



# Florida Department of Environmental Protection

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

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

October 15, 2009

Ron H. Noble, Esq.  
Fowler White Boggs P.A.  
501 East Kennedy Boulevard, Suite 1700  
Tampa, Florida 33602

RE: DEP v. On Time Environmental Services, Inc.  
Case No.: 08CA012426

Dear Ron:

The Department has reviewed the financial affidavit submitted on behalf of On Time Environmental Services, Inc., in the above referenced matter. As you know, paragraph 6 of the Consent Final Judgment states in part: "If, through submittal of the attached financial affidavit, On Time makes a showing of no remaining assets and no fraudulent transfers, DEP agrees to refrain from taking legal action to enforce this Judgment..." Due to the nature of the information submitted, DEP was unable to confirm that no fraudulent transfers have occurred and, therefore, cannot agree in writing to refrain from pursuing the remaining balance of \$18,812.97 at this time.

In order to confirm that no fraudulent transfers have occurred, the Department requests the following items by November 13, 2009:

- a) A copy of all of the documents relating to the 'bulk sale' referenced on Page 9 of On Time's financial, including but not limited to: 1) the purchase contract, 2) the name and address of the buyer(s), 3) a description of any business relationship or affiliation between the seller and the buyer (including common ownership or management, common control or investments, or any other affiliation as that term is used in GAAP), 4) an itemized description of the property transferred, 5) the bill of sale, and 6) a description of the value given to the property (either in debt forgiveness, debt assumption, payment or otherwise);
- b) An accounting of the use of the "bulk sale" proceeds funds by On Time, including but not limited to the names and amounts given to any recipient secured lender and any non secured lenders that received a distribution;
- c) A statement as to any distributions in liquidation to equity holders, officers or employees;

- d) Any and all of On Time's financial statements (audited and unaudited), including but not limited to any submitted to any lending institution, for and during the calendar years of 2006 and 2007;
- e) Tax returns for the company for 2006 and 2007.

If On Time chooses to submit this information, the Department will evaluate it, reach a position as to whether a showing of no fraudulent transfers has been made, and proceed accordingly. If On Time elects to not submit the additional information, the Department reserves the right to pursue the balance remaining under the judgment.

Thank you in advance for your attention in this matter, and please do not hesitate to contact me if you have any questions.

Regards,

A handwritten signature in black ink, appearing to be 'Jeff Close', with a large loop at the start and a trailing flourish.

Jeff Close

cc: Beth Knauss, DEP SWD  
Jim Dregne, DEP SWD