



# FLORIDA DEPARTMENT OF Environmental Protection

Northeast District  
8800 Baymeadows Way West, Suite 100  
Jacksonville, Florida 32256

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

March 24, 2022

SENT VIA EMAIL: [rshaw@shawtree.com](mailto:rshaw@shawtree.com)

Mr. Roy Shaw  
Shaw's Land Clearing, LLC  
2762 West Beaver Street  
Jacksonville, Florida 32254

**RE: FDEP vs. Shaw's Land Clearing, LLC**  
**OGC Consent Order No. 22-0363**  
**Duval County – ERP Enforcement**

Dear Mr. Shaw:

Enclosed is a copy of the executed Consent Order to resolve Case No. 22-0363. March 24, 2022 is the effective date of this Order, and all timeframes will be referenced from this date.

As a reminder, a Consent Order is a binding legal document and was voluntarily entered into by both parties.

Should you have any questions concerning the Consent Order, please contact Matthew Kershner, at (904) 256-1649. Your continued cooperation is appreciated.

Sincerely,

A handwritten signature in blue ink that reads "James R. Maher".

James R. Maher, PE  
Assistant District Director

Enclosure: Executed CO 22-0363

cc: Lea Crandall, Agency Clerk ([Lea.Crandall@FloridaDEP.gov](mailto:Lea.Crandall@FloridaDEP.gov))  
Arlene Wilkinson, FDEP NED ([Arlene.Wilkinson@FloridaDEP.gov](mailto:Arlene.Wilkinson@FloridaDEP.gov))



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March 14, 2022

*Sent electronically to: [rshaw@shawtree.com](mailto:rshaw@shawtree.com)*

Mr. Roy Shaw  
Shaw's Land Clearing, LLC  
2762 West Beaver Street  
Jacksonville, Florida 32254

**SUBJECT: Department of Environmental Protection v. Shaw's Land Clearing, LLC**  
**OGC File No. 22-0363**  
**2375 Cortez Road, Jacksonville, Florida 32246**  
**Site ID: ERP\_165723**  
**Duval County – Environmental Resource Program**

Dear Mr. Shaw:

The State of Florida Department of Environmental Protection ("Department") finds that Shaw's Land Clearing, LLC ("Respondent" or "you") dredged and filled, by means of mechanized land clearing and grubbing approximately 0.31 acres of wetlands without authorization from the Department, which is in violation of Rule 62-330.020(2)(a), Florida Administrative Code ("Fla. Admin. Code") and Sections 403.161(1)(b) and 373.430(1)(b), Florida Statutes ("Fla. Stat."). Access to the property to provide corrective actions have been denied by the property owner, however you remain subject to civil penalties as a result of the violation as well as costs incurred by the Department during the investigation of this matter.

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

Based on the violation described above, the Department is seeking \$7,500.00 in civil penalties and \$250.00 in investigative costs, which amounts to a total of \$7,750.00. The civil penalty is apportioned as follows: \$7,500.00 for a violation of Rule 62-330.020(2)(a), Fla. Admin. Code, in accordance with Chapter 403.121(3)(c), Fla. Stat. (a penalty against the contractor or agent of the owner or tenant that conducts unpermitted or unauthorized dredging or filling).

### **Respondent's Acceptance**

In lieu of making cash payment of \$7,500.00 in civil penalties as set forth in the Department's Offer above, Respondent may elect to off-set this amount by implementing an in-kind penalty project, which must be approved by the Department. An in-kind

project must be either an environmental enhancement, environmental restoration or a capital/facility improvement project and may not be a corrective action requirement of the Order or otherwise required by law. The Department may also consider the donation of environmentally sensitive land as an in-kind project. The value of the in-kind project shall be one and a half times the civil penalty off-set amount, which in this case is the equivalent of at least \$11,250.00. If Respondent chooses to implement an in-kind project, Respondent shall notify the Department of its election by certified mail within 15 days of the effective date of this Consent Order. Notwithstanding the election to implement an in-kind project, payment of the remaining \$250.00 in costs must be paid within 30 days of the effective date of this Consent Order.

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 8800 Baymeadows Way West, which is located in Jacksonville, Florida, 32256. This should be within 15 days of receipt of this document. 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), Fla. Stat., and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, Fla. Stat., and the attached Notice of Rights.

By accepting this offer you:

- (1) Certify that you are authorized and empowered to negotiate, enter into and accept the terms of this offer in the name and on behalf of Respondent;
- (2) Acknowledge and waive Respondent's right to an administrative hearing pursuant to Sections 120.569 and 120.57, Fla. Stat., on the terms of this offer, once final;
- (3) Acknowledge and waive Respondent's right to an appeal pursuant to Section 120.68, Fla. Stat., and
- (4) 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 referenced above.

### **Respondent's Performance**

After signing and returning this document to the Department,

- (1) You must notify the Department of your in-kind project election by certified mail within 15 days of the effective date of this Consent Order.
- (2) You must pay \$250.00 in full within 30 days of the effective date of this Consent Order. Failure to timely make the payment will enable the Department, at its discretion, to accelerate the remaining balance to become immediately due.

- (3) 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, effective and filed with the Clerk of the Department before ability to make online payment is available. Payment may also be mailed to:

Florida Department of Environmental Protection  
8800 Baymeadows Way West  
Suite 100  
Jacksonville, Florida 32256

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, Fla. Stat.

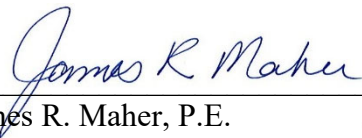
Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither you nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, Fla. Stat. Once this letter is clerked and becomes a final order of 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 Neil Hornick at (904) 256-1574, or via email at [Neil.Hornick@FloridaDEP.gov](mailto:Neil.Hornick@FloridaDEP.gov).

Sincerely,



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James R. Maher, P.E.  
Assistant Director

FOR THE RESPONDENT:

I, Roy Shaw/Shaw's Land Clearing LLC [Mr. Roy Shaw], HEREBY ACCEPT  
THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

By: Roy Shaw  
[Signature]

Date: 3-27-22

Title: operating manager  
[Type or Print]

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**FOR DEPARTMENT USE ONLY**

DONE AND ORDERED this 24th day of March 2022, in Duval County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



Gregory J. Strong  
District Director  
Northeast District

*J*

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

[Signature]  
Clerk

March 24, 2022  
Date

Attachments: Notice of Rights

Copies furnished to: Lea Crandall, Agency Clerk

### 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.