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STATE OF FLORIDA  
BOARD OF PSYCHOLOGY

Final Order No. DOH-02-0839-FOF-MOA  
FILED DATE - 6/21/02  
Department of Health

DEPARTMENT OF HEALTH,  
BOARD OF PSYCHOLOGY.

By: Victi R. Kera  
Deputy Agency Clerk

Petitioner,

vs.

DOAH CASE NO: 01-4192PL  
AHCA CASE NO.: 2000-15736  
LICENSE NO.: PY2079

FRANK BROWN,

Respondent.

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**FINAL ORDER**

This matter was heard by the Board of Psychology (hereinafter "the Board") pursuant to Section 120.569 and 120.57(1), Florida Statutes, on June 7, 2002, at a duly-noticed public meeting of the Board held in Tampa, Florida, for consideration of the Administrative Law Judge's Recommended Order (a copy of which is attached hereto as "Exhibit A") in the case of Department of Health, Board of Psychology v. Frank Brown, DOAH Case No. 01-4192PL; and for consideration of Respondent's motion for stay of suspension. Respondent was served with an Administrative Complaint, filed August 17, 2001, alleging a violation of Section 490.009(2)(c), Florida Statutes. (A copy of the Administrative Complaint is attached hereto as "Exhibit B".) At the June 7, 2002, meeting of the Board, the Respondent was present, and he was represented by Paul W. Lambert, Esquire. The Petitioner was represented by Mary Denise O'Brien, Esquire, Agency for Health Care Administration.

Upon consideration of the Administrative Law Judge's Recommended Order, after review of the entire record and having been otherwise fully advised in its premises, the Board makes the following findings and conclusions:

**FINDINGS OF FACT**

1. The Administrative Law Judge's Findings of Fact are approved and adopted in toto and are incorporated herein by reference.
2. Through counsel, Respondent filed exceptions to the Administrative Law Judge's Recommended Order; however, Respondent's motion for stay of suspension withdrew the exceptions.
3. Section 456.072(4), Florida Statutes, provides that in addition to any other discipline imposed through final order entered on or after July 1, 2001, for a violation of the practice act, the Board shall

assess costs related to the investigation and prosecution of the case.

4. The costs of investigation and prosecution of this matter total thirteen thousand, forty-six dollars and fifty-three cents (\$13,046.53).

5. There is competent, substantial evidence to support the Board's findings.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of the parties and subject matter of this case pursuant to Sections 120.569 and 120.57, Florida Statutes, and Chapter 490, Florida Statutes.

2. The Administrative Law Judge's Conclusions of Law are approved and adopted in toto and are incorporated herein by reference.

3. There is competent, substantial evidence to support the Board's conclusions.

PENALTY

Upon a complete review of the record, the Board approves and adopts the Administrative Law Judge's recommendation that a Final Order be entered finding that Respondent, Frank Brown, violated Section 490.009(2)(c), Florida Statutes, and suspending his license to practice psychology for one year, or a lesser period of time should he demonstrate to the Board that he is rehabilitated.

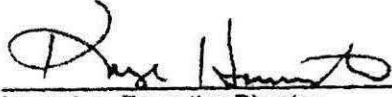
WHEREFORE, it is ORDERED AND ADJUDGED that the license of the Respondent, Frank Brown, to practice psychology, license number PY 2079, is suspended for one year, or a lesser period of time should he demonstrate to the Board that he is rehabilitated. Respondent shall pay the costs of investigation and prosecution of this matter, which total thirteen thousand, forty-six dollars and fifty-three cents (\$13,046.53). Respondent shall pay this amount to the Department of Health, Board of Psychology, P.O. Box 6340, Tallahassee, Florida 32314, within one year of the date of filing of this Final Order.

The Respondent's motion for stay of suspension is denied.

This Final Order shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED, this 18 day of June, 2002.

BOARD OF PSYCHOLOGY

  
Kaye  
Howerton, Executive Director,  
for Katurah Jenkins-Hall, Ph.D., Chair

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Section 120.569, Florida Statutes, the parties are hereby notified that they may appeal this Final Order by filing one copy of a Notice of Appeal with the Clerk of the Department of Health and by filing the filing fee and one copy of the Notice of Appeal with the District Court of Appeal within 30 days of the date this Final Order is filed.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY THAT a true and correct copy of the foregoing has been forwarded by United States Mail to Paul W. Lambert, Esquire, Magnolia Centre, Suite 102, 1203 Governor's Square Boulevard, Tallahassee, Florida 32311-2960; Lisa Pease, Esquire, 2727 Mahan Drive, Mailstop 39, Tallahassee, Florida 32308; and to Mary Denise O'Brien, Esquire, Senior Attorney, Agency for Health Care Administration, P.O. Box 14229, Tallahassee, Florida 32317-4229, on this 21<sup>st</sup> day of June, 2002.

Mari Boyett