

AT

Final Order No. DOH-00-2396- For MOA
FILED DATE - 12/15/00
Department of Health
By: Victoria P. Kenner
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF NURSING

MT

VERGELLA JOSEPH ANICET

Petitioner,

DOAH Case No. 99-4161

vs.

BOARD OF NURSING,

Respondent.

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DIVISION OF ADMINISTRATIVE HEARINGS
FILED

FINAL ORDER

THIS MATTER came before the Board of Nursing (hereinafter "the Board") for final action pursuant to Section 120.57(1)(I), Florida Statutes, at a duly-noticed public meeting held on November 17, 2000, by telephone conference call, Florida, for the purpose of considering the Recommended Order issued by the Administrative Law Judge in the above-styled case. The Petitioner was not present at the Board meeting. The Respondent was represented by Edward A. Tellachea, Assistant Attorney General.

After a review of the complete record in this matter, including consideration of the Administrative Law Judge's Recommended Order, a copy of which is attached hereto as Exhibit A, any exceptions filed by the parties, and the arguments of each party, the Board makes the following findings and conclusions:

FINDINGS OF FACT

1. The Administrative Law Judge's findings of fact are hereby approved, adopted, and incorporated herein.

2. There is competent, substantial evidence to support the Administrative Law Judge's findings of fact as adopted by the Board.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the provisions of Sections 120.569 and 120.57(1) and Chapter 464, Florida Statutes.

2. The Administrative Law Judge's conclusions of law are hereby approved, adopted and incorporated herein.

3. There is competent substantial evidence to support the Board's findings and conclusions.

The application for licensure is denied without prejudice to Petitioner to reapply.

This Final Order shall become effective upon filing with the clerk of the Department of Health.

DONE AND ORDERED this 28th day of November, 2000.

BOARD OF NURSING

Cathy Oles LPN B.P.S.
Cathy Ann Oles, LPN, BPS,
Chair

NOTICE OF RIGHT TO JUDICIAL REVIEW UNLESS WAIVED

Pursuant to Section 120.569, Florida Statutes, any substantially affected person is hereby notified that they may appeal this Final Order by filing one copy of a Notice of Appeal with the clerk of the Department of Health and by filing the filing fee and one

copy of the Notice of Appeal with the District Court of Appeal within 30 days of the date this Final Order is filed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to VERGELLA JOSEPH ANICET, c/o Juan C. Gautier, Esquire, 105 E. Robinson Street, Orlando FL 32801, and Mary Clark, Division of Administrative Hearings, 1230 Apalachee Parkway, Tallahassee FL 32399-1550 and Lee Ann Gustafson, Assistant Attorney General, PL01 The Capitol, Tallahassee FL 32399-1050, this ___ day of _____, 2000.

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AMENDED CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by certified mail to Vergella Joseph Anicet, 12539 Ringwood Avenue, Orlando, Florida 32837, and interoffice delivery to Mary Clark, Division of Administrative Hearings, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550, Lee Ann Gustafson, Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050 at or before 5:00 p.m., this 15 day of December, 2000.

Michelle R. Fogden