

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 880665-WS
proceedings against BEACON 21)	
DEVELOPMENT CORPORATION in Martin)	ORDER NO. 21125
County for failure to comply)	
with 1986 annual report requirements.)	ISSUED: 4-25-89

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, CHAIRMAN
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 JOHN T. HERNDON

ORDER DECLARING PENALTY UNCOLLECTIBLE
 AND REFERRING TO STATE COMPTROLLER

BY THE COMMISSION:

BACKGROUND

Beacon 21 Development Corporation (Beacon), previously owned a Class "C" utility system in Martin County, Florida. The principal owner and operating officer of the utility was Jeffrey M. Mart. In July, 1987, the utility was placed in the hands of a bankruptcy trustee, the result of financial insolvency caused by the fraudulent activities of the above-named individual. Mr. Mart was convicted of forty-five counts of misdemeanor fraud stemming from his fraudulent conduct. As a consequence of Mr. Mart's activities, and the resulting bankruptcy proceedings, investigations, and litigation, the utility's books became unavailable for the preparation of the 1986 annual report which was due March 31, 1987.

On July 27, 1988, the Commission issued its Order No. 19735 which initiated "show cause" proceedings against Jeffrey M. Mart personally for the utility's failure to file its 1986 annual report.

Jeffrey M. Mart did eventually respond to our "Show Cause" Order by his letter dated November 19, 1988. In his letter, Mr. Mart advised that since all of Beacon's records had been "lost" during litigation process, he would be unable to file the requested report. Mr. Mart further advised that he had no funds since he had been forced to file personal bankruptcy "due to the failure of Beacon 21".

Subsequently, in Order No. 20441 issued December 9, 1988, we assessed a \$2,500 penalty against Jeffrey M. Mart for Beacon's failure to file its 1986 annual report. Mr. Mart did not respond to the Commission's Order.

On January 27, 1989 Staff Counsel wrote Jeffrey M. Mart a letter advising him that unless arrangements to pay the \$2,500 penalty were made by February 16, 1989, Staff would recommend

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to the Commission that the matter be referred to the State Comptroller's office for collection. No response has been received from Mr. Mart, nor was the letter returned by the post office.

CONCLUSION

Upon due consideration, we find that it is not cost effective to expend further resources in attempting to collect this penalty, and direct that this matter be referred to the State Comptroller for further disposition.

It is, therefore,

ORDERED by the Florida Public Service Commission that \$2,500 penalty assessed against Jeffrey M. Mart for the failure of Beacon 21 Development Corporation to file its 1986 Annual Report shall be referred to the State Comptroller for further disposition. It is further

ORDERED that this Docket shall be closed.

By ORDER of the Florida Public Service Commission
this 25th day of APRIL, 1989.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

RJF

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with

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the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.