

LOUISIANA DEPARTMENT OF
HEALTH

SUIT NO. 131474
17th JUDICIAL DISTRICT COURT
PARISH OF LAFOURCHE
STATE OF LOUISIANA

VERSUS

PATSY SAM

EX PARTE PETITION TO MAKE COMPLIANCE ORDER(S) EXECUTORY
PURSUANT TO LA. R.S. 40:6(G)

The petition of Dr. Jimmy Guidry, M.D., in his official capacity as State Health Officer, Louisiana Department of Health (“LDH”), Office of Public Health, through undersigned counsel, respectfully represents:

1.

Dr. Jimmy Guidry, State Health Officer for LDH, Office of Public Health, is granted jurisdiction and authority to enforce the State Sanitary Code (Louisiana Administrative Code Title 51) pursuant to La. R.S. 40:4 and R.S. 40:5, including enforcement of compliance orders pursuant to LSA R.S. 40:6(G).

2.

Made defendant herein is **Patsy Sam** (hereinafter “Defendant”), a person of full age of majority domiciled in Lafourche Parish, Louisiana.

3.

Defendant is the owner of the house and premises located at 213 East 57th Street, Lot 1, Cut Off, Louisiana 70345.

4.

A Compliance Order issued pursuant to La. R.S. 40:4, 40:5, 40:6, and Sanitary Code Part I, §111, signed by Dr. Jimmy Guidry, State Health Officer, and J.T. Lane, LDH Assistant Secretary for the Office of Public Health, was hand delivered to Defendant on April 2, 2015. A certified copy of said Compliance Order, which bears the LDH-assigned number OPH-2015-OW-004, together with all attachments thereto, is attached to this petition as **Exhibit DHH-A**. The process server’s return associated with the hand delivery of Compliance Order No. OPH-2015-OW-004 is attached hereto as **Exhibit DHH-B**.

5.

As more particularly described therein, Compliance Order No. OPH-2015-OW-004 was issued only after LDH personnel conducted various inspections and provided Defendant with all

notice(s) required under Sanitary Code Part I.

6.

Compliance Order No. OPH-2015-OW-004 was issued to Defendant because she failed, after numerous notices and other attempts by LDH to obtain voluntary compliance, to comply with Sanitary Code Part XIII, §305(A), which states that:

A person shall not directly or indirectly discharge, or allow to be discharged, the contents or effluent from any plumbing fixtures, vault, privy, portable toilet, or septic tank, into any road, street, gutter, ditch, water course, body of water, or onto the surface of the ground.

7.

As noted in the exhibits attached to Compliance Order No. OPH-2015-OW-004, the onsite aerobic sewage treatment system presently in use at Defendant's house is not getting aeration into the primary treatment chamber and is therefore not effectively treating the wastewater, and the subsequent effluent draining into the ditch is partially treated. This condition is in violation of Sanitary Code Part XIII, §707(A), which states that:

Individual sewerage systems shall be kept in service and in a serviceable condition sufficient to insure compliance with this code and in order to avoid creating or contributing to a nuisance or a public health hazard.

8.

Despite being properly served with Compliance Order No. OPH-2015-OW-004, Defendant did not thereafter, within the twenty days allowed under Sanitary Code Part I, §111 or otherwise, submit to either LDH or the Division of Administrative Law ("DAL") any form of written request that might be construed as a request for an administrative appeal of said Compliance Order.

9.

A Notice and Order of Imposition of Penalties ("NOIP") issued pursuant to La. R.S. 40:4, 40:5, 40:6, and Sanitary Code Part I, §113, signed by Dr. Jimmy Guidry and J.T. Lane, was mailed via United State Postal Service (USPS), Certified Mail, Return Receipt Requested, on June 10, 2015. The NOIP was received and signed for on June 12, 2015. A certified copy of the NOIP is attached hereto as **Exhibit DHH-C**. The USPS return associated with the certified delivery of the NOIP is attached hereto as **Exhibit DHH-D**.

10.

As noted therein, the NOIP was preceded by a Post Order Inspection Report ("POIR"),

attached hereto as **Exhibit DHH-E**, conducted and completed by LDH personnel on April 22, 2015, and served upon Defendant via hand delivery on the same date, as evidenced by Defendant's signature on the POIR.

11.

LDH issued the NOIP because Defendant failed to notify LDH in writing, as required by the POIR, that she had complied with Compliance Order No. OPH-2015-OW-004.

12.

LDH received a hand written letter of appeal and request for reduction and mitigation of the NOIP from Defendant on July 2, 2015. A copy of the letter is attached hereto as **Exhibit DHH-F**. LDH forwarded the appeal request to the DAL and a pre-hearing conference call was set for October 15, 2015. The Defendant failed to participate in the pre-hearing call and the DAL set a hearing date for November 16, 2016. A copy of the DAL Conference Report and Order is attached hereto as **Exhibit-G**. After properly being notified by the DAL of the hearing date and time, neither the Defendant, nor anyone on her behalf, appeared. A copy of the DAL Order Terminating Adjudication For Failure To Appear For Hearing is attached hereto as **Exhibit-H**.

13.

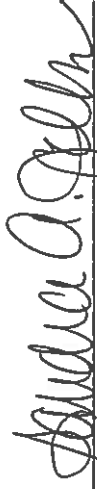
The Defendant has not complied with all of the actions required by Compliance Order No. OPH-2015-OW-004 nor paid the penalty assessed by the NOIP. LDH is thus entitled to an ex-parte judgment making both Compliance Order No. OPH-2015-OW-004 and the NOIP a judgment of the district court and making the judgment executory, pursuant to La. R.S. 40:6(G).

14.

Petitioner also suggests that the filing of this Petition and attached documents should be free from payment of any costs of court or other security bonds pursuant to La. R.S. 40:31, which exempts the Department of Health, and its agents and subdivisions, from court costs in any suit.

WHEREFORE, petitioner Dr. Jimmy Guidry, State Health Officer, Louisiana Department of Health, Office of Public Health, prays that Compliance Order No. OPH-2015-OW-004 and the NOIP be made executory in this court, pursuant to La. R.S. 40:6(G), that all costs of these proceedings be taxed against the defendant, and for all other general and equitable relief warranted.

Respectfully Submitted:



Sandra A. Jelks (Bar Roll No. 22088)
La. Department of Health
Bureau of Legal Services
P.O. Box 3836
Baton Rouge, Louisiana 70821-3836
Telephone: (225) 342-9937; Fax 342-2232
sandra.jelks@la.gov

FILED

DEC -2 2016

CLERK OF COURT

JIMMY GUIDRY, M.D.
STATE HEALTH OFFICER

VERSUS

PATSY SAM, OWNER
213 EAST 57TH STREET, LOT 1
CUT OFF, LA 70345

STATE OF LOUISIANA

DEPARTMENT OF HEALTH
& HOSPITALS

OFFICE OF PUBLIC HEALTH

COMPLIANCE ORDER
OPH-2015-OW-004

The State Health Officer acting through the Office of Public Health of the Department of Health & Hospitals is statutorily responsible for the promulgation and enforcement of the Louisiana Public Health Sanitary Code pursuant to LSA-R.S. 36:258 (B), LSA-R.S. 40:4, and LSA-R.S. 40:5.

WHEREAS, the Lafourche Parish Sanitarian Services acting through the Office of Public Health, is the properly designated agent of the Department of Health and Hospitals for the enforcement of the Louisiana Public Health Sanitary Code.

WHEREAS, Patsy Sam, hereafter referred to as the Respondent, a person of full age of majority, domiciled in Lafourche Parish, Louisiana, owns the property at 213 East 57th Street, Lot 1, Cut Off, Louisiana 70345.

A copy of the property's legal description is attached hereto as **Exhibit A**.

WHEREAS, on August 2, 2013, the Lafourche Parish Sanitarian Services office received a complaint from Bryant Angeron, whom resides at 230 East 56th Street, Cut Off, Louisiana 70345, regarding a sewage smell and standing, milky colored water in a nearby ditch, and that the property located at 213 East 57th Street, Lot 1, Cut Off, Louisiana 70345 was responsible for these conditions because the sewage system from the mobile home was draining to this ditch.

A copy of same is attached hereto as **Exhibit B**.

WHEREAS, on August 7, 2013, Tamerage Granier, Sanitarian, conducted an inspection of the aerobic treatment unit located at 213 East 57th Street, Lot 1, Cut Off, Louisiana 70345. The inspection revealed that the aerator for the aerobic treatment plant was not functioning as designed; therefore, air was not being supplied to the treatment plant in sufficient quantity for proper treatment of the sewage. This condition is in violation of the Louisiana Administrative Code, Title 51, (Public Health Sanitary Code) Part XIII, Chapter 7, §707.A., as follows:

“Individual sewerage systems shall be kept in service and in a serviceable condition sufficient to insure compliance with this Code and in order to avoid creating or contributing to a nuisance or a public health hazard.”

A copy of the inspection report is attached hereto as **Exhibit C**.

WHEREAS, on August 8, 2013, a Notice of Violation letter was mailed via United States Postal Service, Certificate of Mailing, to the Respondent, requesting she make the necessary repairs to the aerobic sewage treatment plant by September 9, 2013, and that she was in violation of the Louisiana Administrative Code, Title 51, (Public Health Sanitary Code) Part XIII, Chapter 7, §707.A.

A copy of same is attached hereto as **Exhibit D**.

WHEREAS, the Notice of Violation letter attached as Exhibit D was not served upon the Respondent via Certified Mail, Return Receipt Requested, or via Hand Delivery, several additional attempts at proper service and inspections were conducted; however, proper service upon the Respondent of the related Notice of Violation was not obtained.

WHEREAS, on July 3, 2014, Tamerage Granier, Sanitarian, conducted an inspection of the aerobic sewage treatment plant located at 213 East 57th Street, Lot 1, Cut Off, Louisiana 70345. The inspection revealed that no aeration was occurring inside of plant at the time of inspection. This condition is in violation of the Louisiana Administrative Code, Title 51, (Public Health Sanitary Code) Part XIII, Chapter 7, §707.A., as follows:

“Individual sewerage systems shall be kept in service and in a serviceable condition sufficient to insure compliance with this Code and in order to avoid creating or contributing to a nuisance or a public health hazard.”

A copy of the inspection report is attached hereto as **Exhibit E**.

WHEREAS, on July 11, 2014, a Notice of Violation letter dated July 9, 2014, was hand-delivered to the Respondent, requesting she attend an informal conference to be held on July 30, 2014, at the Lafourche Parish Sanitarian Services Office at 1:00 p.m. to discuss the continued violation of the Louisiana Administrative Code, Title 51, (Public Health Sanitary Code) Part XIII, Chapter 7, §707.A.

A copy of same is attached hereto as **Exhibit F**.

WHEREAS, on July 29, 2014, a telephone call was placed from the Respondent to Letecia Turley, Lafourche Parish Sanitarian Manager, informing Letecia that she would be unable to attend the conference and requested the conference date be changed to another day. The Respondent's request was granted and the conference date was changed to August 6, 2014, at the Lafourche Parish Sanitarian Services Office at 11:30 a.m.

A copy of same is attached hereto as **Exhibit G**.

WHEREAS, on August 6, 2014, a conference was held with Chasity Cheramie, Sanitarian Director Region 3, Letecia Turley, Lafourche Parish Sanitarian Manager, and the Respondent to discuss the correction of the violation of the Louisiana Administrative Code, Title 51, (Public Health Sanitary Code) Part XIII, Chapter 7, §707.A.

A conference agreement was reached and signed by all parties that the violation would be corrected by September 3, 2014, and a post-conference inspection would be conducted to ensure compliance.

A copy of same is attached hereto as **Exhibit H** and **H1**.

WHEREAS, on September 2, 2014, Tamerage Granier, Sanitarian, conducted an inspection of the aerobic sewage treatment Plant located at 213 East 57th Street, Lot 1, Cut Off, Louisiana 70345. The inspection revealed that no aeration was occurring inside of the plant. This condition is in violation of the Louisiana Administrative Code, Title 51, (Public Health Sanitary Code) Part XIII, Chapter 7, §707.A., as follows:

“Individual sewerage systems shall be kept in service and in a serviceable condition sufficient to insure compliance with this Code and in order to avoid creating or contributing to a nuisance or a public health hazard.”

A copy of the inspection report is attached hereto as **Exhibit I**.

WHEREAS, on September 10, 2014, Tamerage Granier, Sanitarian, conducted the post-conference inspection of the aerobic sewage treatment plant located at 213 East 57th Street, Lot 1, Cut Off, Louisiana 70345. The inspection, again, revealed that no aeration was occurring inside of plant. This condition is in violation of the Louisiana Administrative Code, Title 51, (Public Health Sanitary Code) Part XIII, Chapter 7, §707.A., as follows:

“Individual sewerage systems shall be kept in service and in a serviceable condition sufficient to insure compliance with this Code and in order to avoid creating or contributing to a nuisance or a public health hazard.”

A copy of same is attached hereto as **Exhibit J**.

WHEREAS, on September 30, 2014, an attempt was made to hand deliver a Notice of Violation letter dated September 12, 2014, to the Respondent. The letter stated that the necessary repairs must be made by October 16, 2014, since her sewage treatment plant continues to be in violation of the Louisiana Administrative Code, Title 51, (Public Health Sanitary Code) Part XIII, Chapter 7, §707.A. There was no one home to accept delivery.

A copy of same is attached hereto as **Exhibit K**.

WHEREAS, on October 14, 2014, a Notice of Violation letter dated September 12, 2014, was hand delivered to the Respondent. The letter stated that the necessary repairs must be made by November 4, 2014, since the aerobic sewage treatment plant continues to be in violation of the Louisiana Administrative Code, Title 51, (Public Health Sanitary Code) Part XIII, Chapter 7, §707.A.

A copy of same is attached hereto as **Exhibit L**.

WHEREAS, on November 5, 2014, Tamerage Granier, Sanitarian, conducted an inspection of the aerobic treatment unit located at 213 East 57th Street, Lot 1, Cut Off, LA. The inspection revealed that no aeration was occurring inside of the plant. This condition is in violation of the Louisiana Administrative Code, Title 51, (Public Health Sanitary Code) Part XIII, Chapter 7, §707.A., as follows:

“Individual sewerage systems shall be kept in service and in a serviceable condition sufficient to insure compliance with this Code and in order to avoid creating or contributing to a nuisance or a public health hazard.”

A copy of the inspection report is attached hereto as **Exhibit M**.

NOW, therefore, in accordance with the authority vested in me as State Health Officer, and in concurrence with the Secretary, herein represented by the Assistant Secretary, in accordance with Delegation effective October 15, 2011, I hereby order that the Respondent, a person of full age of majority, correct all violations issued in the Notice of Violation Letter, dated August 8, 2013, within 20 days of receipt of this Compliance Order. Failure to correct the violations or any future violations may result in civil fines of up to \$100.00 per day per violation up to a maximum of \$10,000.00 in a calendar year and all other remedies allowed by law.

You are further advised that you have the right to appeal this Compliance Order by filing a **written request** for an adjudicatory hearing regarding any final decision made by the state health officer. If a hearing is requested, an application for an adjudicatory hearing must be received by the state health officer within (20) days after receipt of this Compliance Order. All documents and written requests for a hearing shall be submitted to the state health officer at: DHH-OPH-CEHS, Onsite Wastewater Program, P.O. BOX 4489, Baton Rouge, Louisiana 70821-4489.

Upon timely receipt of a written application requesting an adjudicatory hearing, the request will be submitted to the Division of Administrative Law and a hearing will be scheduled (pursuant to R.S. 49:991 et seq).

Kathy Kliebert
Secretary of DHH


J.T. LaFave
Assistant Secretary of DHH

Date

3/18/16


Dr. Jimmy Gaudry
State Health Officer

Date

3/20/15

LAFOURCHE PARISH ASSESSOR

EXHIBIT A

Current Assessment Listing

Parcel#
0102389905
View on Map (http://atlas.geoportalmaps.com/lafourche/q/Parcel?parcel_no=0102389905)

Primary Owner
SAM, PATSY BOUDREAU
Mailing Address
213 EAST 57TH LOT 1
CUT OFF LA 70345

Ward
W 10 LB

Type
Real Property

Legal
LOT 9, EST. LEVI CHERAMIE SD.(926-672)(899-13)(895-292)

Physical Address
213 EAST 57TH ST. LOT 1

Parcel Items

Property Class	Assessed Value	Units	Homestead
RES TRAIL-CTRY	2,970	1.00	2,970
COUNTRY LOTS	860	1.00	860
TOTAL	3,830	2.00	3,830

Deeds

Deed#	Type	Date	Amount	Book	Page
1089748	Donation	4/14/2010	0.00	1813	342

Ownership History

Homestead?Name	Primary?	% Ownership	% Tax	From	To
YES	SAM, PATSY BOUDREAU	YES	100.0000	100.000004/14/2010	
NO	BOUDREAU, GENEVIEVE	NO	0.0000	0.0000	5/14/20024/14/2010
	CHERAMIE				

Homestead?Name	Primary?	% Ownership	% Tax	From	To
YES	BOUDREAUX, ARAMISE JR.	YES	100.0000	100.000005/16/2002	4/14/2010
	& WIFE				

PARISH

Millage	Mills	Taxpayer Tax	Homestead Tax
WATER DISTRICT #1	3.5700	0.00	13.67
DRAINAGE DIST. 1	0.9000	0.00	3.44
VETERANS DISTRICT	0.9800	0.00	3.75
FIRE DIST 3	7.9900	0.00	30.60
HOSPITAL DIST. 1	4.3400	0.00	16.62
LAFOURCHE AMBULANCE	3.1000	0.00	11.88
SPECIAL EDUCATION DIST.	3.0000	0.00	11.49
CONSOLIDATED	79.9300	0.00	306.13
SPECIAL SERVICE #1	1.6900	0.00	6.47
BAYOU LAFOURCHE FRESH	2.1100	0.00	8.08
WATER			
PARISH COUNCIL	2.6900	0.00	10.30
ROAD DISTRICT #1	4.9400	0.00	18.92
GREATER LAFOURCHE PORT	6.8300	0.00	26.16
SOUTH LAFOURCHE LEVEE	9.8600	0.00	37.76
TOTALS	131.9300	0.00	505.27

View Images

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Jump to thumbnail
Purchase Document



10 X

PATSY BOUDREAUX SAM (SSPXXX-XX-8967), of the full legal age, married but once and then to Morris L. Sam, from whom she is physically separated, presently living and residing in the Parish of Lafourche, State of Louisiana, whose current mailing address is 213 East 57th Street, Lot 1, Cut Off, Louisiana 70345 (hereinafter sometimes referred to as "Doree");

the hereinafter described property, presently owned by Doree, and which is more fully described as:

All of Doree's rights, title and interest in and to the following:

A certain tract of land situated in the Parish of Lafourche, State of Louisiana, on the left descending half of Bayou Lafourche, at about thirty-eight (38) miles below the Town of Thibodaux, La., and referred to as Lot 9 on that certain map entitled "Levi Cheramie Estate, Survey Plat Showing Property of Levi Cheramie Estate, Being in Section 33, T-18-S, R-21-E, Cut Off, Lafourche Parish, Louisiana", dated November 2, 1984, prepared by Pociola and Associates, Consulting Engineers and Surveyors. Said lot is in mass in Book 1813 Page 342 File Number 1089748 Set 2





STATE OF LOUISIANA
DEPARTMENT OF HEALTH AND HOSPITALS
OFFICE OF PUBLIC HEALTH
Sanitarian Services

SEWAGE COMPLAINT FORM

Complainant's Name: Bryant Angeron Date: 8/2/13
(Person filing complaint)

Physical Address: 230 E. 56th St Cat Off VA 70345

Mailing Address: Same

Telephone #: (985) 325-3137 Email: _____

(985) 258-7784

Detailed Description of Problem: (Please be specific and draw sketch on back if necessary).
sewer smell & standing milky water in ditch that sewer
cracks into - ditch is not parish maintained and is not
a free flowing ditch; for my new construction house we were
not allowed to connect sewer drainage to this ditch - had to run drain
How long has this condition/problem existed? 1 year over 150 ft to front
Has this condition/problem been reported previously? Yes ☒ No
at over house

If yes, to who was it reported? _____ Date previously reported: _____

What action(s) was taken? _____

Name(s) of person(s) against whom you are making this COMPLAINT: Patsy Sam

Name: _____ Telephone #: (985) 331-2167

Address: 213 E. 57th St Cat Off VA 70345

Is the person(s) against whom the complaint is made the owner of the property? ☒ Yes ☐ No

If No, please provide property owner information: _____

Name: _____ Telephone #: _____

Address: _____

I UNDERSTAND THAT THIS DOCUMENT WILL BECOME PART OF A PUBLIC RECORD AND THAT
THE OFFICE OF PUBLIC HEALTH WILL INSPECT MY PROPERTY FOR COMPLIANCE AS WELL.


Complainant Signature

8/2/13
Date:

EXHIBIT C

EXISTING MECHANICAL TREATMENT SYSTEM
INSPECTION FORMDate of Request: Date of Inspection: Owner's Name: Record Update: Physical Address: Mailing Address: Date of Installation: Permit Number: Tag Number: System Brand: Size: gpdAerator Model: Aerator Serial #: Sample Port Provided: Control Box/Alarm in Place: Access Ports at Ground Level: System Maintained: Date Serviced: Date System Pumped Out: Hauler Company Name: Maintenance Contract Provider: Discharge Condition: Discharge Location: All Distance Requirements Met: Additional comments: Sanitarian conducted survey: R.S.#: System Approved for Use: GPS Coordinates: Latitude Longitude



State of Louisiana
Department of Health and Hospitals

EXHIBIT D

SL-14A

August 8, 2013

CERTIFICATE OF MAILING

Patsy Sam
213 East 57th St., Lot 1
Cut Off, La 70345

PERMIT #29008327

RE: NOTICE OF VIOLATION: MECHANICAL TREATMENT PLANT LOCATED AT
213 EAST 57TH ST., LOT 1, CUT OFF, LA 70345

Dear Sir/Madam:

An inspection of the above referenced mechanical treatment plant conducted by a representative of this Department on August 7, 2013, revealed the following item(s) not in conformity with the Louisiana State Sanitary Code:

1. The aerator is not dispensing air inside the aerobic treatment unit.

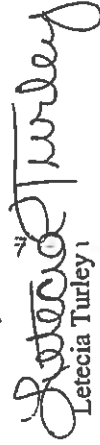
The above is in violation of the Louisiana Administrative Code, Title 51, State Sanitary Code, Part 13, Chapter 7, Paragraph 707.A. which states:

"Individual sewerage systems shall be kept in service and in a serviceable condition sufficient to insure compliance with this Code and in order to avoid creating or contributing to a nuisance or a public health hazard."

You must contract a licensed installer/maintenance provider to make the necessary repairs to the mechanical treatment plant no later than September 9, 2013.

Failure to comply could result in enforcement actions by this Agency not limited to fines, sanctions and other penalties as allowed by law.

Sincerely,


Letecia Turley
Parish Sanitarian Manager

cc: Chasity Cheramie, Region 3 Sanitarian Director

OFFICE OF PUBLIC HEALTH • LAFOURCHE PARISH HEALTH UNIT
2535 VETERANS BOULEVARD • THIBODAUX, LOUISIANA 70301
PHONE # (985) 447-0954 • FAX # (985) 447-0812
"AN EQUAL OPPORTUNITY EMPLOYER"

EXISTING MECHANICAL TREATMENT SYSTEM
INSPECTION FORM

EXHIBIT E

Date of Request:

Owner's Name: Date of Inspection: Record Update:

Physical Address:

Mailing Address:

Date of Installation: Permit Number: Tag Number:

System Brand: Size: gpd

Aerator Model: Aerator Serial #:

Sample Port Provided: Control Box/Alarm in Place: Access Ports at Ground Level:

System Maintained: Date Serviced: Date System Pumped Out:

Hauler Company Name: Maintenance Contract Provider:

Discharge Condition: Discharge Location:

All Distance Requirements Met:

Additional comments:

Sanitarian conducted survey: R.S.#:

System Approved for Use:

GPS Coordinates: Latitude Longitude

EXISTING MECHANICAL TREATMENT SYSTEM
INSPECTION FORMDate of Request: Date of Inspection: Owner's Name: Record Update: Physical Address: Mailing Address: Date of Installation: Permit Number: Tag Number: System Brand: Size:

gpd

Aerator Model: Aerator Serial #: Sample Port Provided: Control Box/Alarm in Place: Access Ports at Ground Level: System Maintained: Date Serviced: Date System Pumped Out: Hauler Company Name: Maintenance Contract Provider: Discharge Condition: Discharge Location: All Distance Requirements Met: Additional comments: Sanitarian conducted survey: R.S.#: System Approved for Use:

GPS Coordinates:

Latitude: Longitude:



EXHIBIT F

State of Louisiana
Department of Health and Hospitals
Office of Public Health

July 9, 2014

Hand Deliver

Patsy Sam
213 East 57th Street, Lot 1
Cut Off, LA 70345

RE: NOTICE OF VIOLATION & CONFERENCE NOTICE – MECHANICAL
TREATMENT SYSTEM LOCATED AT 213 EAST 57TH STREET LOT 1, CUT
OFF, LA 70345.
PERMIT: #29008327

Dear Ms. Sam:

A regulatory letter was hand delivered to you on June 5, 2014, notifying you that you were in violation of Part 13, Chapter 7, Paragraph 707.A of the Louisiana State Sanitary Code which regulates the installation of approved individual sewage disposal systems.

In an effort to resolve this serious matter, we request that you attend a semi-formal conference on July 30, 2014 at 1:00 PM, at the Lafourche Parish Health Unit, located at 2535 Veterans Blvd., Thibodaux, LA in order to assess the severity of the situation and reach a compliance agreement.

Please contact us at the number listed below as to your ability to meet with us on the aforementioned date.

Sincerely,


Letecia Turley (letecia.turley@la.gov)
Sanitarian Parish Manager

cc: Chasity Cheramie, Sanitarian Regional Director



OFFICE OF PUBLIC HEALTH • Lafourche Parish Health Unit • REGION III
2535 Veterans Boulevard, Thibodaux, La 70301
Phone #: 985-447-0954 • Fax #: 985-447-0812
"AN EQUAL OPPORTUNITY EMPLOYER"

STATE OF LOUISIANA
DEPARTMENT OF HEALTH & HOSPITALS
OFFICE OF PUBLIC HEALTH

Department of Health & Hospitals

Vs.

Patsy Sam

PROCESS SERVER'S RETURN

RETURN FOR PERSONAL SERVICE

DOMICILIARY SERVICE

On the 11 day of July, 2014 I served a Notice of
Violation & Conference Notice on
Patsy Sam.

On the ____ day of _____, 20____
I served a Notice of Violation and Conference
Notice on _____ by leaving
same at _____ the dwelling-house or
usual place of abode of _____ in the
hands of _____, a person of suitable
age and discretion, residing therein as a member of
within named person's domiciliary establishment.

Date of Return: 7/11/14

Process Server *James R. Riner*

Date of Return:

Process Server

On July 29, 2014, Patsy Sam called to let me know she will not be able to attend the conference because she has to work. She said she tried to take off, but no one would swap days with her. Mrs. Patsy wants to know if she can come to the conference one day next week because she will be off. I told her I will call her back with a day and a time for the conference.

I called Ms. Sam on July 30, 2014 to tell her what day and time to come, but she did not answer the phone. I left her a voice message.

Since Ms. Sam did not return my call, I called her back on July 31, 2014. She did not answer the phone, so I left her another voice message.

I called Ms. Sam on August 5, 2014. I told Ms. Sam that she can come to a conference at the Lafourche Parish Health Unit on August 6, 2014 at 11:30 AM. Ms. Sam agreed to attend the conference on August 6, 2014 at 11:30 AM. I gave Ms. Sam the address and directions.

St Turkey

MEETING SIGN-IN SHEETPROPERTY ADDRESS: 213 E. 5TH ST, LOT 1, CUT OFF, LADATE AND TIME OF MEETING AUGUST 6, 2014 11:30 AMLOCATION OF MEETING: LAFORCIE PARISH HEALTH UNIT

NAME	MAILING ADDRESS	EMAIL ADDRESS/ PHONE NUMBER	BUSINESS/ AGENCY REPRESENTING
CHASITY CHERAMIE	1434 11622 DR THIBODAUX 70301	chasity.cheremie@la.gov (985) 449-5007	DHH - OPH
Letecia Turley	2535 Veterans Blvd. Thibodaux LA 70301	letecia.turley@la.gov 985-447-0954	DHH - OPH
Patsy B Sam	213 East 5th St Lot 1 Cut Off, La 70345		985-381-2467

(8/2014)

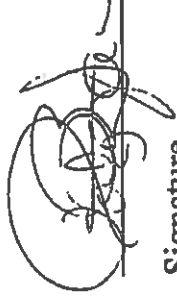
CONFERENCE AGREEMENT

This agreement constitutes the results of an informal conference conducted at the Lafourche Parish Health Unit on August 6, 2014 at 11:30am regarding the property located at 213 East 57th Street, Lot 1, Cut Off, La. The conference was conducted with Patsy Sam, responsible person for the property, Chasity Cheramie, Region 3 Sanitarian Director, and Letecia Turley, Lafourche Parish Sanitarian Manager. This conference was conducted with Patsy Sam to discuss the continued violations of the Louisiana Administrative Code, Title 51 (Public Health Sanitary Code), Part XIII. Patsy Sam was given a copy of the letters that were hand delivered on May 27, 2014 and July 9, 2014. Patsy Sam acknowledges, via signature below, that she has received proper notification of documented violations, and further acknowledges that she is not in current compliance with applicable codes. Further, Patsy Sam, also agrees to have all violations corrected by September 3, 2014, so that a re-inspection can be conducted to verify compliance. Patsy Sam fully understands that if all violations are not corrected by this date, this office will seek further legal action which may result in the implementation of fines up to \$100.00 per day, per violation, up to a maximum of \$10,000.00 per year.

Patsy Sam 8/6/14

Print Name

Date



Signature

Patsy Sam, 213 East 57th Street, Lot 1, Cut Off, La. 70345

Chasity Cheramie

Chasity Cheramie

Region 3 Sanitarian Director

Letecia Turley

Letecia Turley

Lafourche Parish Sanitarian Manager

EXISTING MECHANICAL TREATMENT SYSTEM
INSPECTION FORM

EXHIBIT I

Date of Request: Date of Inspection: Owner's Name: Record Update: Physical Address: Mailing Address: Date of Installation: Permit Number: Tag Number: System Brand: Size:

gpd

Aerator Model: Aerator Serial #: Sample Port Provided: Control Box/Alarm in Place: Access Ports at Ground Level: System Maintained: Date Serviced: Date System Pumped Out: Hauler Company Name: Maintenance Contract Provider: Discharge Condition: Discharge Location: All Distance Requirements Met: Additional comments: Sanitarian conducted survey: R.S.#: System Approved for Use:

GPS Coordinates:

Latitude: Longitude:

EXHIBIT J

EXISTING MECHANICAL TREATMENT SYSTEM
INSPECTION FORMDate of Request:

Date of Inspection: Sep 10, 2014

Owner's Name: Patsy Sam

Record Update:

Physical Address: 213 E. 57th St Lot 1, Cut Off, LA 70345

Mailing Address: same

Date of Installation: 6/9/99

Permit Number: 29008327

Tag Number:

System Brand: Delta

Size: 500

gpd

Aerator Model: 60

Aerator Serial #: Replacement

Sample Port Provided: YES

Control Box/Alarm in Place:

Access Ports at Ground Level: YES

System Maintained: NO

Date Serviced: Date System Pumped Out: Hauler Company Name: Maintenance Contract Provider:

Discharge Condition: Not Acceptable

Discharge Location: rear ditch

All Distance Requirements Met:

Additional comments: The aerator is not aerating the wastewater inside the aerobic treatment unit.

Sanitarian conducted survey: *Denisey Binner*

R.S.#: 1333

System Approved for Use:

GPS Coordinates:

Latitude: Longitude:



EXHIBIT K

State of Louisiana
Department of Health and Hospitals
Office of Public Health

September 12, 2014

SL-13
(Rev 8/2014)

HAND DELIVERY

Patsy Sam
213 East 57th Street, Lot 1
Cut Off, LA 70345

RE: NOTICE OF VIOLATION(S) AT 213 EAST 57TH STREET, LOT 1, CUT OFF, LA 70345

Dear Ms. Sam:

You attended a conference on August 06, 2014 at Lafourche Parish Health Unit in order to review the inspection reports of the above referenced property and assess the severity of the situation. A compliance agreement was reached. You agreed to correct the violations by September 3, 2014.

Reinspections were conducted on September 2, 2014 and September 10, 2014. The inspections revealed that the violations were not corrected. Please be advised that this office has no alternative than to request the State Health Officer to issue a Compliance Order to have you correct the continued violations of the Louisiana Administrative Code, Title 51, State Sanitary Code, Part XIII.

Failure to correct the violations can result in civil fines up to \$100 day per violation up to a maximum of \$10,000 per calendar year and all other remedies allowed by law.

Please be advised that the issuance of the Compliance Order can only be prevented if compliance is verified by this office by October 16, 2014.

If you have questions, you can contact me at letecia.turley@la.gov or (985) 447-0954. Also, our office hours are from 8:00-9:30am and 3:30-4:30pm Monday-Friday.

Sincerely,


Letecia Turley
Lafourche Parish Sanitarian Manager

cc: Chasity Cheramie, Region 3 Sanitarian Director

OFFICE OF PUBLIC HEALTH • Lafourche Parish Health Unit • REGION III
2535 Veterans Boulevard, Thibodaux, La 70301
Phone #: 985-447-0954 • Fax #: 985-447-0812
"AN EQUAL OPPORTUNITY EMPLOYER"



EXHIBIT L

State of Louisiana
Department of Health and Hospitals
Office of Public Health

October 7, 2014

SL-13
(Rev 8/2014)

HAND DELIVERY

Patsy Sam
213 East 57th Street, Lot 1
Cut Off, LA 70345

RE: NOTICE OF VIOLATION(S) AT 213 EAST 57TH STREET, LOT 1, CUT OFF, LA 70345

Dear Ms. Sam:

You attended a conference on August 06, 2014 at Lafourche Parish Health Unit in order to review the inspection reports of the above referenced property and assess the severity of the situation. A compliance agreement was reached. You agreed to correct the violations by September 3, 2014.

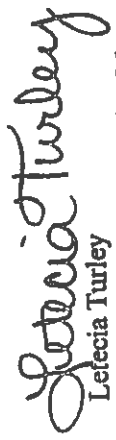
Reinspections were conducted on September 2, 2014 and September 10, 2014. The inspections revealed that the violations were not corrected. Please be advised that this office has no alternative than to request the State Health Officer to issue a Compliance Order to have you correct the continued violations of the Louisiana Administrative Code, Title 51, State Sanitary Code, Part XIII.

Failure to correct the violations can result in civil fines up to \$100 day per violation up to a maximum of \$10,000 per calendar year and all other remedies allowed by law.

Please be advised that the issuance of the Compliance Order can only be prevented if compliance is verified by this office by November 4, 2014.

If you have questions, you can contact me at lefecia.turley@la.gov or (985) 447-0954. Also, our office hours are from 8:00-9:30am and 3:30-4:30pm Monday-Friday.

Sincerely,


Lefecia Turley
Lafourche Parish Sanitarian Manager



cc: Chasity Cheramie, Region 3 Sanitarian Director

OFFICE OF PUBLIC HEALTH • Lafourche Parish Health Unit • REGION III
2535 Veterans Boulevard, Thibodaux, LA 70301
Phone #: 985-447-0954 • Fax #: 985-447-0812
"AN EQUAL OPPORTUNITY EMPLOYER"

DEPARTMENT OF HEALTH & HOSPITALS

OFFICE OF PUBLIC HEALTH

Department of Health & Hospitals

Vs.

Latisy Sam

PROCESS SERVER'S RETURN

RETURN FOR PERSONAL SERVICE

DOMICILIARY SERVICE

On the 14 day of October, 2014 I served a Notice of

Violation on

Latisy Sam.

On the ____ day of ____, 20__

I served a Notice of Violation on ____ the
____ by leaving same at ____ the
dwelling-house or usual place of abode of
____ in the hands of ____ a
person of suitable age and discretion, residing
therein as a member of within named person's
domiciliary establishment.

Date of Return: 10/14/14

Process Server

Jamirae Hunter

Date of Return:

Process Server

EXISTING MECHANICAL TREATMENT SYSTEM
INSPECTION FORM

EXHIBIT M

Date of Request:

Date of Inspection: Nov 5, 2014

Owner's Name: Patsy Sam

Record Update:

Physical Address: 213 E. 57th St Lot 1, Cut Off, LA 70345

Mailing Address: same

Date of Installation: 6/9/99

Permit Number: 29008327

Tag Number:

System Brand: Delta

Size: 500

gpd

Aerator Model: 60

Aerator Serial #: Replacement

Sample Port Provided: YES

Control Box/Alarm in Place:

Access Ports at Ground Level: YES

System Maintained: NO

Date Serviced:

Date System Pumped Out:

Hauler Company Name:

Maintenance Contract Provider:

Discharge Condition: Not Acceptable

Discharge Location: rear ditch

All Distance Requirements Met:

Additional comments: The aerator is not aerating the wastewater inside the aerobic treatment unit.

Sanitarian conducted survey: Jimmy Harris

R.S.#: 1333

System Approved for Use:

GPS Coordinates:

Latitude:

Longitude:

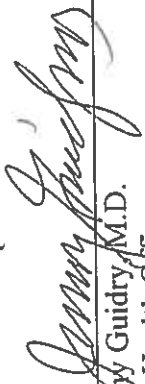
STATE OF LOUISIANA
PARISH OF EAST BATON ROUGE

CERTIFICATION OF
COMPLIANCE ORDER

BE IT KNOWN THAT on the date hereinafter noted, before me, the undersigned Notary Public, did personally appear:

Jimmy Guidry, M.D., State Health Officer

Who did declare that, pursuant to the requirements of La. R.S. 40:6(G)(1), he does hereby certify that the attached records of the Louisiana Department of Health and Hospitals, consisting of 24 sheets of paper, constitute a true, correct, and complete copy of the *Compliance Order* number **OPH-2015-OW-004** issued by said department, including any and all addenda, exhibits, and attachments made a part thereof. Who did further declare that, in his capacity as State Health Officer, he is authorized to act as custodian of all such compliance orders, and is further authorized to make any necessary certifications with respect thereto.


Jimmy Guidry, M.D.
State Health Officer

THUS DONE AND SIGNED before me, the undersigned Notary Public, this 26th day of August, 2016.


NOTARY PUBLIC
DAVID L. MCCAY
LA BAR ROLL #23527
NOTARY PUBLIC, STATE OF LOUISIANA
MY COMMISSION IS FOR LIFE

FILED

DEC -2 2016

CLERK OF COURT

DEPARTMENT OF HEALTH & HOSPITALS

DHH-B

OFFICE OF PUBLIC HEALTH

Department of Health & Hospitals

Vs.

Patricia Sam

PROCESS SERVER'S RETURN

RETURN FOR PERSONAL SERVICE

DOMICILIARY SERVICE

On the 2nd day of April, 2015 I served a
Compliance Order on
Patricia Sam.

On the ____ day of ____, 20____
I served a Compliance Order on ____ the
____ by leaving same at ____ the
dwelling-house or usual place of abode of
____ in the hands of ____ a
person of suitable age and discretion, residing
therein as a member of within named person's
domiciliary establishment.

Date of Return:

4/2/15

Process Server

Shirley Ann

Date of Return:

Process Server

(Signature)

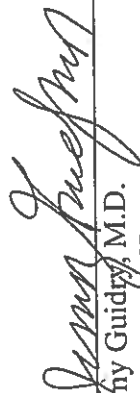
STATE OF LOUISIANA
PARISH OF EAST BATON ROUGE

CERTIFICATION OF
NOTICE AND ORDER OF IMPOSITION OF PENALTIES

BE IT KNOWN THAT on the date hereinafter noted, before me, the undersigned Notary Public did personally appear:

Jimmy Guidry, M.D., State Health Officer

Who did declare that, pursuant to the requirements of La. R.S. 40:6(G)(1), he does hereby certify that the attached records of the Louisiana Department of Health and Hospitals, consisting of 2 sheet of paper, constitute a true, correct, and complete copy of the *Notice and Order of Imposition of Penalties* issued by said department and mailed via United States Postal Service, Certified Mail, Return Receipt Requested, by a representative of the Office of Public Health, to Patsy Sam on June 10, 2015, including any and all addenda, exhibits, and attachments made a part thereof. Who did further declare that, in his capacity as State Health Officer, he is authorized to act as custodian of all such compliance orders, and is further authorized to make any necessary certifications with respect thereto.


Jimmy Guidry, M.D.
State Health Officer

THUS DONE AND SIGNED before me, the undersigned Notary Public, this 26th day of August, 2016.


NOTARY PUBLIC
DAVID L. MCCAY
LA BAR/ROLL #23527
NOTARY PUBLIC, STATE OF LOUISIANA
MY COMMISSION IS FOR LIFE

FILED

DEC -2 2016

CLERK OF COURT

NOTICE AND ORDER OF IMPOSITION OF PENALTIES
(RE: Compliance Order No. OPH-2015-OW-004)

DHH-C

CERTIFIED MAIL
7010 0780 0002 1566 6522

Date: June 1, 2015

Notice Issued to: Patsy Sam (hereinafter "Respondent")

Notice Mailed to: 213 East 57th Street, Lot # 1
Cut Off, LA 70345

Our records indicate that some or all of the violations cited in the above referenced Compliance Order, issued to you on or about April 2, 2015, were not corrected by the deadline(s) set forth therein. Notice of such noncompliance was set forth in the Post Order Inspection Report that this office issued on or about April 22, 2015, noting therein that penalties would begin to immediately accrue on a daily basis until this office received written notice (and thereafter verified) that the violations had been corrected. As of the date first noted hereinabove, no such notice has been received.

Notice is hereby given that pursuant to Louisiana Administrative Code Title 51, Part 1, §113, a penalty in the amount set forth below is ordered and imposed against the above named Respondent(s). Unless an appeal is requested or application for mitigation is submitted as set forth herein, said penalty shall be due and payable 20 calendar days after your receipt of this notice.

You have the right to request a reduction/mitigation of the penalty by sending a written request to the State Health Officer within 20 calendar days of your receipt of this notice. Your written request for a reduction/mitigation should be addressed to the State Health Officer, Onsite Wastewater Program, P.O. Box 4489, Baton Rouge, LA 70821-4489, and may describe any amounts spent on obtaining compliance, and any other factors which may have affected your ability to address the violations.

You also have the right to appeal this penalty imposition by filing a written request for an administrative appeal with the Division of Administrative Law, within 20 calendar days of your receipt of this notice. This appeal should be mailed to: Onsite Wastewater Program, P.O. Box 4489, Baton Rouge, LA 70821-4489.

If you do not request mitigation or seek an appeal within the time delays noted herein, this office may thereafter institute all necessary civil action to collect the penalty imposed herein.

Calculation of Penalty:

April 22, 2015 through June 1, 2015 = 41 days

41 days @ \$100.00 per 1 Class A violations (Class A Violation-see Louisiana Administrative Code-Title 51-Part 1, §113.A.3.i.) = \$4,100.00

Total Penalty: \$4,100.00

\$4,100.00 Currently Due

SO ORDERED at Baton Rouge, Louisiana:


Jimmy Guidry, M.D.
State Health Officer


J. T. Kane
Assistant Secretary, DHH/OPH
For/Kathy H. Kliebert, DHH Secretary

FILED

DEC -2 2016

CLERK OF COURT

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

USPS.COM
DHH-D

Register / Sign In

OFFICIAL USE

6/10/15
Postmark
POSTED

Postage \$	48
Certified Fee	3.30
Return Receipt Fee (Endorsement Required)	2.70
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.48

Sent To

PATSY SAM
213 EAST 57TH STREET
LOT # 1
CUT OFF, LA 70345

Updated Delivery Day: Friday, June 12, 2015

2259 9951 2000 0820 0102

Customer Service ,
Have questions? We're here to help.

Get Easy Tracking Updates ,
Sign up for My USPS.

Product & Tracking Information

Postal Product: Features:
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
June 12, 2015 , 12:56 pm	Delivered	CUT OFF, LA 70345

Your item was delivered at 12:56 pm on June 12, 2015 in CUT OFF, LA 70345

June 12, 2015 , 9:10 am	Out for Delivery	CUT OFF, LA 70345
June 12, 2015 , 9:00 am	Sorting Complete	CUT OFF, LA 70345
June 12, 2015 , 8:22 am	Arrived at Unit	CUT OFF, LA 70345
June 11, 2015 , 9:06 pm	Departed USPS Facility	NEW ORLEANS, LA 70113
June 11, 2015 , 11:30 am	Arrived at USPS Facility	NEW ORLEANS, LA 70113
June 11, 2015 , 12:58 am	Departed USPS Facility	BATON ROUGE, LA 70826
June 10, 2015 , 10:32 pm	Arrived at USP	

Track Another Package

Tracking (or receipt) number

1. Article Addressed to:

PATSY SAM
213 EAST 57TH STREET
LOT # 1
CUT OFF, LA 70345

SENDER: COMPLETE THIS SECTION

- ☒ Complete items 1, 2, and 3. Also, complete item 4 if Restricted Delivery is desired.
- ☒ Print your name and address on the reverse so that we can return the card to you.
- ☒ Attach this card to the back of the mailpiece, or on the front if space permits.

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent
- B. Received by (Printed Name) ☒ Address
- C. Date of Delivery ☒ Yes ☒ No
- D. Is delivery address different from item 1? ☒ Yes ☒ No
- If YES, enter delivery address below:

3. Service Type
- ☒ Certified Mail® ☐ Priority Mail Express™
- ☐ Registered ☒ Return Receipt for Merchandise
- ☐ Insured Mail ☐ Collect on Delivery
4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

2. Article Number
(Transfer from service label)

7010 0780 0002 1566 6522

PS Form 3811 July 2013

Domestic Return Receipt

FILED

DEC -2 2016

CLERK OF COURT

Post Order Inspection Report
NOTICE OF VIOLATIONS
Department of Health and Hospitals/Office of Public Health
Sanitarian Services

DHH-E

Permit Number: 29008327

Type: Sewage

Date: 04 22/15

Time In: 13:20

Name of Facility:

Owner: Patsy Sam

Location/Address: 213 East 57th Street, Lot 1

City State Zip Out Off, LA 70345

Critical Items: These items relate directly to the protection of the public from illness.

Louisiana Administrative Code, Title 51, Part: XIII

Code Reference(s): Description of Violation(s):

Chapter 7, Paragraph 707.A

1. There is no aeration occurring inside the aerobic treatment unit.

Non-Critical Items: These items relate to design, sanitation, and maintenance of operations.

Louisiana Administrative Code, Title 51, Part:

Code Reference(s): Description of Violation(s):

Sanitarian Name/Print:

Phone:

Tamerage Granier (985) 447-0954

Sanitarian Signature:

Tamerage Granier

R.S. #

1333

The above cited violations remain in non-compliance with Compliance Order # OPH-2015-OW-004 and daily penalty assessments shall begin to accrue immediately. Penalties from \$25 to \$100 per violation per day up to a maximum of \$10,000 per violator per year may be assessed. The daily penalties shall accrue until such time as the agency has been notified in writing by the person in charge that compliance has been achieved and such compliance verified by agency staff. Send your written notification of compliance to the state health officer at: LDHH OPH, Sanitarian Services, PO BOX 4489, Baton Rouge, LA 70821-4489.

Name of Recipient/Print:

Patsy Sam

Title:

Patsy Sam
Signature of Recipient

Page 1 of 1

FILED

DEC -2 2016

CLERK OF COURT

DHH-F

State Health Officer
Onsite Wastewater Program
P.O. Box 4489
Baton Rouge, LA 70821-4489

Patsy Sam
213 East 57th Street Lot 1
Cut Off, LA 70345

June 28, 2015

Dear State Health Officer:

I am writing in reference to Compliance Order No. OPH-2015-OW-004. I live on a very low budget and extra funds are just not easily acquired. I would like this situation fixed as soon as possible just as you would.

At the very beginning, I was told that the air pump for my sewer tank was not working and that I needed to replace it. I was very fortunate to borrow money for that from a family member and it cost me \$500.00. I'm still paying that back at this time. After the next inspection I was told that the air pump was not the problem and it would cost me more money to get it fixed. I honestly do not have any money to get this fixed. I understand that daily fines are being added daily. I really hope that you can help me in this situation. I cannot even call anyone to come to look at it because I have no money to pay them. I have trouble paying my regular bills monthly and having enough food for my family. I really hope that you can help me in some kind of way to solve this problem. I can't even borrow money because I already owe more than I can repay now.

Please let me know what can be done to dismiss the daily fines and get any type of help with solving this problem.

Sincerely,



RECEIVED

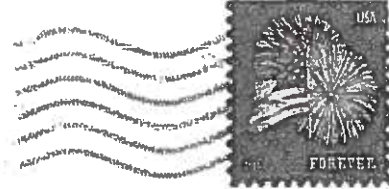
Patsy Sam

DHH-OPH
Onsite Wastewater

Patsy Sam
213 East 5th Street Lot 1
Cutoff, LA 70345

NEW ORLEANS LA 700

29 JUN 2015 PM 4 1



RECEIVED
DHH-OPH
Onsite Wastewater

State Health Officer
Onsite Wastewater Program
P.O. Box 4489
Baton Rouge, LA 70821-4489

70821448989



FILED

DEC -2 2016

CLERK OF COURT

STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW

DEPARTMENT OF HEALTH
AND HOSPITALS

*
* DOCKET NO. 2015-12453-HH-
OPH

IN THE MATTER OF

*

PATSY SAM

* AGENCY ID. OPH-2015-OW-004

*

CONFERENCE REPORT AND ORDER

A telephone prehearing conference was held October 15, 2015. Participating in the conference was David McCay, attorney for the Department of Health and Hospitals (Department). Patsy Sam, Appellant, did not call-in for the conference.

On March 20, 2015, the Department issued Compliance Order OPH-2015-OW-004 and on June 1, 2015, it issued a Notice and Order of Imposition of Penalties. Appellant filed an appeal of the Department's Notice and Order of Imposition of Penalties. Mr. McCay agrees that the only issue before the tribunal is whether the Department assessed Appellant the correct penalty in its Notice and Order of Imposition of Penalties issued on June 1, 2015.

A phone hearing is scheduled for November 16, 2015, at 10:00 a.m. Failure of a party to attend the hearing may result in the dismissal of the appeal. Other relevant dates were set. The discovery deadline is 5:00 p.m. on November 4, 2015. Witness and exhibit lists are due to the other party and the Division of Administrative Law by 5:00 p.m. on November 9, 2015; a witness list and copy of all exhibits to be used at the hearing should be provided to the other party and the Division of Administrative Law no later than 5:00 p.m. on November 9, 2015.

ORDER

IT IS ORDERED that the telephone hearing be held **November 16, 2015, at 10:00 a.m.**

Instructions for participation in the hearing are attached.

IT IS FURTHER ORDERED that all discovery shall be completed by 5:00 p.m. on November 4, 2015.

IT IS FURTHER ORDERED that the parties shall exchange witness and exhibit lists by 5:00 p.m. on November 9, 2015. Failure by any party to exchange a witness or exhibit list by

the deadline date, or failure to include a witness or an exhibit on the exchanged list, may result in exclusion of the witness(es) or exhibit(s) from the hearing.

IT IS FURTHER ORDERED that no later than 5:00 p.m. on November 9, 2015, each party shall electronically provide to the Division of Administrative Law (DAL) all documents the party intends to introduce at the hearing, and a list of all witnesses expected to testify. Contact the HH Clerk of Court's office at HHProcessing@adminlaw.state.la.us, for instructions. All documents and photographs shall be submitted in .pdf, .jpg, .tif, or .gif format.

Rendered and signed October 15, 2015, in Baton Rouge, Louisiana.

Norlisha Parker Burke

Norlisha Parker Burke
Administrative Law Judge

DIVISION OF ADMINISTRATIVE LAW
Telephone Conference Instructions

Read and follow the instructions below carefully.

This information is only for Docket #2015-12453-HH-OPH. Do not use the dial-in number and access code for any other case. After the telephone hearing, the dial-in number and access code are no longer useful. If you have any problems using the dial-in number and access code please call (225)342-6291 or (225)342-0443.

1. Dial **1-866-590-5055**.

2. Listen for this **Recording**: *"Welcome to AT&T's teleconference service. Please enter your access code followed by the pound sign."*

Do This: Enter **4994796** then press the # key on the phone.

3. Listen for this **Recording**: *"To join the conference as the host press star otherwise press pound."*

Do This: Press the # key.

4. The next recording that you will hear depends on whether the Judge has joined the conference yet.

- If the **Judge has NOT joined the conference call, you will hear:**

"The host has not yet arrived. Please stand-by."

- You should wait for the Judge to join the call. When the Judge joins, you will hear:

"There are () participants on the call, including you. You are now being joined to your conference. At the tone, please speak your name."

Do This: Say your name. [You **MUST** say your name after the tone.]

- If the **Judge HAS joined the conference call, you will hear:**

"At the tone, please speak your name. You are joining your conference as a participant."

Do This: Say your name. [You **MUST** say your name after the tone.]

5. If at any time you think you cannot be heard by the judge, hang up and follow the same instructions to call back.
6. At the end of the hearing, the Judge will let you know when you can hang up.

Phone Conference Tips
1. The "host" is the Administrative Law Judge. 2. The Appellant, the Department, and any witnesses are the "participants." 3. Speak naturally and say your name each time before you begin speaking. 4. Pause for others to speak. DO NOT INTERRUPT OTHERS. 5. Spell out unusual terms, names, and numbers. 6. Do not rustle pages or make distracting noises; everyone can hear it. 7. Do not put your phone on hold. Phone systems with music-on-hold will disrupt the teleconference service.

NPB

FILED

DEC -2 2016

CLERK OF COURT

STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW

DEPARTMENT OF HEALTH
AND HOSPITALS

*
* DOCKET NO. 2015-12453-HH-
OPH

IN THE MATTER OF

*
*
*

PATSY SAM

* AGENCY ID NO. OPH-2015-OW-
004
*

ORDER TERMINATING ADJUDICATION FOR
FAILURE TO APPEAR FOR HEARING

A hearing notice dated October 20, 2015, notified Patsy Sam (Appellant) that her fair hearing was scheduled for November 16, 2015, at 10:00 AM. Notice was mailed to Appellant's last known mailing address. Appellant did not appear for the hearing and no one appeared on behalf of Appellant. By failing to appear, Appellant waived her right to a fair hearing within the meaning of La. R.S. 49:955(A) and LAC 1:III.531.B. Appellant's hearing request is dismissed and the adjudication is terminated.

ORDER

IT IS ORDERED that Patsy Sam's request for a fair hearing is dismissed and the above entitled and numbered case is terminated.

Rendered and signed November 16, 2015, Baton Rouge, Louisiana.

Norlisha Parker Burke
Norlisha Parker Burke
Administrative Law Judge

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Monday, November 16, 2015, I have sent a copy of
this decision/order to all parties of this matter.

Clerk of Court
Division of Administrative Law

FILED

DEC -2 2016

CLERK OF COURT

LOUISIANA DEPARTMENT OF
HEALTH

SUIT NO. _____

17th JUDICIAL DISTRICT COURT

VERSUS

PARISH OF LAFOURCHE

PATSY SAM

STATE OF LOUISIANA

AFFIDAVIT

STATE OF LOUISIANA

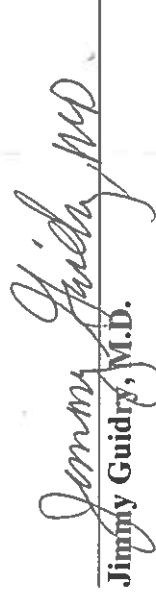
PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned Notary Public, personally came and appeared:

Dr. Jimmy Guidry, State Health Officer

who, after being duly sworn, did depose and state:

That he is the petitioner in the above and foregoing petition, that he has read the above-captioned petition, and that all of the allegations of fact contained therein are true and correct to the best of his information, knowledge, and belief.


Jimmy Guidry, M.D.

SWORN TO AND SUBSCRIBED before me, Notary Public, on this 22ND day of NOVEMBER, 2016.


NOTARY PUBLIC

SANDRA A. JELKS
NOTARY PUBLIC
State of Louisiana

My Commission Is Issued For Life
Louisiana Bar Roll No. 22088

FILED

DEC -2 2016

CLERK OF COURT

LOUISIANA DEPARTMENT OF HEALTH
* SUIT NO. _____
*
* 17th JUDICIAL DISTRICT COURT
*
VERSUS
* PARISH OF LAFOURCHE
*
PATSY SAM
* STATE OF LOUISIANA

JUDGMENT

The Court, having reviewed the above and foregoing petition, together with all exhibits and affidavits attached thereto, finds the law and evidence in favor of plaintiff, Louisiana Department of Health, and against the defendant, Patsy Sam (whose date-of-birth and social security number are unknown to plaintiff). Accordingly:

IT IS ORDERED, ADJUDGED, AND DECREED that Compliance Order No. OPH-2015-OW-004, issued by the Louisiana Department of Health to Patsy Sam, a copy of which is attached hereto, is hereby made an executory judgment of this Court; and

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Notice and Order of Imposition of Penalties dated June 1, 2015, issued by the Louisiana Department of Health to Patsy Sam, a copy of which is attached hereto, is hereby made an executory judgment of this Court and, accordingly, judgment is hereby rendered in favor of the plaintiff, Louisiana Department of Health, and against the defendant, Patsy Sam, in the amount of **Four Thousand One Hundred and 0/100 Dollars (\$4,100.00)**, together with legal interest thereon from date of judicial demand until paid, and for all costs.

SIGNED in chambers this _____ day of _____, 2016, at _____, Louisiana.

JUDGE, 17th Judicial District Court

PLEASE SERVE NOTICE, PETITION WITH ATTACHMENTS, AND JUDGMENT ON:

Patsy Sam
213 East 57th Street. Lot # 1
Cut Off, LA 70345

FILED
DEC -2 2016
CLERK OF COURT