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5-29-01

Final Order No. DOH-01-2143-FOF-MQA
FILED DATE - 12/12/01
Department of Health

By: Vicki R. Kenon
Deputy Agency Clerk

AT

STATE OF FLORIDA
BOARD OF HEARING AID SPECIALISTS

DEPARTMENT OF HEALTH
BOARD OF HEARING AID SPECIALISTS

SML-CWS

FILED
DEC 14 3 15 PM '01
DIVISION OF
ADMINISTRATIVE
HEARINGS

Petitioner,

vs.

DOAH CASE NO. 01-0226PL

LEONARD P. ZINNI,

Respondent.

FINAL ORDER

THIS CAUSE came before the Board of Hearing Aid Specialists (Board) pursuant to section 120.569 and section 120.57(1), Florida Statutes, on November 30, 2001, in Tallahassee, Florida for the purpose of considering the Administrative Law Judge's Recommended Order (attached hereto as Exhibit A). Petitioner was represented by Agency for Health Care Administration attorney Gary L. Asbell and Respondent was present during the proceeding.

Upon review and consideration of the Recommended Order and the 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 supported by competent, substantial evidence in the record.

2. The findings of fact set forth in the Recommended Order are approved, adopted, and incorporated herein by reference.

CONCLUSIONS OF LAW

3. The Board has jurisdiction of this matter pursuant to sections 120.569 and 120.57(1), and part II of chapter 484, 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 in its entirety.

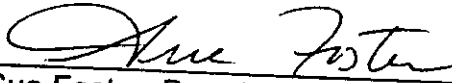
WHEREFORE,

IT IS HEREBY ORDERED AND ADJUDGED that the Administrative Complaint that was filed against Respondent with regard to events that occurred in April of 1997 is **DISMISSED.**

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

DONE AND ORDERED this 7th day of December, 2001.

BOARD OF HEARING AID SPECIALISTS


Sue Foster, Board Executive Director

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 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: Stuart M. Lerner, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; to Leonard P. Zinni, 11985 U.S. Highway 1, Suite 105, Juno Beach, Florida 33408; to Leonard P. Zinni, 106 Harbourside Circle, Jupiter, Florida, 33477; and by interoffice mail to Gary L. Asbell, Senior Attorney, Agency for Health Care Administration, General Counsel's Office - MQA, Allied Health, Tallahassee, Florida 32317, and to Donna Erlich, Assistant General Counsel, Department of Health, Prather Building, Tallahassee, Florida 32399-1703, by 5:00 p.m. this 10 day of December, 2001.

