



**INDIAN RIVER COUNTY
ENVIRONMENTAL CONTROL OFFICE**

Indian River County Environmental Control Hearing Board

Steve Snoberger
Richard D. Cahoy
Matthew S Zoffer, M.D.
Dr. Richard H. Baker
Cynthia VanDeVoorde Hall

Environmental Control Officer

Cheryl L. Dunn, R. S.
Suzanne H. Vitunac, Attorney

Indian River County Board of County Commissioners

Sitting as the Environmental Control Board

Wesley S. Davis
Joseph E. Flescher
Peter D. O'Bryan
Bob Solari
Gary C. Wheeler

AGENDA

February 10, 2011
Indian River County
Environmental Control Hearing Board
Vero Beach, Florida

12:30 p.m. –February 10, 2011
1801 27th Street – Building A, Vero Beach, Florida

- I. Chairman Snoberger
 - A. Call to Order
 - B. Roll Call by Secretary
 - C. Consideration of December Minutes
 - D. Additions-Deletions to Agenda
 - E. Swearing in of those who intend to Testify

- II. Environmental Control Officer
 - A. Stipulations
O & N Investments, LLC

Case No. Page No.

485-11 1 - 8

- B. Continuances

George McCullers, Jr., et al(Motion for Continuance on Count
II) 474-10 9 - 17

III. Adjournment

ANYONE WHO MAY WISH TO APPEAL ANY DECISION WHICH MAY BE MADE AT THIS MEETING WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL WILL BE BASED.

Anyone who needs a special accommodation for this meeting may contact the County's ADA (Americans with Disabilities Act) Coordinator at 226-1223, at least 48 hours in advance of the meeting. Anyone who may wish to appeal any decision made at this meeting will need to ensure that a verbatim record of the proceedings is made, which includes testimony and evidence upon which the appeal is based.

INDIAN RIVER COUNTY
ENVIRONMENTAL CONTROL HEARING BOARD
VERO BEACH, FLORIDA

DEPARTMENT OF HEALTH -)
INDIAN RIVER COUNTY HEALTH)
DEPARTMENT AND INDIAN RIVER)
COUNTY ENVIRONMENTAL CONTROL)
OFFICER)

Petitioners)

vs.)

O & N Investments, LLC)

Respondent)

CASE NO. 485-11


STIPULATION

Come now Petitioners Indian River County Health Department and the Indian River County Environmental Control Officer and Respondent O & N Investments, LLC (hereinafter "Respondent") and stipulate as follows:

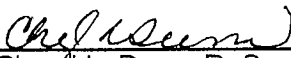
1. This agreement pertains to Respondent's property located at 5470-45th Street and 4560-54th Street, Vero Beach, Florida, which is the site of an eight space mobile home park known as "Country Trailer Park". The property is legally described in the attached Exhibit "A", and will hereinafter be called "subject property."
2. Respondent neither admits nor denies any wrongdoing in this matter, but stipulates to the following in order to resolve the matters set out in the Notice of Non-Compliance filed in this case pertaining to the requirements that the subject property be connected to the available County water and sanitary sewer system, as set out in Chapter 201, Indian River County Code, and Chapter 381, Florida Statutes.
3. Respondent stipulates that within 30 days of a malfunction or failure of any septic system serving a plumbed structure on the subject property, Respondent shall complete connection of the plumbed structure to the County water and sanitary sewer system.
4. Respondent additionally agrees that on or before December 3, 2012, Respondent shall complete connection of all plumbed structures on the subject property to the County water system.
5. Respondent further stipulates that on or before December 3, 2015, Respondent shall complete connection of all plumbed structures on the subject property to the County sanitary sewer system.
6. Respondent stipulates that Respondent shall have any septic tank on the subject property properly abandoned pursuant to Health Department abandonment permit within 90 days after connection of the structure formerly served by the septic tank to the County sewer system.
7. In lieu of the above requirements for connection, Respondent may vacate the structures on the property, rather than connect the property to the water and sanitary sewer systems. Should Respondent choose to exercise this option, Respondent shall vacate the structure by the deadlines set out for connection above. In this event, Respondents shall remove the vacant mobile home from the subject property and properly abandon the septic tank pursuant to Health Department abandonment permit within 90 days of vacating the structure.

8. Extensions of the above deadlines may be granted by the Petitioners for good cause shown. Such extensions are valid only if in writing. Respondent may appeal to the Indian River County Environmental Control Hearing Board any denial of an extension request.
9. Respondent shall provide to the Petitioners written updates detailing Respondent's progress in complying with the deadlines set out in this Stipulation. Such updates shall be provided to Petitioners every six months at the address or FAX number provided below. The first such update shall be provided on July 21, 2011.
10. Respondent, in signing this Stipulation, enters an appearance in this matter and waives all requirements for the filing of a Notice of Noncompliance and service of process.
11. Respondent stipulates to the entry of an Indian River County Environmental Control Hearing Board Order adopting this Stipulation and waives all defenses to same.
12. Respondent understands and agrees that the above requirements shall run with the land and apply to any subsequent owners of the property, and Respondent agrees to so notify prospective buyers.
13. Petitioners, Indian River County Health Department and Indian River County Environmental Control Officer agree to recommend that the Indian River County Environmental Control Hearing Board accept this Stipulation as its order.
14. The parties agree that the addresses below shall be used for all notices in this matter, unless written notice of an address change is provided to the other parties.
15. The parties understand that this Stipulation is subject to approval of the Indian River County Environmental Control Hearing Board.

1/28/2011
Date

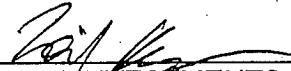

Suzanne H. Vitunac, Attorney for the ECO
1900 - 27th Street, 2nd Floor
Vero Beach, Florida 32960
Ph (772) 794-7440
FAX (772) 794-7447

1-28-2011
Date


Cheryl L. Dunn, R. S.
Environmental Control Officer
1900 - 27th Street, 2nd Floor
Vero Beach, Florida 32960
Ph (772) 794-7440
FAX (772) 794-7447

1-28-2011 *N.E.*

1-29-2011 *N.E.*
Date


O & N INVESTMENTS, LLC
6641 GIRALDA CIRCLE,
BOCA RATON FL 33433

Signed by Neil Hagan
Please print

Filed: 1/5/ **FEB 01 2011**
Secretary to Indian River County Environmental Control Hearing Board Date

Exhibit "A"

At 6:00 Doc 3/10/04

RETURN TO BOX 38 COASTAL TITLE SERVICES, INC.

Prepared by and Return to: Coastal Title Services, Inc. 2345 14th Avenue Vero Beach, Florida 32960 Property Appraiser's Parcel Identification Number:

WARRANTY DEED (Statutory Form - Section 689.02, F.S.)

THIS INDENTURE, made this 5th day of January 2004, BETWEEN Philip Hall and Faustine Hall, Husband and Wife, whose post office address is: 4560 54th Drive, Box 5, Vero Beach, Florida 32967 grantor*, and O & N Investments, LLC, whose post office address is: 6641 Giralda Circle, Boca Raton, Florida 33433 grantee*,

WITNESSETH that said grantor, for and in consideration of the sum of Ten (\$10.00) Dollars, and other good and valuable consideration, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Indian River County, Florida, to-wit:

Parcel 1:

The North 2 acres of the South 3 acres of the East 5 acres of the East 20.01 acres of Tract 13 in Section 21, Township 32 South, Range 39 East, according to the last general plat of lands of Indian River Farms Company, filed in the office of the Clerk of the Circuit Court of St. Lucie County, Florida; said land now lying and being in Indian River County, Florida.

Parcel 2:

The South one acre of the East 5 acres of Tract 13, Section 21, Township 32 South, Range 39 East, according to the Plat of Indian River Farms Company, filed in Plat Book 2, page 25, Public Records of St. Lucie County, Florida; said land now lying and being in Indian River County, Florida.

TOGETHER WITH THE FOLLOWING MOBILE HOMES: 1971 FREED VIN#FF10082e; 1961 LIBE VIN#32603; 1971 SKYLI VIN#SF1840E; 1966 STAR VIN#00416; 1971 TIF VIN#60122845; 1966 BOMET VIN#MF172; 1957 CHAMP VIN#15457 SUBJECT TO: (1) TAXES FOR 2004 AND SUBSEQUENT YEARS; (2) ZONING AND/OR RESTRICTIONS AND PROHIBITIONS IMPOSED BY GOVERNMENTAL AUTHORITY AND (3) RESTRICTIONS, EASEMENTS AND OTHER MATTERS APPEARING ON THE PLAT AND/OR COMMON TO THE SUBDIVISION.

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

*"Grantor" and "grantee" are used for singular or plural, as context requires.

IN WITNESS WHEREOF, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Patricia A. Pratt (Signature) Witness: Patricia A. Pratt

Hilda Theriault (Signature) Witness: Hilda Theriault

Philip Hall (Signature) Philip Hall

Faustine Hall (Signature) Faustine Hall

STATE OF Florida COUNTY OF Indian River

The foregoing instrument was acknowledged before me this 5 day of January 2004 by Philip Hall and Faustine Hall, Husband and Wife who produced their valid Florida Driver's Licenses

Patricia A. Pratt (Signature) NOTARY PUBLIC Patricia A. Pratt My Commission Expires:



available publicly owned or investor-owned sewerage system. A copy of said Notice to Correct Violation is attached as Exhibit "B".

8. Respondent has failed to comply with the terms of the Notice to Correct Violation.

The Indian River County Environmental Control Officer respectfully requests that Notice of Hearing and Order to Appear be issued and that a hearing be set.

Cheryl L. Dunn R.S.

Cheryl L. Dunn, R.S.
Indian River County Environmental Control Officer

Filed: JAN 04 2011

Secretary to Indian River Date
County Environmental Control
Hearing Board

This document prepared by:

Suzanne H. Vitunac
Suzanne H. Vitunac, Attorney
1900 27th Street
Vero Beach, FL 32960
Ph: (772) 794-7440;
Florida Bar No. 181352

EXhibit "A"

Ac. 6.00
Doc#3800

RETURN TO BOX 38
COASTAL TITLE SERVICES, INC.

Prepared by and Return to:
Coastal Title Services, Inc.
2345 14th Avenue
Vero Beach, Florida 32960
Property Appraiser's
Parcel Identification Number:

WARRANTY DEED (Statutory Form - Section 689.02, F.S.)

THIS INDENTURE, made this 5th day of January 2004, BETWEEN Philip Hall and Faustine Hall, Husband and Wife, whose post office address is: 4560 54th Drive, Box 5, Vero Beach, Florida 32967 grantor*, and O & N Investments, LLC, whose post office address is: 6641 Giralda Circle, Boca Raton, Florida 33433 grantee*,

WITNESSETH that said grantor, for and in consideration of the sum of Ten (\$10.00) Dollars, and other good and valuable consideration, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Indian River County, Florida, to-wit:

Parcel 1:

The North 2 acres of the South 3 acres of the East 5 acres of the East 20.01 acres of Tract 13 in Section 21, Township 32 South, Range 39 East, according to the last general plat of lands of Indian River Farms Company, filed in the office of the Clerk of the Circuit Court of St. Lucie County, Florida; said land now lying and being in Indian River County, Florida.

Parcel 2:

The South one acre of the East 5 acres of Tract 13, Section 21, Township 32 South, Range 39 East, according to the Plat of Indian River Farms Company, filed in Plat Book 2, page 25, Public Records of St. Lucie County, Florida; said land now lying and being in Indian River County, Florida.

TOGETHER WITH THE FOLLOWING MOBILE HOMES: 1971 FREED VIN#FF10082e; 1961 LIBE VIN#322603; 1971 SKYLI VIN#SF1840E; 1966 STAR VIN#00416; 1971 TIIF VIN#60122845; 1966 BOMET VIN#MF172; 1957 CHAMP VIN#15457
SUBJECT TO: (1) TAXES FOR 2004 AND SUBSEQUENT YEARS; (2) ZONING AND/OR RESTRICTIONS AND PROHIBITIONS IMPOSED BY GOVERNMENTAL AUTHORITY AND (3) RESTRICTIONS, EASEMENTS AND OTHER MATTERS APPEARING ON THE PLAT AND/OR COMMON TO THE SUBDIVISION.

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

*"Grantor" and "grantee" are used for singular or plural, as context requires.

IN WITNESS WHEREOF, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Patricia A. Pratt
Witness: Patricia A. Pratt

Wilda Theriault
Witness: Wilda Theriault

Philip Hall
Philip Hall

Faustine Hall
Faustine Hall

STATE OF Florida
COUNTY OF Indian River

The foregoing instrument was acknowledged before me this 5 day of January 2004 by Philip Hall and Faustine Hall, Husband and Wife who produced their valid Florida Driver's Licenses

Patricia A. Pratt
NOTARY PUBLIC Patricia A. Pratt
My Commission Expires:



Exhibit "B" (pt 5th of 2)

Charlie Crist
Governor



Ana M. Viamonte Ros, M.D.
Secretary and Surgeon General

INDIAN RIVER COUNTY HEALTH DEPARTMENT

April 3, 2008

O & N Investments LLC
6641 Giralda Circle
Boca Raton, FL 33433

CERTIFIED MAIL #7005 3110 0001 6670 3129

RE: Country Trailer Park
4560 54th Drive, Vero Beach, Florida 32967

To Whom It May Concern:

This letter constitutes Formal Notice to Correct Violation of Chapter 85-427, Special Acts, Laws of Florida, the Indian River County Environmental Control Act, Indian River County Environmental Control Rule 1, Indian River County Ordinance No. 91-22, and the following laws and rules which are adopted by reference in the said Act, Rule, and Ordinance. This notice is given pursuant to the authority of the Indian River County Environmental Control Act, Chapter 85-427, Laws of Florida.

The following violations were found to exist on the property you own located at **4560 54th Drive, Vero Beach, Florida** by representatives of this department on April 2, 2008:

VIOLATION: Chapter 386.041(1) Florida Statutes: Sanitary nuisances injurious to health exist on the property because the onsite sewage treatment and disposal systems for units #10 and #13 have failed, causing sewage to pond to the surface of the ground; the septic tank lid and sidewalls of the tank for unit #14 are broken, exposing sewage to the air; the washing machine for unit #14 is discharging onto the surface of the ground; and the septic tank that serves the recreation vehicle north of unit #15 has an unapproved wooden lid, which is not structurally sound.

VIOLATION: Chapter 381.0065(2)(a)2., Florida Statutes: A gravity public sewer line is available for connection along the east portion of the property. Connection of this property to the public sewer system is required.

CORRECTIVE ACTION: The septic tanks for units #10 and #13 must be pumped immediately, and pumped as necessary to maintain sanitary conditions. The septic tank lids for unit #14 and the recreation vehicle north of unit #15 must be replaced by a licensed septic tank contractor. All washing machines must discharge into a septic tank. This property must connect to the Indian River County sewer system. Application must be immediately made to Indian River County Utilities. The onsite sewage disposal systems for units #10 and #13 can be permitted for temporary repairs to alleviate the sanitary nuisance conditions until the property is connected to sewer.

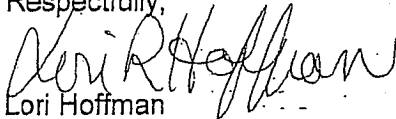
Indian River County Health Department
Formal Notice to Correct Violation
Page two

CORRECTIVE ACTION: Within 2 days of receipt of this letter, you are required to provide a written response specifying dates and details of each and every act by you which you contend constitutes compliance with the above requirements. **Violations must be corrected within 2 days upon receipt of this notice.**

If you are unable to comply with any of the requirements of this letter, it is imperative that you immediately call Lori Hoffman of this office. No adjustment of the above requirements or extensions of the deadlines in this letter shall be valid unless made in writing. Any extensions or adjustments must be sought and obtained prior to the expiration of the stated deadlines.

Failure to correct the above violations within the specified time may result in a summons to appear before the Indian River County Environmental Control Hearing Board or Circuit Court and could subject you to a fine of up to Five Hundred Dollars (\$500) per day per violation. In addition, you are subject to fines of up to Five Hundred Dollars (\$500) per day for each day you create a Public Health Threat, or conduct an Activity which Results in Environmental Damage, or conduct an Activity Without or in Violation of a Required Permit. Accordingly, a Notice of Non-Compliance will be filed with the Indian River County Environmental Control Hearing Board seeking Civil Penalties in this matter.

Respectfully,



Lori Hoffman
Environmental Specialist

INDIAN RIVER COUNTY
ENVIRONMENTAL CONTROL HEARING BOARD
VERO BEACH, FLORIDA

DEPARTMENT OF HEALTH -
INDIAN RIVER COUNTY HEALTH
DEPARTMENT AND INDIAN RIVER
COUNTY ENVIRONMENTAL CONTROL
OFFICER

Petitioners

vs.

George McCullers, Jr., Bruce McCullers,
and Allied Diversified, Inc.

Respondents

CASE NO. 474-10

MOTION FOR CONTINUANCE

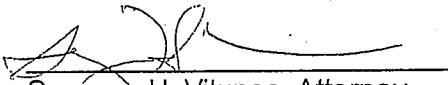
Petitioners move the Hearing Board for a continuance of the February 10, 2011, hearing on Count II. Discovery and Amendments are ongoing in the case, and a Continuance will be needed in order to narrow issues and properly prepare for the Hearing.

NOTICE OF HEARING

The above Motion for Continuance will be heard by the Indian River County Environmental Control Hearing Board on February 10, 2011, at 12:30 p.m. in the Indian River County Commission Chambers, 1801 - 27th Street, Building A, Vero Beach, Florida,

CERTIFICATE OF SERVICE

The undersigned certifies that a copy hereof has been furnished by U. S. Mail this 2nd day of February, 2011 to the parties listed on the attached distribution sheet.


Suzanne H. Vitunac, Attorney
1900 - 27th Street
Vero Beach, FL 32960
Ph: (772) 794-7440
Florida Bar No. 181352

Filed: 15/

FEB 02 2011

Secretary to Indian River County Environmental Control Hearing Board
Date

Distribution List Case 474-10

Charles A Sullivan Jr., Attorney
Sullivan & Sullivan
PO Box 2620
Vero Beach, Florida 329612620

INDIAN RIVER COUNTY
ENVIRONMENTAL CONTROL HEARING BOARD
VERO BEACH, FLORIDA

DEPARTMENT OF HEALTH -)
INDIAN RIVER COUNTY HEALTH)
DEPARTMENT AND INDIAN RIVER)
COUNTY ENVIRONMENTAL CONTROL)
OFFICER)

Petitioners)

vs.)

George McCullers, Jr., Bruce McCullers,
and Allied Diversified, Inc.)

Respondents)

CASE NO. 474-10

NOTICE OF NON-COMPLIANCE

Pursuant to Section 13 of the Indian River County Environmental Control Act, Chapter 85-427, Special Acts, Laws of Florida, this notice is filed with the Indian River County Environmental Control Hearing Board to invoke its jurisdiction over Respondents GEORGE MCCULLERS, JR., BRUCE MCCULLERS, and ALLIED DIVERSIFIED, INC. (hereinafter "Respondents"), and in support thereof, the Environmental Control Officer says:

COUNT I

1. Respondents violated the Indian River County Environmental Control Act, Chapter 85-427, Special Acts, Laws of Florida, Indian River County Ordinance No. 91-22, Indian River County Environmental Control Board Rule No. 1, and Chapter 64E-6, Florida Administrative Code and Chapter 381, Florida Statutes, as adopted by reference in said Act, Ordinance and Rule, as is further set out below.
2. At all times pertinent to this matter, Respondents owned or controlled a septic tank contracting business or septic tank contracting businesses known as Reliable Septic and Services and Reliable Treasure Coast Services Indian River Septic.
3. On or about February 6, 2009, Respondents or their agents conducted an air injection repair at 1960 Barefoot Place, Vero Beach, which is located in Indian River County Florida, without a required permit from the Florida Department of Health. Respondents thereby violated Chapter 381.0065(4), Florida Statutes, and Chapter 64E-6.022(1) (b), Florida Administrative Code, as well as paragraph 4 of the Stipulation approved by Hearing Board Order dated January 29, 2003 in Environmental Control Hearing Board Case No. 360-02, a copy of which is attached hereto as Exhibit "A".
4. Respondents conducted the subject air injection repair job without having a copy of said permit on the job site, thereby violating paragraph 5 of the Stipulation approved by Hearing Board Order dated January 29, 2003, in Environmental Control Hearing Board Case No. 360-02, a copy of which is attached hereto as Exhibit "A".
5. Proper Notice to Correct Violation was issued to Respondents for the violations described in paragraphs 1, 2, and 3, a copy of which is attached as Exhibit "B".
6. The violations described above and in the attached Exhibit "B" constitute Activities Conducted Without a Required Permit.

COUNT II

7. Petitioners reallege paragraphs 1 and 2.
8. On or about January 8, 2010, Respondents or their agents conducted a drainfield replacement repair at 1960 Barefoot Place, Vero Beach, which is located in Indian River County Florida, without a required permit from the Florida Department of Health. Respondents thereby violated Chapter 381.0065(4), Florida Statutes, and Chapter 64E-6.022(1) (b), Florida Administrative Code, as well as paragraph 4 of the Stipulation approved by Hearing Board Order dated January 29, 2003 in Environmental Control Hearing Board Case No. 360-02, a copy of which is attached hereto as Exhibit "A".
9. The drainfield installed in the drainfield replacement repair referenced in paragraph 8 above was substantially smaller than the size required by code, in violation of Chapter 64E-6.015, Florida Administrative Code.
10. The drainfield replacement repair described above created a sanitary nuisance injurious to public health in violation of Chapter 386, Florida Statutes, because the repair resulted in an improperly constructed septic system and improperly treated sewage.
11. Respondents conducted the subject drainfield replacement job without having a copy of said permit on the job site, thereby violating paragraph 5 of the Stipulation approved by Hearing Board Order dated January 29, 2003, in Environmental Control Hearing Board Case No. 360-02, a copy of which is attached hereto as Exhibit "A".
12. Proper Notice to Correct Violation was issued to Respondents for the violations described in paragraphs 7, 8, 9, and 10, a copy of which is attached as Exhibit "B".
13. The violations described in this Count, and in the attached Exhibit "B" constitute Violations Resulting in a Public Health Threat.
14. The violations described in this Count and in the attached Exhibit "B" constitute Activities Conducted Without a Required Permit.

COUNT III

15. Petitioners reallege paragraphs 1 and 2.
16. On or about February 20, 2010, Respondents conducted an air injection repair of a septic system at 3009 Calcutta Dr., Vero Beach, which is located in Indian River County Florida, without a required permit from the Florida Department of Health. Respondents thereby violated Chapter 381.0065(4), Florida Statutes, and Chapter 64E-6.022(1) (b), Florida Administrative Code, as well as paragraph 4 of the Stipulation approved by Hearing Board Order dated January 29, 2003 in Environmental Control Hearing Board Case No. 360-02, a copy of which is attached hereto as Exhibit "A".
17. Respondents conducted the subject air injection repair job without having a copy of said permit on the job site, thereby violating paragraph 5 of the Stipulation approved by Hearing Board Order dated January 29, 2003, in Environmental Control Hearing Board Case No. 360-02, a copy of which is attached hereto as Exhibit "A".
18. The violation described in this Count constitutes Activities Conducted Without a Required Permit.

The Indian River County Environmental Control Officer respectfully requests that Notice of Hearing and Order to Appear be issued and a hearing to be set at the earliest possible date.

Cheryl L. Dunn R.S.

Cheryl L. Dunn, R. S.
Environmental Control Officer
Indian River County

This document prepared by:

Suzanne H. Vitunac

Suzanne H. Vitunac, Attorney
1900 - 27th Street
Vero Beach, FL 32960
Ph: (772) 794-7440
Florida Bar No. 181352

Filed:

APR 30 2010

Secretary to Indian River County Environmental Control Hearing Board Date

INDIAN RIVER COUNTY
ENVIRONMENTAL CONTROL HEARING BOARD
VERO BEACH, FLORIDA

DEPARTMENT OF HEALTH -)
INDIAN RIVER COUNTY HEALTH)
DEPARTMENT AND INDIAN RIVER)
COUNTY ENVIRONMENTAL CONTROL)
OFFICER)

Petitioners)

vs.)

Alfred Lee Washington)

Respondent)

CASE NO. 481-10

NOTICE OF NON-COMPLIANCE

Pursuant to Section 13 of the Indian River County Environmental Control Act, Chapter 85-427, Special Acts, Laws of Florida, this notice is filed with the Indian River County Environmental Control Hearing Board to invoke its jurisdiction over Respondent Alfred Lee Washington (hereinafter "Respondent"), and in support thereof, the Environmental Control Officer says:

1. Respondent violated the Indian River County Environmental Control Act, Chapter 85-427, Special Acts, Laws of Florida, Indian River County Ordinance No. 91-22, Indian River County Environmental Control Board Rule No. 1, Chapter 386, Florida Statutes, and Chapter 64E-6, Florida Administrative Code as is further set out below. All cites refer to rules, laws or ordinances as they are adopted by reference in the Indian River County Environmental Control Act, Chapter 85-427, Special Acts, Laws of Florida, Indian River County Ordinance No. 91-22, and the Indian River County Environmental Control Board Rule No. 1.
2. At all times pertinent to this matter, Respondent owned and controlled property at 1023 W. Grant Ave., Fellsmere, Florida, which property is in Indian River County, Florida, and which property is legally described as follows:
Lots 235 and 236, Block 6, HALL, CARTER AND JAMES SUBDIVISION Plat
Book 3, Page 2 & 31, as recorded in the Public Records of Indian River County.
Said property will hereinafter be called "subject property".
3. During a period beginning on or before October 10, 2010, and continuing to the present, the subject property has been the site of an abandoned and dilapidated building, which is in a state of extreme disrepair and is opened to the elements. Accumulations of trash and garbage are in the structure. The structure has created a harborage for rodents and is breeding and infested by arthropods, both of which are capable of transmitting disease to humans. The property is thereby creating a sanitary nuisance injurious to public health, in violation of Chapter 386, Florida Statutes.
4. Within the past five years, replacement, modifications, or repairs were made to the onsite sewage disposal and treatment system on the subject property without a Department of Health permit in violation of Chapters 64E-6.003 and 64E-6.015, Florida Administrative Code.
5. The improper repairs described in paragraph 4 above have resulted in a sanitary nuisance in violation of Chapter 386.041, Florida Statutes.

6. Proper Notice to Correct Violation was issued to Respondent, a copy of which is attached as Exhibit "A".
7. Respondent has failed to comply with the said Notice to Correct Violation.
8. The violations described above and in the attached Exhibit "A" constitute Violations Resulting in a Public Health Threat.
9. The violations described above and in the attached Exhibit "A" constitute Activities Conducted Without a Required Permit.

The Indian River County Environmental Control Officer respectfully requests that Notice of Hearing and Order to Appear be issued and a hearing to be set at the earliest possible date.

Cheryl L. Dunn R.S.

Cheryl L. Dunn, R. S.
Environmental Control Officer
Indian River County

This document prepared by:

Suzanne H. Vitunac

Suzanne H. Vitunac, Attorney
1900 27th Street
Vero Beach, FL 32960
Ph: (772) 794-7440
Florida Bar No. 181352

Filed: (S) 11/2/10

Secretary to Indian River Date
County Environmental Control
Hearing Board

INDIAN RIVER COUNTY HEALTH DEPARTMENT

Exhibit "A" (p. 1 of 2)

October 7, 2010

Alfred Washington
3018 Sandgate Ct.
Cocoa, FL 32922-4434

CERTIFIED NO: 70081140000296331234

RE: Septic System and rodent harborage

Dear Mr. Washington:

This letter constitutes Formal Notice to Correct Violation of Chapter 85-427, Special Acts, Laws of Florida, the Indian River County Environmental Control Act, Indian River County Environmental Control Rule 1, Indian River County Ordinance No. 91-22, and the following laws and rules which are adopted by reference in the said Act, Rule, and Ordinance. This notice is given pursuant to the authority of the Indian River County Environmental Control Act, Chapter 85-427, Laws of Florida.

The following violations were found to exist on the property located at 1023 W Grant Ave., Fellsmere, Florida by representatives of this department on October 1, 2010 at 2pm.

VIOLATION: Chapter 386.041, Florida Statutes, and Chapter 64E-6, Florida Administrative Code. Abandoned house is open to the elements and has accumulated debris and solid waste creating prime conditions for rodent harborage. There appears to be a fairly new septic tank and the drainfield appears to be undersized for the five bedroom house. We have no septic permits on file for this address.

CORRECTIVE ACTION: Remove accumulated debris and solid waste. Secure the structure so as to not allow entry by rodents. ***Contact the city of Fellsmere Building Department to determine if a mandatory sewer connection will be required*** If connection to sewer is required by the city, an abandonment permit for the septic system shall be acquired from our department. In the event, sewer connection is not required, you will need to contact a licensed septic contractor to pump the tank and evaluate the system.

CORRECTIVE ACTION: Within two (2) days of receipt of this letter, you are required to provide a written response specifying dates and details of each and every act by you which you contend constitutes compliance with the above requirements.

If you are unable to comply with any of the requirements of this letter, it is imperative that you immediately call Julianne Price of this office. No adjustment of the above requirements or extensions of the deadlines in this letter shall be valid unless made in writing. Any extensions or adjustments must be sought and obtained prior to expiration of the stated deadlines.

Correct violations within fifteen (15) days upon receipt of this notice.

Miranda C. Swanson, M.P.H.
County Health Department Administrator
1900 27th Street
Vero Beach, FL 32960-3383



Telephone 772-794-7400
Suncom 259-7400
Fax 772-794-7453



Indian River County Health Department
Formal Notice to Correct Violation
Page two

Exhibit "A" (p. 2 of 2)

Failure to correct the above violations within the specified time may result in a summons to appear before the Indian River County Environmental Control Hearing Board or Circuit Court and could subject you to a fine of up to Five Hundred Dollars (\$500) per day per violation. In addition, you are subject to fines of up to Five Hundred Dollars (\$500) per day for each day you Create a Public Health Threat, or conduct an Activity which Results in Environmental Damage, or conduct an Activity Without or in Violation of a Required Permit. Accordingly, a Notice of Non-Compliance will be filed with the Indian River County Environmental Control Hearing Board seeking Civil Penalties in this matter.

Sincerely,

Julianne Price
Environmental Specialist

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/> <i>DuMish</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: <i>Fred Washington</i> <i>3018 Sandgate Ct.</i> <i>Cocoa, FL 32922-4434</i>	B. Received by (Printed Name)	C. Date of Delivery <i>10/13/10</i>
2. Article Number <i>(Transfer from service label)</i>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
PS Form 3811, February 2004	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
Domestic Return Receipt	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
7008 1140 0002 9633 1234		
102595-02-M-1540		

Miranda C. Swanson, M.P.H.
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