

8-1-01

Final Order No. DOH-02-1656- FOFMQA
FILED DATE - 10/30/02
Department of Health

STATE OF FLORIDA
BOARD OF MEDICINE

By: V. de R. Kerou
Deputy Agency Clerk

DEPARTMENT OF HEALTH,
Petitioner,

AT

02 OCT 31 PM 2:25
ADMINISTRATIVE SERVICES

vs.

DOH CASE NO.: 1999-50772
DOAH CASE NO.: 00-4396PL
LICENSE NO.: ME0047604

CARL W. LIEBERT, JR., M.D.,
Respondent.

WRC-clws

FINAL ORDER VACATING PREVIOUS FINAL ORDER AND ADOPTING RECOMMENDED ORDER

THIS CAUSE came before the Board of Medicine (Board) on October 5, 2002, in Miami, Florida, for the purpose of considering the Petitioner's Motion to Vacate the Final Order entered in this case on November 29, 2001. Upon review of the Motion, the argument of the parties, and after a review of the complete record in this case, the Board hereby VACATES the Final Order filed in this matter on November 29, 2001, and makes the following findings and conclusions.

FINDINGS OF FACT

1. The findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference.
2. There is competent substantial evidence to support the findings of fact.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 458, Florida Statutes.

2. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

3. There is competent substantial evidence to support the conclusions of law.

DISPOSITION

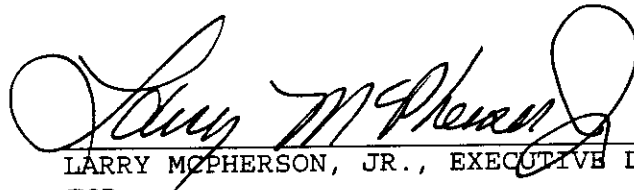
Upon a complete review of the record in this case, the Board determines that the disposition recommended by the Administrative Law Judge be ACCEPTED. WHEREFORE,

IT IS HEREBY ORDERED AND ADJUDGED that the Amended Administrative Complaint filed in this cause is hereby DISMISSED.

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

DONE AND ORDERED this 27 day of OCTOBER, 2002.

BOARD OF MEDICINE



LARRY MCPHERSON, JR., EXECUTIVE DIRECTOR
FOR
ZACHARIAH P. ZACHARIAH, M.D.
CHAIRMAN

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 provided by U.S. Mail to Carl W. Liebert, Jr., M.D., c/o Richard R. Garland, Esquire, Dickinson & Gibbons, P.A., P.O. Box 3970, Sarasota, Florida 34230-3979; to William R. Cave, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by interoffice delivery to Ephraim Livingston, Senior Attorney, and Pamela Page, Senior Attorney - Appeals, Department of Health, 4052 Bald Cypress Way, Bin #C65, Tallahassee, Florida 32399-3265, on or before 5:00 p.m., this 30th day of October, 2002.

Mari Boyett