

GENERAL TRIAL PRACTICE
ADMIRALTY

LAW OFFICES
OF

JOHN T. DAVID, P.A.

10 SOUTH NEW RIVER DRIVE, EAST
SUITE 202
FORT LAUDERDALE, FLORIDA 33301

(954) 523-1755
FAX # (954) 523-7730

CRIMINAL LAW
ENVIRONMENTAL LAW

REPLY TO:
 P.O. BOX 608
FT. LAUDERDALE, FL
33302

May 12, 2010

Via Certified Mail Return Receipt Requested 7002 0869 0002 1987 1072

Deborah A. Getzoff
Director of District Management
Florida Department of Environmental Protection
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926

Re: Cliff Berry Inc.
FLR 000 013 888
Warning Letter #W309-0045HW29SWD
Hillsborough County

Dept. of Environmental
Protection
MAY 14 2010
Southwest District

Dear Ms. Getzoff:

I have reviewed your letter dated April 30, 2010 which was received Certified Mail by Cliff Berry Inc. on May 10, 2010. Please direct all future communications in regard to this matter to the office of the undersigned.

I have reviewed the entire file concerning the corrective actions taken by Cliff Berry Inc. as a result of the above referenced Warning Letter as well as the negotiations concerning the impositions of fines with regard to the same. While Cliff Berry Inc. is appreciative of your department's willingness to reduce their initial Settlement proposal of \$84,800 to \$69,220 we must advise you that it is still our opinion that the Settlement amount is excessive.

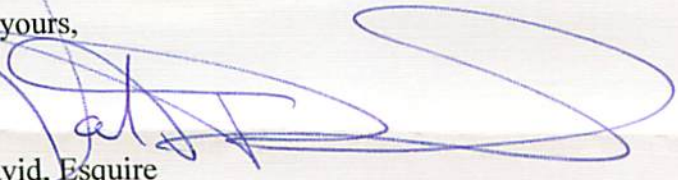
The record is quite clear that at no time was there any release or threat of release of any product nor was there any damage to the public health, safety and welfare. Upon being contacted, Cliff Berry Inc. immediately corrected the discrepancies with the permit and otherwise fully cooperated with your Department. Therefore to now impose such a significant fine seems excessive.

As my client has continually explained to your office there were significant external and internal problems which led to the situation. It does not appear that those considerations have been taken into account in determining a fair and equitable Settlement. That is why

Mr. Berry requested to have a personal conference with your office in an attempt to resolve this matter. We would prefer to continue to negotiate this matter with your office. Nevertheless, we understand your position contained in your letter of April 30th and will proceed accordingly if you do not wish to reconsider your decision not to meet and settle this matter with Cliff Berry Inc.

Thank you for your courtesy and cooperation.

Very truly yours,



John T. David, Esquire

cc: Cliff Berry Inc. c/o Bill Parks