

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

BARBARA WOOLEY AND WALLACE)
WOOLEY,)
)
 Petitioners,)
)
 vs.) Case No. 01-3168
)
 DEPARTMENT OF CHILDREN AND)
 FAMILY SERVICES,)
)
 Respondent.)
 _____)

RECOMMENDED ORDER OF DISMISSAL

Pursuant to notice this cause came on for formal hearing before P. Michael Ruff, duly-designated Administrative Law Judge, on February 11, 2002, in Pensacola, Florida. The appearances were as follows:

APPEARANCES

For Petitioners: R. John Westberry, Esquire
Holt & Westberry
1108-A North 12th Avenue
Pensacola, Florida 32501

For Respondent: Eric D. Schurger, Esquire
Department of Children and
Family Services
160 Governmental Center, Suite 601
Pensacola, Florida 32501

PRELIMINARY STATEMENT

This matter arose from a denial letter issued July 13, 2001, by the Department of Children and Family Services (Department), the Respondent herein. That letter expressed the Department's intent to deny a renewal of Petitioner's foster care license. They timely sought an administrative proceeding to contest that denial and the subject proceeding and hearing ensued.

The cause came on for hearing as noticed. Upon convening the hearing and after a brief conference between the parties, the parties jointly announced a stipulation on the record in settlement of all their disputes of material fact and law. The parties thus agreed that the Department would rescind its charging letter of July 13, 2001, and would send another letter to the Petitioners permitting them to voluntarily relinquish their foster care license. The Petitioners in turn would agree not to re-apply for another license with the Department of Children and Family Services or with any of its contracting agencies. That being the case, the parties agreed that there no longer remained any disputed material fact justifying the exercise of the jurisdiction of this forum. Consequently, the case can be closed and dismissed from the jurisdiction of the Division of Administrative Hearings.

Accordingly, given the foregoing facts and stipulation, there is no longer any dispute of material fact to invoke jurisdiction under Sections 120.569 and 120.57, Florida Statutes. Therefore, it is

RECOMMENDED that a final order be entered incorporating the above-referenced stipulations and dismissing the petition.

DONE AND ENTERED this 12th day of March, 2002, in Tallahassee, Leon County, Florida.

P. MICHAEL RUFF
Administrative Law Judge
Division of Administrative Hearings
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Filed with Clerk of the
Division of Administrative Hearings
this 12th day of March, 2002.

COPIES FURNISHED:

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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.