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4-29-04

Final Order No. DOH-04-0663-FOF -MOA
FILED DATE - 6-18-04
Department of Health

By: Heather Coliman
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

ROBERT B. NEMEROFSKY,

Petitioner,

vs.

AT

DOAH Case No.: 03-4248

BOARD OF MEDICINE,

Respondent.

FILED
2004 JUN 21 P 1:02
AGENCY CLERK
DEPARTMENT OF HEALTH

MMP-CLOS

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on June 5, 2004, in Tampa, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order, (a copy of which is attached hereto as Exhibit A) in the above-styled cause. Petitioner was represented by Edward A. Tellechea, Senior Assistant Attorney General. However, Respondent did not make an appearance.

Upon review of the Recommended Order, the argument of the parties, and after a review of the complete record in this case, the Board makes the following findings and conclusions.

FINDINGS OF FACT

1. The findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference.
2. There is competent substantial evidence to support the findings of fact.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 458, Florida Statutes.

2. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

3. There is competent substantial evidence to support the conclusions of law.

DISPOSITION

Upon a complete review of the record in this case, the Board determines that the disposition recommended by the Administrative Law Judge be ACCEPTED. WHEREFORE,

IT IS HEREBY ORDERED AND ADJUDGED that Petitioner's application for medical licensure by endorsement is hereby DENIED.

DONE AND ORDERED this 17th day of JULY,
2004.

BOARD OF MEDICINE



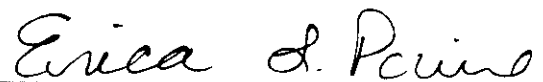
Larry McPherson, Jr., Executive Director
for Elisabeth Tucker, M.D., Chair

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 THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by U.S. Mail to Petitioner's legal counsel, Monica Felder Rodriguez, Esquire, Dresnick & Rodriguez, Suntrust Plaza, Suite 701, 201 Alhambra Circle, Coral Gables, FL 33134; to Michael M. Parrish, Administrative Law Judge, The Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060, this 18th day of June, 2004.



Deputy Agency Clerk