

11-4-02

Final Order No. DOH-03-0073- FOF-MQA  
FILED DATE - 1/14/03  
Department of Health

STATE OF FLORIDA  
BOARD OF NURSING

By: Vicki R. Kenon  
Deputy Agency Clerk

DEPARTMENT OF HEALTH

AT

Petitioner,

DOAH Case No. 02-2293PL  
Case No. 2001-06376  
License No. RN 3109442

vs.

RICHARD CARLTON FLEET,

SML-CWS

Respondent.

FILED  
03 JAN 16 AM 2:34  
DEPARTMENT OF HEALTH

**FINAL ORDER**

THIS MATTER came before the Board of Nursing (hereinafter "the Board") for final action pursuant to Section 120.57(1)(l), Florida Statutes, at a duly-noticed public meeting held on December 13, 2002, in Jacksonville, Florida, for the purpose of considering the Recommended Order issued by the Administrative Law Judge in the above-styled case. The Petitioner was represented by Amy M. Pietrodangelo, Senior Attorney. The Respondent was present and represented by legal counsel, Mary S. Lingerfeldt at the Board meeting.

After a review of the complete record in this matter, including consideration of the Administrative Law Judge's Recommended Order, a copy of which is attached hereto as Exhibit A, any exceptions filed by the parties, and the arguments of each party, the Board makes the following findings and conclusions:

**FINDINGS OF FACT**

1. The Administrative Law Judge's findings of fact are hereby approved, adopted, and incorporated herein.
2. There is competent, substantial evidence to support the Administrative Law Judge's findings of fact as adopted by the Board.

### **CONCLUSIONS OF LAW**

1. The Board has jurisdiction over this matter pursuant to the provisions of Sections 120.569 and 120.57(1) and Chapter 480, Florida Statutes.

2. The Administrative Law Judge's conclusions of law are hereby approved, adopted and incorporated herein.

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

### **PENALTY**

#### **IT IS THEREFORE ORDERED AND ADJUDGED:**

The penalty recommended by the Administrative Law Judge is approved.

1. RICHARD CARLTON FLEET is hereby found guilty of the violations alleged in counts one and two of the administrative complaint, and in accordance with the Administrative Law Judge's recommendation, his license is permanently revoked. Within 30 days he shall return his license to the Board office, 4053 Bald Cypress Way, Bin C02, Tallahassee, Florida 32399-3252 or shall surrender the license to an investigator of the Agency for Health Care Administration. His employer shall immediately be informed of the revocation in writing from him with a copy to be sent to the Board office.

2. Count three of the Administrative Complaint is hereby DISMISSED.

### **COSTS**

In accordance to its statutory mandate set forth in Section 456.072(4), Florida Statutes, The Board of Nursing hereby orders the Respondent to pay costs in the amount of \$10,473.54

within 30 days from the date of entry of this order. Partial payments shall not be accepted. Payment shall be made to the Board of Nursing and forwarded to, DOH - Client Services, P.O. Box 6320, Tallahassee, Florida 32314-6320, Attention: Nursing Compliance Officer.

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

**DONE AND ORDERED** this 10 day of January, 2003.

**BOARD OF NURSING**



---

Dan Coble  
Executive Director

**NOTICE OF RIGHT TO JUDICIAL REVIEW UNLESS WAIVED**

Pursuant to Section 120.569, Florida Statutes, any substantially affected person is 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 furnished by U.S. Mail to: RICHARD CARLTON FLEET, 15456 SW 17<sup>th</sup> Street, Davie, Florida 33326; Mary S. Lingerfeldt, Esquire, 888 East Las Olas Boulevard, Fort Lauderdale, Florida 33301; and Stuart M. Lerner, Administrative Law Judge, Division of Administrative Hearings, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550; and by inter-office mail to Amy Pietrodangelo, Senior Attorney, Department of Health, 4052 Bald Cypress Way, Bin C-65, Tallahassee, Florida 32399-3265; and Pamela Page, Senior Attorney, Department of Health, 4052 Bald Cypress Way, Bin C-65, Tallahassee, Florida 32399-3265; and Edward A. Tellechea, Senior Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; on this 14<sup>th</sup> day of January, 2003.

*Marc Boyett*