



# Florida Department of Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Noah Valenstein  
Secretary

June 8, 2018

David and Patricia Brown  
345 Ponte Vedra Blvd.  
Ponte Vedra Beach, Florida 32082

SUBJECT: Department of Environmental Protection v. David and Patricia Brown,  
OGC File No.: 18-0975

Dear Mr. and Mrs. Brown:

The State of Florida Department of Environmental Protection ("Department") finds that David and Patricia Brown (collectively, "Respondents" or "you"), are in violation of Chapter 161.053 Florida Statutes and Chapter 62B-33 Florida Administrative Code. Due to the nature of the violation, corrective actions are not possible, but you remain subject to civil penalties.

### **The Department's Offer**

Based on the violations described above, the Department is seeking \$ 58,625.00 in civil penalties and costs.

### **Respondent's Acceptance**

If you wish to accept this offer and fully resolve this pending enforcement matter, please sign this letter and return it to the Department at [Kirk.White@dep.state.fl.us](mailto:Kirk.White@dep.state.fl.us) by May 25<sup>th</sup>, 2018. The Department will then countersign it and file it with a designated clerk of the Department. Once the document is filed with the designated clerk, it will constitute a final order of the Department pursuant to Section 120.52(7), F.S. and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, F.S. and the attached Notice of Rights.

By accepting this offer you:

- (1) acknowledge and waive your right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this offer;
- (2) acknowledge and waive your right to an appeal pursuant to Section 120.68, F.S.; and

- (3) acknowledge that payment of the above amount does not constitute a waiver of the Department's right, if any, to recover emergency response related costs and expenses for this matter.

The Department acknowledges that your acceptance of this offer does not constitute an admission of liability for the violation(s) referenced above.

### **Respondent's Performance**

After signing and returning this document to the Department,

- (1) You must pay \$ 58,625.00 in full by June 22nd, 2018.
- (2) Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Water Quality Assurance Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at:

<http://www.fldepportal.com/go/pay/>

It will take a number of days after this order is final and effective filed with the Clerk of the Department before ability to make online payment is available.

The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, F.S.

Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither you nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order of the Department, as explained above, the attached Notice of Rights will apply to parties, other than you, whose interests will be substantially affected.

Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

Please be aware that if you decline to respond to the Department's offer, the Department will assume that you are not interested in resolving the matter and will proceed accordingly.

If you have any questions, please contact Kirk S. White at (850) 245-2258 or at [Kirk.White@dep.state.fl.us](mailto:Kirk.White@dep.state.fl.us).

Sincerely,

\_\_\_\_\_  
Gregory J. Strong  
District Director

FOR DAVID BROWN:

I, DAVID BROWN **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: \_\_\_\_\_  
\_\_\_\_\_

Date:

FOR PATRICIA BROWN:

\_\_\_\_\_  
I, PATRICIA BROWN **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: \_\_\_\_\_  
\_\_\_\_\_

Date:

\_\_\_\_\_  
**FOR DEPARTMENT USE ONLY**

DONE AND ORDERED this \_\_\_ day of \_\_\_, \_\_\_\_\_ in Duval County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

\_\_\_\_\_  
Gregory J. Strong  
District Director

Filed, on this date, pursuant to section 120.52, F.S., with the designated  
Department Clerk, receipt of which is hereby acknowledged.

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Clerk

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Date

Attachments:            Notice of Rights

Copies furnished to:  
    Lea Crandall, Agency Clerk  
    Mail Station 35

### NOTICE OF RIGHTS

Persons who are not parties to this Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Order means that the Department's final action may be different from the position it has taken in the Order.

The petition for administrative hearing must contain all of the following information:

- a) The OGC Number assigned to this Order;
- b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;
- c) An explanation of how the petitioner's substantial interests will be affected by the Order;
- d) A statement of when and how the petitioner received notice of the Order;
- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Order; and
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at the address indicated above. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under Sections 120.569 and 120.57, Florida Statutes. Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.