained from the Commission) or in a

manner that is substantially in compliance with the required record keeping.

Nearly identical language is contained in paragraph 7 of the alligator farm permit issued to Flashy Gator.

20. Alligator farm permittees, therefore, have two options when keeping their inventory records for an alligator farm. As a first option, they may use Form 1004AF, completing the information required on that form. Alternatively, alligator farmers may, pursuant to the rule requirements, choose not to use Form 1004AF, but must, nevertheless, keep records that are substantially in compliance with the rule's required recordkeeping.

21. Form 1004AF contains spaces for alligator farms to record the total number of eggs, rearing stock, and breeding stock, in each incubator, pen, or pond. It also includes columns to show the date, number, and source of any additions or subtractions.

22. Importantly, there is nothing in the rules that specify how soon after an egg is transferred from the farm or private land it has to be entered into inventory. There is no rule that provides how soon after a move that the farm inventory must show a transfer of a hatchling from incubator, to pen, or to pond.

23. When eggs are harvested from private lands, the process is tightly controlled. The farmer notifies FWC by telephone the

day of the harvest of the intent to harvest at a particular location. The farmer is accompanied by a biologist. The farmer notifies FWC of the vehicles the farmer and biologist are driving onto the private lands. Once the eggs are collected, the count is phoned into FWC. A dated transfer document, signed by both the private land manager and the harvesting farmer, is generated, and a copy is sent to FWC.

24. Alligators are a threatened species for which there is trade all over the world, and they are covered under the Convention on International Trade of Endangered Species of Flora and Fauna ("CITES"). The United States government is a signatory to CITES, obligating them to review all alligator programs in the United States, including the program in Florida, to ensure no detriment is occurring to the alligator population because of those programs.

25. Accurate inventory records are needed in Florida's alligator farming program for accountability and to ensure poaching is not occurring. Alligator eggs are easy to move and worth a lot of money. Inventory records, in part, serve to prevent alligator farm permit holders from stealing eggs from the wild and bringing them into the alligator farm claiming they are captively-bred eggs. If Florida's alligator farm program resulted in the overharvesting of the alligator population or too many eggs were being removed from the wild, that would be deemed

detrimental to Florida's alligator population, and could result in the Federal government shutting down Florida's alligator farming program altogether.

The Alleged Violations

26. On February 5, 2018, as a result of the inspection, FWC issued a NOR to Respondent alleging recordkeeping violations for both alligator eggs and hatchings.

27. FWC alleges three areas of concern related to records for alligator eggs: (1) the records produced by Flashy Gator did not have a date of the eggs entering inventory or "disposition" of the eggs; (2) one bin counted was labeled as containing 15 eggs, the records showed it contained 17 eggs, and the physical count demonstrated 20 eggs in the bin; and (3) during the inspection there were five bins on the floor of the incubation room containing a total of 117 eggs not included in inventory.

28. Respondent was also cited for failing to have inventory records of the 34 hatchlings in the baby pool in the trailer next to the incubator room.

29. Although FWC investigators testified at the final hearing that the total number of mature gators observed was inconsistent with the count maintained by Flashy Gator, Petitioner was not cited in the NOR for such a violation. Similarly, FWC witnesses also testified that Flashy Gator's

egg-laying and hatch rates were unusually high for captive-bred alligators and implied that this might be from poaching eggs from the wild. However, there was no reference to this in the NOR.

Records of Eggs

30. FWC claims that Flashy Gator has no records of dates of eggs entering inventory. It is true that the white board did not show a particular date eggs harvested from Flashy Gator property were entered into inventory. However, the daily photos of the white board taken by Mr. Ward show the running total, and it is simple math to determine on which dates inventory increased or decreased for the farm-harvested eggs.

31. The testimony of FWC Investigators Alford and Patterson conflicts regarding whether they reviewed the transfer documents associated with harvesting from private lands. Investigator Alford said the transfer records were not inspected. Investigator Patterson testified that the transfer records were reviewed and no discrepancy between the white board inventory and transfer records was found. In any event, no evidence was presented that Flashy Gator failed to maintain adequate records of eggs harvested from private lands. These records certainly reflect the date and time all private land collected eggs were harvested and came into inventory.

32. FWC cited Respondent for not having "disposition" information recorded for the eggs. This ignores the fact that

the inspection occurred at the very beginning of the hatching season. In fact, the first eggs hatched the night before the inspection, and Mr. Ward advised the investigators they would find the first 34 hatchlings in the baby pool in the trailer next to the incubator building. This was corroborated by the testimony of Investigator Patterson. No hatchlings had yet been transferred to the grow-out house or tanks. Accordingly, at the time of the inspection, there was no "disposition" to be recorded. Mr. Ward testified that later in the season, the hatchlings were sold before going into the grow-out house and that the disposition of the hatchlings were properly documented on transfer forms, including the date, and to whom, the hatchlings were sold.

33. FWC cited Flashy Gator for a recordkeeping violation because the physical count of eggs in one of three bins spot-checked did not match the bin labeling or Mr. Ward's notebook record. The investigators explained they did not do a total count of eggs because it would be too disruptive and potentially damaging to the eggs. They assumed this sampling demonstrated that the white board count would necessarily be inaccurate. However, there was no testimony that the total count was off by this discrepancy. Further, this de minimus discrepancy in one bin cannot be extrapolated to assume that the entire daily white board counts were incorrect, particularly when

the other two bins inspected matched the bin labeling and the notebook records.

34. It is true that on the date of the inspection, there were five bins of 117 eggs in the incubator not yet listed in inventory. However the white board had a "plus sign," which Mr. Ward explained showed that there were eggs stabilizing before going into inventory. Those eggs were harvested from Flashy Gator the prior day and in the incubator less than 24 hours at the time of the inspection. Mr. Ward explained this to the investigators before they entered the incubator. He also showed the investigators the nest sites from which these eggs were harvested.

Records of Hatchlings

35. FWC contends that Respondent failed to document the source or disposition of the 34 hatchling that were located in the baby pool in the trailer next to the incubator. According to FWC, the trailer with the baby pool and hatchlings is the equivalent of a grow-out house or "tank, pond, or enclosure."

36. Mr. Ward contends that the trailer is, in fact, part of the incubator and that the hatchlings were part of the egg count. The trailer is not a "tank, pond, or enclosure." In support, Mr. Ward explained that the trailer is located less than eight feet from the main incubator house, the trailer is temperature-controlled like the incubator, and the baby pool is not part of

the grow-out facility of Flashy Gator. These hatchlings were found and removed from the rest of the eggs to prevent the premature hatching of other eggs. Again, these hatchlings had only been in the trailer for less than 24 hours.

CONCLUSIONS OF LAW

37. DOAH has jurisdiction over the subject matter of and the parties to this proceeding pursuant to sections 120.569 and 120.57(1), Florida Statutes (2018).

38. FWC is the agency with exclusive jurisdiction to regulate all wild animal life in Florida. Art. IV, § 9, Fla. Const. All wild animal life includes captive wildlife.

39. In order to provide humane treatment and sanitary surroundings for wild animals kept in captivity, all individuals that have or possesses captive wildlife for the purpose of public display or public sale must have a license from FWC. § 379.3761(1), Fla. Stat.

40. This case involves FWC's revocation of Respondent's licenses and permit and potentially affects Respondent's livelihood. As such, FWC has the burden of proving its allegations with clear and convincing evidence. See Ferris v. Turlington, 510 So. 2d 292, 295 (Fla. 1987) (establishing clear and convincing evidence standard for license revocation proceedings).

41. "Clear and convincing evidence" means that the evidence must be found to be credible, the facts to which the witnesses testify must be distinctly remembered, the testimony must be precise and explicit, and the witnesses must be lacking in confusion as to the facts in issue. The evidence must be of such weight that it produces in the mind of the trier of fact a firm belief or conviction, without hesitancy, as to the truth of the allegations sought to be established. Slomowitz v. Walker, 429 So. 2d 797, 800 (Fla. 4th DCA 1983).

42. FWC's specific allegations are contained in FWC's NOR, dated February 5, 2018. This tribunal may consider only the allegations in the NOR, as predicating disciplinary action against a licensee on conduct never alleged in an administrative complaint or some comparable pleading violates the Administrative Procedure Act. Cottrill v. Dep't of Ins., 685 So. 2d 1371, 1372 (Fla. 1st DCA 1996). Similarly, due process requires that only the allegations in an administrative complaint may be considered in imposing disciplinary sanctions. Matters not charged in an administrative action cannot be considered as violations. See Chrysler v. Dep't of Prof'l Reg., 627 So. 2d 31, 34 (Fla. 1st DCA 1993); Klein v. Dep't of Bus. & Prof'l Reg., 625 So. 2d 1237 (Fla. 2d DCA 1993).

43. FWC failed to present clear and convincing evidence of the recordkeeping violations alleged in the NOR. The white board

system, recommended by FWC Investigator Van Buren, showed the total eggs collected on Flashy Gator, the source and total number of eggs from private lands, the number of rearing stock and breeding stock, the number of bad eggs, and the number of alligators transferred. Mr. Ward's notebook backed up the white board with information by bin regarding the source of eggs.

44. The only item from Form 1004AF missing from the white board was the date. However, the daily photos of the board, compared to the transfer documents (which contain the date) would enable the investigators to determine the date. Further, the applicable rule does not specify that a date is required. Accordingly, the system used by Flashy Gator was in "substantial compliance" with the recordkeeping requirement of rule 68A-25.004(3)(a).

45. While it is true that the inventory did not include the 117 eggs on the floor of the incubator room, these eggs were harvested from Flashy Gator in the 24 hours preceding the inspection. In the absence of any guidance in the regulation regarding how soon eggs must be logged into inventory, it is permissible to assume that a farmer will be given a "reasonable" amount of time. Mr. Ward notified the investigators before they entered the incubator that there were eggs on the floor waiting to stabilize and be placed into inventory. Mr. Ward also showed the investigators where the nests were harvested on Flashy Gator

property. Accordingly, the five uncounted bins did not constitute a violation.

46. As to the one bin in which the egg count differed from Mr. Ward's notebook and the label on the outside of the bin, no evidence was presented to show that the count was inaccurate on the white board. Even if this one bin skewed the count by three eggs, this recordkeeping violation is de minimus given the fact that the total count of eggs on the day of the inspection was over 4,000 eggs.

47. FWC's evidence at final hearing differed significantly from the allegations in the NOR regarding the hatchlings. Paragraph 14 of the NOR states, "When Commission personnel asked to inspect the hatchery, Alvin Ward informed them that there was nothing inside the hatchery to inspect and that there were no inventory records." This was directly contradicted by the testimony of Investigator Patterson who stated that Mr. Ward informed them prior to opening the trailer that it contained hatchlings.

48. Investigator Patterson also testified that transferring of a hatchling should be documented as soon as it goes from an incubator room into a rearing tank. There is no need to document from which bin or which clutch the hatchling came, according to Investigator Patterson. The testimony was clear that no hatchlings were in the rearing tanks/grow-out house. Rule 68A-

25.004(3) (a) does not define the terms incubator, tank, pond, or enclosure. Mr. Ward reasonably concluded that the immediately adjacent, temperature-controlled trailer was part of the incubator, rather than the grow-out house which was approximately 75 to 100 feet away.

49. Florida Administrative Code Rule 68-1.010(5) requires FWC to consider the following factors when determining whether to suspend, deny, or revoke a license:

(a) The severity of the conduct;

(b) The danger to the public created or occasioned by the conduct;

(c) The existence of prior violations of Chapter 379, F.S., or the rules of the Commission;

(d) The length of time a licensee or permittee has been licensed or permitted;

(e) The effect of denial, suspension, revocation or non-renewal upon the applicant, licensee, or permittee's existing livelihood;

(f) Attempts by the applicant, licensee or permittee to correct or prevent violations, or the refusal or failure of the applicant, licensee or permittee to take reasonable measures to correct or prevent violations;

(g) Related violations by an applicant, licensee or permittee in another jurisdiction;

(h) The deterrent effect of denial, suspension, revocation or non-renewal;

(i) Any other mitigating or aggravating factors that reasonably relate to public

safety and welfare or the management and protection of natural resources for which the Commission is responsible.

Severity of the Conduct

50. At most, FWC presented some evidence of a minor deviation from the recordkeeping requirements of rule 68A-25.004(3)(a) because the white board did not contain dates of acquisition. Notably, all information specifically required by the rule was maintained by Flashy Gator between the white board, Mr. Ward's notebook, and the transfer documents. Although FWC's witnesses suggested that Flashy Gator's collection rate for its own eggs was unusually high and suggested that Flashy Gator may be poaching eggs from the wild, no evidence of the same was presented nor was this allegation contained in the NOR.

51. Flashy Gator's failure to immediately document the movement of hatchlings, from the room with the eggs to the trailer with the baby pool, is also a minor violation. The trailer was more akin to the incubator than the grow-out house. Respondent should not lose all his FWC licenses and permits based on a matter of semantics.

Danger to the Public

52. FWC explained why adherence to recordkeeping requirements protects captive wildlife populations. No evidence was offered to suggest that Respondent's alleged recordkeeping violations posed any risk to the public.

Prior Violations, Related Violations in Another Jurisdiction

53. No evidence was presented that Respondent was cited for any prior violations or any related violations in any other jurisdiction. In fact, the evidence showed that Flashy Gator operated on the same lands (under a different license holder) for the prior four years, using the same recordkeeping system, and passed annual inspections with no citations.

Length of Time Permitted

54. Respondent was permitted to operate Flashy Gator for slightly more than a year at the time of the inspection.

Effect of Revocation on Livelihood

55. Neither party presented any evidence regarding the effect of revocation of all FWC licenses and permits on Respondent's livelihood.

Steps to Correct or Prevent Violations

56. The uncontradicted testimony of Mr. Ward showed that Flashy Gator followed the recordkeeping recommendation of FWC Investigator Van Buren. The system was in place for the prior four years without citation. Mr. Ward changed the white board to include the incubator trailer after the inspection as the investigators suggested. This factor weighs heavily in favor of Respondent.

Deterrent Effect of Revocation

57. FWC presented no evidence of the potential deterrent effect of revocation.

Other Mitigating or Aggravating Factors

58. The evidence shows that Mr. Ward documented the acquisition and disposition of eggs, hatchlings, and alligators, in the same manner for at least four years in accordance with the system recommended by FWC Investigator Van Buren.

59. Mr. Ward immediately implemented the change to recordkeeping as suggested by Investigator Patterson.

60. Despite FWC's professed concern for possible poaching and alligator safety, FWC never returned to Flashy Gator to determine whether Respondent came into what FWC considered compliance. FWC's delay in releasing the eggs which it "constructively seized" resulted in increased hatchling mortality and a financial loss to Flashy Gator.

Conclusion

61. Upon careful consideration of the factors set forth in rule 68-1.010(5), the undersigned concludes that FWC has not proven by clear and convincing evidence that revocation of Respondent's licenses and permits is warranted.

RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED that the Florida Fish and Wildlife

Conservation Commission enter a final order adopting the Findings of Fact and Conclusions of Law set forth in this Recommended Order and dismiss the Notice of Revocation.

DONE AND ENTERED this 3rd day of August, 2018, in Tallahassee, Leon County, Florida.



MARY LI CREASY
Administrative Law Judge
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Filed with the Clerk of the
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this 3rd day of August, 2018.

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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.