September 23, 2010

State of Florida
Department of Environmental Protection

Joy Ann Wettstein Griffin,
Petitioner
vs
Hobe County Water Authority and Florida Department of Environmental Protection, Respondents

DOAH Case Number 10-4255
OGC Case No. 1944

Petitioner's Request for rebuttal to Florida Department of Environmental Protection's
Response to Petitioner's Exceptions sent to Administrative Law Judge Donald Alexander on August 31, 2010.
Petitioners Request for Rebuttal

2 Response of Joy Ann Wettstein Griffin, Petitioner to Respondent Department of Environmental Protection's Respondent, to Petitioner's Exceptions to the Recommended Order of Administrative Law Judge Donald Alexander sent to Petitioner on September 17, 2010 and received by Petitioner on September 22, 2010, this above mentioned response was sent to the Florida Department of Environmental Protection and to all parties in this case.

Joy Ann Wettstein Griffin believe that the above mentioned Response to Petitioner's Exceptions are improper due to the Florida Statute 120.66 (1) (c) and (b) and are improper due to the Florida Statute 120.61 (2) which are titled "Ex-parte Communications."

The Statutes read: 120.66 Ex-parte Communications (1). "In any proceeding under F.S. 120.569 and F.S. 120.57, no ex-parte communication relative to the merits, threat or offer of reward shall be made to
Petitioner's Request for Rebuttal

The agency head, after the agency head has received a recommended order, or to the presiding officer by (a) an agency head or member of the agency, or any other public employee or official engaged in prosecution or advocacy in connection with the matter under consideration or a factually related matter.

(b) F.S. 120.64(2) a party to the proceeding, the party's authorized representative, or counsel or any person who directly or indirectly would have a substantial interest in the proposed agency action."

Florida Statute 120.64(2) states:

"A presiding officer, including an agency head or designee, who is involved in the decisional process and who receives an ex parte communication in violation of subsection (1) shall place on the record of the pending matter all written responses to such communications, and a memorandum stating the substance of
all oral communications received and oral responses made, and shall also advise all parties that such matters have been placed on the record. Any party desiring to rebut the ex parte communication shall be allowed to do so, if such party requests the opportunity for rebuttal within 10 days after notice of such communication.

Sincerely,

Joy Ann Wettstein Griffin
Petitioner
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Fruitland Park, FL
34731-6136

Telephone 352-787-2303
Certificate of Service

I certify that the original of the foregoing copy was sent to Lee Crandall Clerk
Department of Environmental Protection
3900 Commonwealth Boulevard
Mail Station 35-
Tallahassee, Florida 32399-3000

and true copies were sent by (U.S. Mail) to: (on September 23, 2010)

(1) Lee Crandall, Clerk (original copy)
Department of Environmental Protection
3900 Commonwealth Boulevard
Mail Station 35-
Tallahassee, Florida 32399-3000

(2) Amanda Y. Bush
Senior Assistant Counsel, Attorney for this case
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(3) Carole Joy Barice Esquire (Attorney for Lake County Water Authority)
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