

STATE OF FLORIDA  
BOARD OF NURSING

Final Order No. DOH-07-1511-~~FD~~MOA  
FILED DATE - 7-13-07  
Department of Health

By: Rachel Brooks  
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

2007 JUL 13 P 1:32

Petitioner,

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

vs.

DOH CASE NO.: 2003-14921

2003-14923

2003-14630

DOAH CASE NO.: 06-1423PL

LICENSE NO.: RN 2732432

DAVID CARPENTER,

Respondent.

CORRECTED FINAL ORDER

THIS CAUSE came before the BOARD OF NURSING (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on April 12, 2007, in Tampa, Florida, for the purpose of considering the Administrative Law Judge's (hereinafter ALJ) 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 Kathryn Price, Assistant General Counsel. Respondent appeared *pro se*.

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

Respondent submitted a letter to the ALJ that appears to assert exceptions to the Recommended Order. Respondent does not assert that there is no competent substantial evidence to support the ALJ's finding of facts, so exceptions numbered 1 and 2 are denied. The statement in exception number 3 is not relevant to these proceedings and is also denied.

### 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. Case number 2003-14923 and Case number 2003-14630 are dismissed.
3. The conclusions of law set forth in the Recommended Order regarding Case number 2003-14921 are approved and adopted and incorporated herein by reference.
4. Respondent has violated Sections 464.018(1)(n), Florida Statutes.

### DISPOSITION

Upon a complete review of the record in this case and Petitioner's Motion to Increase Penalty the Board denied the motion to increase the penalty imposed.

IT IS HEREBY ORDERED AND ADJUDGED that

The licensee must pay an administrative fine of \$1,000.00 and investigative costs within sixty (60) months from the date of entry of this Order. Partial payments shall not be accepted. Payment shall be made to the Board of Nursing and mailed to, DOH-Client Services, P.O. Box 6320, Tallahassee, Florida 32314-6320, Attention: Nursing Compliance Officer.

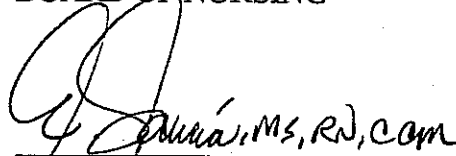
### RULING ON MOTION TO ASSESS COSTS

The Board reviewed the Petitioner's Motion to Assess Costs and imposes the costs associated with this case in the amount of \$8,677.62.

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

DONE AND ORDERED this 2 day of July, 2007.

BOARD OF NURSING



Rick Garcia, MS, RN, CCM

Executive Director

for Vicky Stone-Gale, MSN, ARNP, 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 DAVID CARPENTER, 419 Sandpiper Drive, Satellite Beach FL 32937; to Robert E. Meale, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by interoffice delivery to Kathryn Price, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3265 this 12 day of July, 2007.

Kellie Davidson

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**Deputy Agency Clerk**