

**STATE OF FLORIDA
FISH AND WILDLIFE CONSERVATION COMMISSION**

ROBERT SWEENEY,

Petitioner,

DOAH Case No. 21-0627

FWC Case No. 20-0114

v.

**FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION,**

Respondent.

_____ /

FINAL ORDER

THIS CAUSE came before the Florida Fish and Wildlife Conservation Commission (Commission) on a Petition for a formal administrative hearing (Petition) filed by Robert Sweeney (Petitioner or Sweeney). The Petition challenged the Commission's determination that Petitioner was responsible for a vessel deemed derelict and abandoned.

STATEMENT OF THE ISSUE

WHEREAS Sweeney received notification from the Commission on November 17, 2020 that he was responsible for a vessel deemed derelict and abandoned on the waters of the State of Florida. Petitioner disputed the agency action.

Petitioner filed a petition challenging the agency's determination and requested a formal hearing. The matter was referred to the Division of Administrative Hearings (DOAH) on February 17, 2021. A hearing was held on April 6, 2021. Petitioner failed to appear at the hearing.

CONCLUSIONS OF LAW

Upon review of the record, the Commission makes the following legal conclusion:

As Executive Director of the Commission or his designee, the undersigned has jurisdiction over this subject matter and authority to enter a final order pursuant to Rule 68-1.009, Florida Administrative Code, and the Commission's Delegation of Authority, dated October 2020, and in accordance with Section 120.57(2), Florida Statutes.

ORDER

WHEREFORE, the Administrative Law Judge's Recommended Order is adopted, and the Commission's action finding the vessel was a "derelict vessel" is UPHeld and this matter is closed.

DONE AND ORDERED in Tallahassee, Florida this 7th day of June, 2021.

Thomas H. Eason Digitally signed by Thomas H. Eason
Date: 2021.06.07 16:25:53 -04'00'

Thomas H. Eason, Ph.D.
Assistant Executive Director
Florida Fish and Wildlife Conservation
Commission

Filed with the Commission:

This 8th day of June, 2021

ATTEST: Jill Canfield
Jill Canfield, Deputy Clerk



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above Final Order has been furnished by US mail to Robert Sweeney, 104 26th Street N.W., Bradenton, Florida 34205, and electronically to Soarxc@earthlink.net, and to Brandy Elliott, Assistant General Counsel, Florida Fish and Wildlife Conservation Commission, at brandy.elliott@myfwc.com; on this 8th day of June, 2021.




Jill Canfield, Deputy Clerk
Florida Fish and Wildlife Conservation
Commission
620 South Meridian Street
Tallahassee, Florida 32399
(850) 487-1764

NOTICE OF APPELLATE RIGHTS

The foregoing constitutes final agency action in this matter. Any party adversely affected has the right to seek judicial review of this Final Order pursuant to Section 120.68, Florida Statutes, and Rules 9.030(b)(1)(C) and 9.110, Florida Rules of Appellate Procedure. To initiate an appeal, a Notice of Appeal must be filed with the Florida Fish and Wildlife Conservation Commission, Legal Office, and the appropriate District Court of Appeal within thirty (30) days for the date this Final Order is filed with the Agency Clerk. The Notice filed with the District Court of Appeal must be accompanied by the appropriate fee required by law.