

STATE OF FLORIDA
BOARD OF MEDICINE

By: Theresa McKinnon
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2004-21947
DOAH CASE NO.: 05-3118PL
LICENSE NO.: ME0059702

JAMES S. PENDERGRAFT, M.D.,

Respondent.

2006 APR 20 4 11:12 PM
DIVISION OF
ADMINISTRATIVE
HEARINGS
FILED

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on April 8, 2006, in Tampa, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order and Exceptions to the Recommended Order, and (copies of which are attached hereto as Exhibits A and B, respectively) in the above-styled cause. Petitioner was represented by J. Blake Hunter, Assistant General Counsel. Respondent was not present but was represented by Kenneth J. Metzger, Esquire and Kathryn Kasprzak, Esquire.

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.

RULINGS ON EXCEPTIONS

The Board reviewed and considered the Petitioner's Exceptions and the Respondent's Response to the Petitioner's Exceptions. The Board denied the Exceptions.

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.

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.

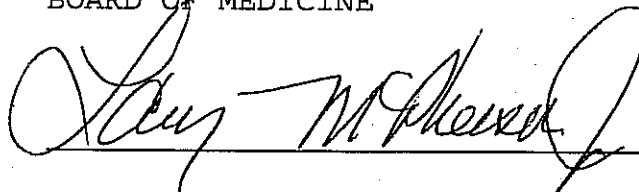
WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that the Administrative Complaint filed in this matter is hereby
DISMISSED.

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

DONE AND ORDERED this 18 day of APRIL,

2006.

BOARD OF MEDICINE



Larry McPherson, Jr., Executive Director
for MAMMEN P. ZACHARIAH, 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 true and correct copy of the foregoing Final Order has been provided by U.S. Mail to JAMES S. PENDERGRAFT, M.D., 1103 Lucerne Terrace, Orlando, Florida 32806; to Kenneth J. Metzger and Kathryn L. Kasprzak, Esquire, Fowler, White, et al., Post Office Box 11240, Tallahassee, Florida 32302; to William F. Quattlebaum, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by interoffice

delivery to John Terrel and Wings Benton, Department of Health,
4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3265
this 19th day of April, 2006.

A handwritten signature in cursive script, appearing to read "Cheryl Ratz", written over a horizontal line.

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Deputy Agency Clerk