

7-24-03

Final Order No. DOH-03-1179-FOF-MOA
FILED DATE - 10-14-03
Department of Health

By: Amy B. Canaway
Deputy Agency Clerk

**STATE OF FLORIDA
BOARD OF HEARING AID SPECIALISTS**

FILED
OCT 19 PM 12:51
DEPARTMENT OF HEALTH
TALLAHASSEE, FLORIDA

DEPARTMENT OF HEALTH,

Petitioner,

vs.

KENT A. BROY,

Respondent.

AT

DOH CASE Nos. 2001-09636
2001-11046
DOAH CASE Nos. 03-0402PL
03-0403PL

mmp-clw

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 October 6, 2003, via telephone conference call for the purpose of considering the Administrative Law Judge's Recommended Order (attached hereto).

Attorney Diane L. Guillemette represented Petitioner. Respondent was not present, but was represented by attorney E. Raymond Shope II.

Upon review and consideration of the Recommended Order and after a review of the available 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 adopted and incorporated herein by reference.

CONCLUSIONS OF LAW

2. The Board has jurisdiction of this matter pursuant to sections 120.569 and 120.57(1), and part II of chapter 484, Florida Statutes.

3. The conclusions of law set forth in the Recommended Order are consistent with the findings and are adopted and incorporated herein by reference.

RECOMMENDATION

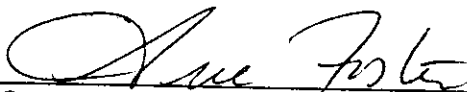
4. The Administrative Law Judge's recommendation is hereby adopted in its entirety.

IT IS HEREBY ORDERED AND ADJUDGED that all counts in both Administrative Complaints in these two consolidated cases are **DISMISSED**.

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

DONE AND ORDERED this 13 day of October 2003.

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: Michael M. Parrish, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; to E. Raymond Shope II, Esquire, 1404 Goodlette Road, North, Naples, Florida 34102; to Diane L. Guillemette, Esquire, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050, and by interoffice mail to Cassandra Pasley, Senior Attorney, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A-02, Tallahassee, Florida 32399, this 14th day of October 2003.

Erica L. Prime