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11-07-00

AT

Final Order No. DOH-01-0066- FOF-MOA
FILED DATE - 1/5/01
Department of Health

STATE OF FLORIDA
BOARD OF CHIROPRACTIC MEDICINE

By: Vicki R. Keron
Deputy Agency Clerk

RECEIVED

JAN 22 2001

ADRIAN SAGMAN

Petitioner,

vs.

Department of Health
Legal Office

DOAH CASE NO. 00-1609 *smf*

DEPARTMENT OF HEALTH,
BOARD OF CHIROPRACTIC MEDICINE,

Respondent.

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DIVISION OF
ADMINISTRATIVE
HEARINGS
FILED

FINAL ORDER

THIS CAUSE came before the Board of Chiropractic Medicine (Board) pursuant to section 120.569 and section 120.57(1), Florida Statutes, at a duly-noticed public meeting on December 8, 2000, in Orlando, Florida for the purpose of considering the Administrative Law Judge's Recommended Order (attached hereto as Exhibit A). Petitioner was not and Respondent was represented by attorney Cherry A. Shaw.

Upon review and consideration of the Recommended Order and after a review of the available record in this case, the Board arrived at the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The findings of fact set forth in the Recommended Order are approved, adopted, and incorporated herein by reference.
2. The material findings of fact are supported by competent, substantial evidence in the record.

CONCLUSIONS OF LAW

3. The Board has jurisdiction of this matter pursuant to sections 120.569 and 120.57(1), and chapter 460, Florida Statutes.

4. The conclusions of law set forth in the Recommended Order are consistent with the findings and are approved, adopted, and incorporated herein by reference.

RECOMMENDATION

5. The Administrative Law Judge's Recommendation is hereby approved and adopted.

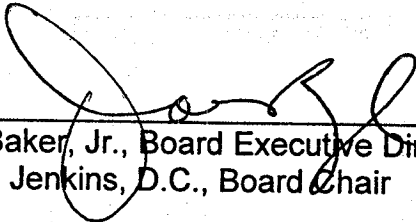
WHEREFORE,

IT IS HEREBY ORDERED AND ADJUDGED that Petitioner's examination challenge is rejected. Petitioner failed to achieve a passing score on the November 1999 chiropractic licensure examination and is not eligible for licensure in the State of Florida.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 2 day of Jan, 2001.

BOARD OF CHIROPRACTIC MEDICINE



Joe Baker, Jr., Board Executive Director for
Gene Jenkins, D.C., Board Chair

NOTICE OF RIGHT TO JUDICIAL REVIEW

A party who is adversely affected by this final order is entitled to judicial review pursuant to Section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a notice of appeal with the agency clerk of the Department of Health and a second copy, accompanied by filing fees prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the Appellate District where the party resides. The notice of appeal must be filed within thirty (30) days of rendition of the order to be reviewed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been furnished by U.S. Mail to Mark L. Rosen, Esquire, 18250 Northwest 2nd Avenue, Miami, Florida 33169, to Adrian Sagman, 250 19⁸~~7~~th Street, Miami Beach, Florida, 33160; and by interoffice mail to Cherry A. Shaw, Senior Attorney, Department of Health and Donna Erlich, Assistant General Counsel, Department of Health, Tallahassee, on or before 5:00 p.m. this 5th day of January, 2001.

Connie Singletary