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2-23-01

AT

Final Order No. DOH-01-0561-~~For-M~~
FILED DATE - 4/25/01
Department of Health

STATE OF FLORIDA
BOARD OF OPTOMETRY

By: Udai R. Kanon
Deputy Agency Clerk

JAYESHKUMAR V. PATEL,
Petitioner,

vs.

DEPARTMENT OF HEALTH,
Respondent.

DOAH CASE NO.: 00-5023

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ADMINISTRATIVE
HEALTH
RECORD

FINAL ORDER

THIS CAUSE came before the Board of Optometry (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on March 30, 2001, in Tallahassee, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order (a copy of which is attached hereto as Exhibit A) in the above-styled cause. Petitioner was present but was not represented by counsel. Respondent was represented by Cherry Shaw, Senior Attorney. Upon review of the Recommended Order, the argument of the parties, and after a review of the complete record in this case, the Board 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 463, 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 recommendation by the Administrative Law Judge be ACCEPTED.


WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that

Petitioner's challenge to the grade assigned to him for the August 2000 optometry licensure examination is hereby DISMISSED.

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

DONE AND ORDERED this 16 day of April, 2001.

BOARD OF OPTOMETRY



JOE R. BAKER, JR.
EXECUTIVE DIRECTOR FOR
HOWARD BRAVERMAN, O.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 AGENCY FOR HEALTH CARE ADMINISTRATION 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 Jayeshkumar V. Patel, O.D., 1601 Norman Drive, Apartment GG-1, Valdosta, Georgia 31601; to Don W. Davis, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by interoffice delivery to Cherry Shaw, Senior Attorney, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5403, on or before 5:00 p.m., this 25th day of April, 2001.

Sonja L. Wright