



FLORIDA DEPARTMENT OF Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, FL 32399

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

June 1, 2023

Shailesh K. Patel, M.Sc., CPSSc.
4643 S. Clyde Morris Blvd., Unit 302
Port Orange, FL 32129
PH: (386) 304-6505
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Dear Mr. Patel:

Please be advised that the Department of Environmental Protection has received a petition for administrative hearing under Sections 120.569 and 120.57, Florida Statutes, challenging the Department's permitting decision in DEP Permit No. FL-479 AR (a copy of the petition is enclosed). Therefore, the Department's action on this matter is proposed agency action only, and no permit has been issued. *See McDonald v. Dep't of Banking & Finance*, 346 So. 2d 569 (Fla. 1st DCA 1977). Accordingly, no action may be taken based on the above permit application, until the Department enters a Final Order either issuing or denying the above permit, under Chapter 161, Florida Statutes. As the permit applicant, you must demonstrate *prima facie* entitlement to the permit issuance in any administrative hearing held under the filing of the petition. *See* § 120.569(2)(p), Fla. Stat.; *Dep't of Transp. v. J.W.C. Co.*, 396 So. 2d 778 (Fla. 1st DCA 1981).

The Office of General Counsel, located at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, Tel. (850) 245-2242, will notify you whether a formal administrative hearing will be conducted regarding your permit application. The case has been assigned OGC Case No. 23-0869. Please send all correspondence to the undersigned attorney at the Office of General Counsel in Tallahassee. Thank you for your cooperation.

Sincerely,

/s/

Cameron Bertron

Assistant General Counsel

Cameron.Bertron@FloridaDEP.gov

(850) 245-2294

cc: Jacob Varn, Attorney for Petitioner, jvarn@MansonBolves.com
Douglas Aarons, DEP Program Administrator, Douglas.Aarons@FloridaDEP.gov

Enc. Petition for Formal Administrative Hearing