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9-11-02

Final Order No. DOH-02-1840- FoF-MQA
FILED DATE - 12/10/02
Department of Health
By: Wicki R. Kenon
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF HEARING AID SPECIALISTS

AT

DEPARTMENT OF HEALTH,

Petitioner,

vs.

GARY P. SEGRETARIO,

Respondent.

WRP-CLOS

DOH Case No. 1999-00159
DOAH Case No. 02-0220PL

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 22, 2002, in Tallahassee, Florida for the purpose of considering the Administrative Law Judge's Recommended Order (attached as Exhibit A).

Attorney Reginald Dixon represented Petitioner. Attorney E. Raymond Shope II represented Respondent; Respondent did not attend the meeting.

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 on December 27, 2000, is **DISMISSED**.

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

DONE AND ORDERED this 9th day of December, 2002.

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: William R. Pfeiffer, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; E. Raymond Shope II, Esquire, 1404 Goodlette Road North, Naples, Florida 34102; Gary P. Segretario, 1786 Seneca Boulevard, Winter Springs, Florida 32708; and by interoffice mail to Reginald Dixon, Senior Attorney, DOH, Bureau of Health Care Practitioner Regulation – Legal, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3265, and to Cassandra Pasley, Senior Attorney, Department of Health, 4052 Bald Cypress Way, Bin A-02, Tallahassee, Florida 32399, this 10th day of March, 2002.

Tom Coffey