

2.9.05 Lawrence Stevenson

STATE OF FLORIDA
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

FILED
06 APR 29 AM 9:32
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

S&S ACHIEVERS LEARNING
CENTER,

Petitioner, AP

CASE NO. 03-3152 LPS
03-4240 closed

RENDITION NO. DCF-05-035 -FO

v.

DEPARTMENT OF CHILDREN AND
FAMILY SERVICES

FILED

APR 26 2005

Respondent.

_____ /

DCF Department Clerk

FINAL ORDER

THIS CAUSE is before me for entry of a Final Order in these consolidated administrative proceedings¹. The Recommended Order, received by the Department on February 10, 2005, recommended suspension of petitioner's child care facility license and denial of petitioner's child care facility license renewal application. Neither party filed exceptions to the Recommended Order.

The Recommended Order is approved and adopted with one modification. Paragraph 41 of the Recommended Order set the evidentiary standard for both the license suspension and the license application denial as clear and convincing. License application denials need only be supported by a preponderance of the evidence. Department of Banking and Finance v. Osborne, Stern & Co., 670 So. 2d 932 (Fla. 1996). This modification in no way impacts the result in this case.

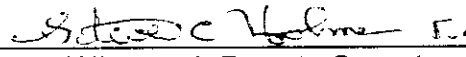
¹ S&S Achievers Learning Center filed both petitions seeking administrative review under chapter 120, Florida Statutes, and is, therefore, the petitioner in these consolidated proceedings, notwithstanding the fact that the Department bore the burden of proof as to the agency final action. The Final Order amends the style of the case, accordingly.

The effect of the denial of petitioner's license renewal application moots the prior suspension of petitioner's license.

Accordingly, petitioner's application for a child care facility license pursuant to section 402.310, Florida Statutes, is hereby **DENIED**.

Petitioner is **ORDERED** to cease and desist operations at S&S Achievers Learning Center within 10 days from the date of this Final Order. The Department will seek enforcement of this Final Order by filing an appropriate petition in circuit court, should petitioner fail to comply.

DONE AND ORDERED in Tallahassee, Leon County, Florida, this 25 day of April, 2005.



Don Winstead, Deputy Secretary
Department of Children and Family Services

RIGHT TO APPEAL

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW WHICH SHALL BE INSTITUTED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF CHILDREN AND FAMILIES, AND A SECOND COPY ALONG WITH FILING FEE AS PRESCRIBED BY LAW, IN THE FIRST DISTRICT COURT OF APPEAL OR IN THE DISTRICT COURT OF APPEAL WHERE A PARTY RESIDES. REVIEW PROCEEDINGS SHALL BE CONDUCTED IN ACCORDANCE WITH THE FLORIDA RULES OF APPELLATE PROCEDURE. THE NOTICE OF APPEAL MUST BE FILED WITHIN 30 DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

Copies furnished to:


Richard Cato
District 7, Asst. District Legal Counsel
Department of Children and
Family Services
400 West Robinson Street
Orlando, FL 32801-1782

S&S Achievers Learning Center
c/o Larry H. Colleton, P.A.
2300 East Concord Street
Orlando, FL 32803

Patricia Richardson
Child Care Licensing
Department of Children and Family Services
3165 McCrory Place, Suite 200
Orlando, FL 32803

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this Final Order was provided to the above-named individuals at the listed addresses, by U.S. Mail, this 26 day of April, 2005.



Gregory D. Venz, Agency Clerk
Department of Children and Families