

STATE OF FLORIDA
DEPARTMENT OF EDUCATION

ABILITIES, INC.,

Petitioner,

vs.

DOE Case No. DOE-2004-974
DOAH Case No. 04-2053

DEPARTMENT OF EDUCATION,
DIVISION OF VOCATIONAL
REHABILITATIVE SERVICES,

Respondent.

DEPT OF EDUCATION
TALLAHASSEE FLA

2005 JUN -9 A 10 01

FILED AGENCY CLERK

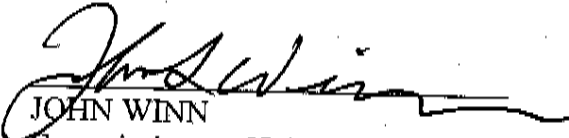
FINAL ORDER

This matter was initiated by the petition for hearing filed by Abilities, Inc, (Petitioner), requesting determination of whether the Department of Education (Department) owed the Petitioner \$545,124.00 originally paid under two contracts for vocational services. A formal hearing was held on November 22-23, 2004, in Tallahassee, Florida. In a Recommended Order issued on May 9, 2005, Administrative Law Judge Ella Jane P. Davis recommended that the Department issue a final order dismissing the petition. The Recommended Order concluded that the Petitioner had not met its burden of proving that it was entitled to the \$545,124.00 collected by the Department of Financial Services following an investigation and audit. The parties did not file any exceptions.

A copy of the Recommended Order, attached to and made a part hereof, is hereby adopted in full and becomes the Final Order in this matter.

Based on the foregoing, the Department of Education finds that Abilities, Inc.'s petition and amended petition is hereby dismissed.

DONE AND ORDERED this 9th day of June, 2005, in Tallahassee, Florida.


JOHN WINN
Commissioner of Education

FILED with the Agency Clerk of the Department of Education this 9th day of June, 2005.


AGENCY CLERK

NOTICE OF RIGHTS

Any party to this proceeding has the right to seek judicial review of this Order under Section 120.68, Florida Statutes, by the filing of a notice of appeal under Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Agency Clerk and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this order is filed with the clerk of the Department. Failure to make a timely appeal will result in waiver of the right of judicial review in this matter.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to:

E.A. "Seth" Mills, Jr., Esquire
Quinn Henderson, Esquire
Mills, Paskert, Divers, P.A.
100 North Tampa Street, Suite 2010
Tampa, Florida 33602

Lee Ann Gustafson, Esquire
Thomas L. Barnhart, Esquire
Office of the Attorney General
The Capitol, Plaza Level 01
Tallahassee, Florida 32399

this 9th day of June 2005.


AGENCY CLERK