

By: Racquel B. [Signature]
Deputy Agency Clerk

FILED
DIVISION OF ADMINISTRATIVE HEARINGS
PM 1:45

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

vs.

**DOH Case No.: 2003-15896
DOAH Case No.: 07-003514PL
License: CH 5108**

FRANCIS J. FALOWSKI, D.C.

Respondent.

_____ /

FINAL ORDER

THIS MATTER came before the Board of Chiropractic Medicine (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on June 20, 2008, in Fort Lauderdale, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order (a copy is attached hereto as Exhibit A) in the above-styled cause. Petitioner was represented by Tobey Schultz, Assistant General Counsel. Respondent was not present or represented by counsel. 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 by reference herein.

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 460, Florida Statutes.

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

The Administrative Law Judge recommended that both counts of the Administrative Complaint be dismissed.

The Board voted to accept the Administrative Law Judge's recommendation.

IT IS HEREBY ORDERED AND ADJUDGED that

The Amended Administrative Complaint is hereby dismissed.

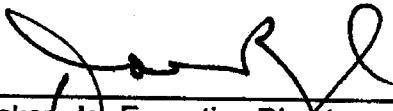
MOTION TO ASSESS COSTS

On May 1, 2008, the Department filed a Motion to Assess Costs. Because the Amended Administrative Complaint was dismissed, the Board voted to deny Petitioner's Motion to Assess Costs.

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

DONE AND ORDERED this 14th day of July, 2008.

BOARD OF CHIROPRACTIC MEDICINE



Joe Baker, Jr., Executive Director
on behalf of Kenneth Dougherty, D.C., CHAIR

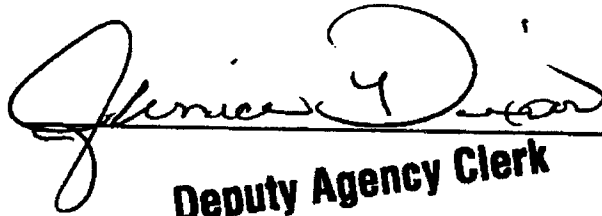
NOTICE OF RIGHT TO JUDICIAL REVIEW

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 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: **Francis J. Falowski, D.C.**, 4700 N. State Road 7, Bldg A., Suite 102, Lauderdale Lakes, Florida 33319 and his counsel of record, **Neil G. Garfield**, 470 South Carpenter Road, Titusville, Florida 32796; **Patricia M. Hart**, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by interoffice mail to: **Deborah B. Loucks**, Office of the Attorney General, The Capitol, PL-01, Tallahassee, Florida 32399-1050; and **Tobey Schultz**, Assistant General Counsel, Department of Health, Prosecution Services Unit, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3265, on

July 15, 2008.



Deputy Agency Clerk

STATE OF FLORIDA
DEPARTMENT OF HEALTH
BOARD OF CHIROPRACTIC MEDICINE

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: *Rachael Bl*
DATE 5.1.08

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH Case Numbers 2003-15896
DOAH Case Number 07-003514PL

FRANCIS FALOWSKI, D.C.

Respondent,

MOTION FOR FINAL ORDER

COMES NOW, the Department of Health, and requests that this Honorable Board of chiropractic medicine enter a Final Order in the above-styled cause. As grounds therefore, the Petitioner would state that:

1. Petitioner is the state department charged with violation of false, deceptive, or misleading advertising pursuant to 460.413(1)(d), Florida Statutes (2003)(2004), and violating any provision of Chapter 456 or 460, or any rules adopted pursuant thereto, constitutes grounds for disciplinary action by the board of Chiropractic Medicine pursuant to 4600.413(1)(ff), Florida Statutes (2003)

2. On September 28, 2006, Petitioner filed an Amended Administrative Complaint against the Respondent alleging that the Respondent violated Section 460.413(1)(ff), Florida Statutes (2003)(2004), Rule 64B2-15.001(2)(e)(g), F.A.C.

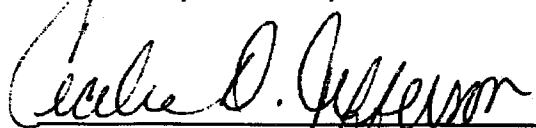
3. On July 31, 2007, the case was filed with the Division of Administrative Hearings.

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4. On October 15, 2007, a final hearing took place in Tallahassee, Florida.
5. On March 20, 2008, the Administrative Law Judge issued a Recommended Order in the above-styled cause.
6. The Respondent has been advised by a copy of this Motion that the Board will consider the record, that includes the following documents, in this matter: Petitioner's Exceptions to the Recommended Order, Respondent's Response to Petitioner's Exceptions to the Recommended Order, Recommended Order, Amended Administrative Complaint, Petitioner's Proposed Recommended Order, Respondent's Proposed Recommended Order, Motion to Access Costs with attachments, Transcript of Hearing, Petitioner's Exhibits and Pleadings.

WHEREFORE, Petitioner would respectfully request that this Honorable Board enter a Final Order in this case.

Respectfully submitted,

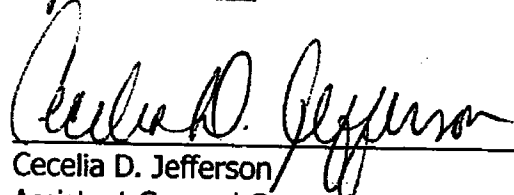


Cecelia D. Jefferson
Assistant General Counsel
Florida Bar Number 0007609
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
(850) 245-4640
(850) 245-4682 FAX

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CERTIFICATE OF SERVICE

I CERTIFY that a copy hereof has been furnished to Respondent, Francis Falowski, D.C, 9040 Equus Circle, Boynton Beach, Florida 33437, by postage-paid U.S. Mail, this 30th day of April, 2008.


Cecelia D. Jefferson
Assistant General Counsel

CDJ/cs

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STATE OF FLORIDA
DEPARTMENT OF HEALTH
BOARD OF CHIROPRACTIC MEDICINE

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: *Rachel B.*
DATE 5.1.08

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH CASE NO. 2003-15896

FRANCIS FALOWSKI, D.C.

Respondent.

MOTION TO ASSESS COSTS
IN ACCORDANCE WITH SECTION 456.072(4), FLORIDA STATUTES

COMES NOW the Department of Health, by and through undersigned counsel, and moves the Board of Chiropractic Medicine for the entry of a Final Order assessing costs against the Respondent for the investigation and prosecution of this case in accordance with Section 456.072(4), Florida Statutes. As grounds therefore, the Petitioner states the following:

1. At its next regularly scheduled meeting, the Board of Chiropractic Medicine will take up for consideration the above-styled disciplinary action and will enter a Final Order therein.

2. Section 455.624(3), Florida Statutes (1999), the statute authorizing the assessment of costs that was effective on the date this incident occurred, excluded costs for attorney's time. Therefore, the Petitioner seeks an assessment of costs against the Respondent in the amount of four thousand forty – seven dollars and sixty cents (\$4,047.60), which excludes the costs associated with attorney time.

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3. The investigation and prosecution of this case has resulted in costs in the total amount of four thousand forty – seven dollars and sixty cents (\$4,047.60) based on the following itemized statement of costs:

- a. Total costs for Complaints \$25.05
- b. Total costs for Investigations \$1,691.30
- c. Total costs for Legal \$0
(costs associated with attorneys' time)
- d. Receipted Expenditures \$2,331.25

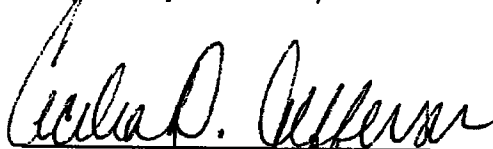
Therefore, the Petitioner seeks an assessment of costs against the Respondent in the amount of four thousand forty – seven dollars and sixty cents (\$4,047.60), as evidenced in the attached affidavit. (Exhibit A).

4. Should the Respondent file written objections to the assessment of costs, within ten (10) days of the date of this motion, specifying the grounds for the objections and the specific elements of the costs to which the objections are made, the Petitioner requests that the Board determine the amount of costs to be assessed based upon its consideration of the affidavit attached as Exhibit A and any timely-filed written objections.

5. Petitioner requests that the Board grant this motion and assess costs in the amount of four thousand forty – seven dollars and sixty cents (\$4,047.60), as supported by competent, substantial evidence. This assessment of costs is in addition to any other discipline imposed by the Board and is in accordance with Section 456.072(4), Florida Statutes and Section 455.624(3), Florida Statutes (1999).

WHEREFORE, the Department of Health requests that the Board of Chiropractic Medicine enter a Final Order assessing costs against the Respondent in the amount of four thousand forty – seven dollars and sixty cents (\$4,047.60).

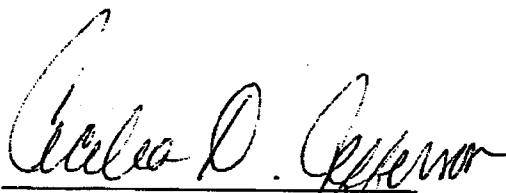
Respectfully submitted,



Cecelia D. Jefferson, Assistant General Counsel
Florida Bar No. 0007609
Department of Health
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32317-4229
(850) 245-4640, ext. 8167
(850) 245-4684 FAX

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via: postage-paid U.S. Mail, Hand-Delivery, E-mail and/or Facsimile Transmission to Francis Falowski, D.C. 9040 Equus Circle, Boynton Beach, Florida 33437 by certified U.S. mail and by hand service this 30th day of April, 2008.



Cecelia D. Jefferson
Assistant General Counsel

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AFFIDAVIT OF FEES AND COSTS EXPENDED

STATE OF FLORIDA
COUNTY OF LEON:

BEFORE ME, the undersigned authority, personally appeared **JAMES R. COOKSEY**, who was sworn and states as follows:

- 1) My name is James R. Cooksey.
- 2) I am over the age of 18, competent to testify, and make this affidavit upon my own personal knowledge and after review of the records at the Florida Department of Health (DOH).
- 3) I am a Operations Management Consultant for the Consumer Services Unit for DOH. The Consumer Services Unit is where all complaints against Florida health care licensees (e.g., medical doctors, dentists, nurses, respiratory therapists) are officially filed. I have been in my current job position for more than one year. My business address is 4052 Bald Cypress Way, Bin C-75 Tallahassee, Florida 32399-3275.
- 4) As a Operations Management Consultant, my job duties include reviewing data in the Time Tracking System and verifying that the amounts correspond. The Time Tracking System is a computer program which records and tracks DOH's costs regarding the investigation and prosecution of cases against Florida health care licensees.
- 5) As of today, DOH's total costs for investigating and prosecuting DOH case number(s) 2003-15896 (Department of Health v Francis Falowski, D.C.) are Eighteen Thousand Two Hundred Fifty – Two Dollars and Fifty Cents (\$18,252.50)
- 6) The costs for DOH case numbers 2003-15896 (Department of Health v. Francis Falowski, D.C.) are summarized in Exhibit 1 (Cost Summary Report), which is attached to this document.
- 7) The itemized costs and expenses for DOH case numbers 2003-15896 (Department of Health v. Francis Falowski, D.C.) are detailed in Exhibit 2 (Itemized Cost Report and Itemized Expense Report and receipts), which is attached to this document.
- 8) The itemized costs as reflected in Exhibit 2 are determined by the following method: DOH employees who work on cases daily are to keep track of their time in six-minute increments (e.g., investigators and lawyers). A designated DOH employee in the Consumer Services

Unit, Legal Department, and in each area office, inputs the time worked and expenses spent into the Time Tracking System. Time and expenses are charged against a state health care Board (e.g., Florida Board of Medicine, Florida Board of Dentistry, Florida Board of Osteopathic Medicine), and/or a case. If no Board or case can be charged, then the time and expenses are charged as administrative time. The hourly rate of each employee is calculated by formulas established by the Department. (See the Itemized Cost Report)

- 9) James R. Cooksey, first being duly sworn, states that he has read the foregoing Affidavit and its attachments and the statements contained therein are true and correct to the best of his knowledge and belief.

FURTHER AFFIANT SAYETH NOT.

James R. Cooksey
James R. Cooksey, Affiant

State of Florida
County of Leon

Sworn to and subscribed before me this 2nd day of April, 2008,
by James R. Cooksey, who is personally known to me.

Denise Ritzel
Notary Signature

DENISE RITZEL
Name of Notary Printed

Stamp Commissioned Name of Notary Public:



Complaint Cost Summary

Complaint Number: 200315896

Complainant's
Name: CAMPO, ALICIA

Subject's
Name: FALOWSKI, FRANCIS J

	***** Cost to Date *****	
	Hours	Costs
Complaint:	0.50	\$25.05
Investigation:	27.50	\$1,691.30
Legal:	145.10	\$14,204.90
Compliance:	0.00	\$0.00
	*****	*****
Sub Total:	173.10	\$15,921.25
Expenses to Date:		\$2,331.25
Prior Amount:		\$0.00
Total Costs to Date:		\$18,252.50



***** CONFIDENTIAL *****
Time Tracking System
Itemized Cost by Complaint

Complaint 200315896

Report Date: 04/02/2008

Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
CONSUMER SERVICES UNIT						
HAI2	0.50	\$50.09	\$25.05	06/25/2003	78	INITIAL REVIEW AND ANALYSIS OF COMPLAINT
Sub Total	0.50		\$25.05			

INVESTIGATIVE SERVICES UNIT

L161	2.00	\$57.20	\$114.40	06/27/2003	4	ROUTINE INVESTIGATIVE WORK
L161	1.00	\$57.20	\$57.20	07/03/2003	4	ROUTINE INVESTIGATIVE WORK
L161	1.00	\$57.20	\$57.20	07/07/2003	58	TRAVEL TIME
L161	0.50	\$57.20	\$28.60	07/07/2003	4	ROUTINE INVESTIGATIVE WORK
L161	1.00	\$57.20	\$57.20	07/28/2003	4	ROUTINE INVESTIGATIVE WORK
L161	1.00	\$57.20	\$57.20	08/19/2003	4	ROUTINE INVESTIGATIVE WORK
L161	1.00	\$57.20	\$57.20	08/22/2003	4	ROUTINE INVESTIGATIVE WORK
L161	1.50	\$57.20	\$85.80	09/03/2003	4	ROUTINE INVESTIGATIVE WORK
L161	1.00	\$57.20	\$57.20	09/04/2003	4	ROUTINE INVESTIGATIVE WORK
L161	1.00	\$57.20	\$57.20	09/08/2003	4	ROUTINE INVESTIGATIVE WORK
L161	4.00	\$57.20	\$228.80	09/08/2003	76	REPORT PREPARATION
L161	1.00	\$64.31	\$64.31	11/02/2004	6	SUPPLEMENTAL INVESTIGATION
L161	1.00	\$64.31	\$64.31	11/03/2004	6	SUPPLEMENTAL INVESTIGATION
TI123	2.00	\$62.58	\$125.16	09/14/2007	100	SERVICE OF ADMINISTRATIVE COMPLAINTS, SUBPOENAS, NOTICE TO CEASE
TI123	1.00	\$62.58	\$62.58	10/12/2007	100	SERVICE OF ADMINISTRATIVE COMPLAINTS, SUBPOENAS, NOTICE TO CEASE
TI123	1.00	\$62.58	\$62.58	10/16/2007	100	SERVICE OF ADMINISTRATIVE COMPLAINTS, SUBPOENAS, NOTICE TO CEASE
L161	3.00	\$72.18	\$216.54	10/31/2007	48	FORMAL HEARING
LI86	3.00	\$65.88	\$197.64	10/31/2007	48	FORMAL HEARING
LI75	0.50	\$80.35	\$40.18	03/31/2008	100	SERVICE OF ADMINISTRATIVE COMPLAINTS, SUBPOENAS, NOTICE TO CEASE
Sub Total	27.50		\$1,691.30			

PROSECUTION SERVICES UNIT

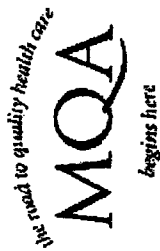
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Time Tracking System
 Itemized Cost by Complaint

Complaint 200315896

Report Date: 04/02/2008

Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
HLL26B	0.20	\$73.40	\$14.68	01/01/1900	36	PREPARATION OR REVISION OF LETTER
HLL26B	0.50	\$73.40	\$36.70	11/02/2004	25	REVIEW CASE FILE
HLL26B	1.50	\$73.40	\$110.10	11/02/2004	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HL70A	0.20	\$82.38	\$16.48	11/08/2004	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HLL26B	1.10	\$73.40	\$80.74	11/12/2004	25	REVIEW CASE FILE
HLL26B	0.80	\$73.40	\$58.72	11/15/2004	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HLL26B	0.80	\$73.40	\$58.72	11/15/2004	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HLL26B	1.50	\$73.40	\$110.10	11/29/2004	62	REVIEW OF CASES FOR PROBABLE CAUSE PANEL
HLL26B	0.90	\$73.40	\$66.06	11/29/2004	46	LEGAL RESEARCH
HLL26B	0.80	\$73.40	\$58.72	12/01/2004	62	REVIEW OF CASES FOR PROBABLE CAUSE PANEL
HLL26B	0.10	\$73.40	\$7.34	12/02/2004	62	REVIEW OF CASES FOR PROBABLE CAUSE PANEL
HLL26B	0.20	\$73.40	\$14.68	12/10/2004	90	POST-PROBABLE CAUSE PROCESSING
HLL26B	0.20	\$73.40	\$14.68	12/10/2004	46	LEGAL RESEARCH
HLL26B	0.40	\$73.40	\$29.36	12/13/2004	90	POST PROBABLE CAUSE PROCESSING
HLL26B	0.20	\$73.40	\$14.68	12/14/2004	35	TELEPHONE CALLS
HLL26B	0.30	\$73.40	\$22.02	01/06/2005	26	PREPARE OR REVISE MEMORANDUM
HLL26B	0.20	\$73.40	\$14.68	01/18/2005	37	REVIEW LETTER
HLL26B	0.10	\$73.40	\$7.34	01/31/2005	37	REVIEW LETTER
HLL33A	0.30	\$71.05	\$21.32	03/10/2005	46	LEGAL RESEARCH
HLL26B	2.00	\$73.40	\$146.80	08/31/2005	70	CONFERENCES WITH LAWYERS
HLL26B	0.20	\$73.40	\$14.68	09/15/2005	36	PREPARATION OR REVISION OF LETTER
HLL26B	0.10	\$73.40	\$7.34	09/18/2005	36	PREPARATION OR REVISION OF LETTER
HLL26B	0.10	\$73.40	\$7.34	09/18/2005	74	MEETINGS WITH DEPARTMENT STAFF
HLL26B	0.20	\$73.40	\$14.68	10/06/2005	36	PREPARATION OR REVISION OF LETTER
HLL26B	1.00	\$73.40	\$73.40	10/06/2005	64	LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF.
HLL26B	0.10	\$73.40	\$7.34	10/07/2005	36	PREPARATION OR REVISION OF LETTER
HLL26B	0.30	\$73.40	\$22.02	10/07/2005	35	TELEPHONE CALLS
HLL26B	0.10	\$73.40	\$7.34	10/10/2005	36	PREPARATION OR REVISION OF LETTER
HLL26B	0.80	\$73.40	\$58.72	10/10/2005	35	TELEPHONE CALLS
HLL26B	0.20	\$73.40	\$14.68	10/10/2005	46	LEGAL RESEARCH
HLL26B	0.50	\$73.40	\$36.70	10/12/2005	70	CONFERENCES WITH LAWYERS
HLL26B	1.20	\$73.40	\$88.08	10/18/2005	47	TRIAL PREPARATION
HLL26B	0.50	\$73.40	\$36.70	10/19/2005	47	TRIAL PREPARATION



*** CONFIDENTIAL ***
 Time Tracking System
 Itemized Cost by Complaint

Complaint 200315896

Report Date: 04/02/2008

Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
HLL26B	0.20	\$73.40	\$14.68	10/20/2005	47	TRIAL PREPARATION
HLL26B	1.00	\$73.40	\$73.40	10/20/2005	114	CONTACT WITH EXPERTS
HLL26B	1.00	\$73.40	\$73.40	10/21/2005	47	TRIAL PREPARATION
HLL26B	0.50	\$73.40	\$36.70	10/21/2005	26	PREPARE OR REVISE MEMORANDUM
HLL26B	0.10	\$73.40	\$7.34	10/21/2005	74	MEETINGS WITH DEPARTMENT STAFF
HLL26B	0.40	\$73.40	\$29.36	10/24/2005	25	REVIEW CASE FILE
HLL26B	0.10	\$124.73	\$12.47	01/04/2006	36	PREPARATION OR REVISION OF LETTER
HLL26B	0.10	\$124.73	\$12.47	03/13/2006	70	CONFERENCES WITH LAWYERS
HLL36B	0.90	\$123.94	\$111.55	03/14/2006	25	REVIEW CASE FILE
HLL36B	1.00	\$123.94	\$123.94	03/14/2006	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HLL36B	1.50	\$123.94	\$185.91	03/15/2006	25	REVIEW CASE FILE
HLL36B	0.70	\$123.94	\$86.76	09/21/2006	25	REVIEW CASE FILE
HLL36B	0.60	\$123.94	\$74.36	09/22/2006	89	PROBABLE CAUSE PREPARATION
HLL36B	0.50	\$123.94	\$61.97	09/26/2006	79	STIPULATION
HLL36B	0.40	\$123.94	\$49.58	09/29/2006	79	STIPULATION
HLL36B	0.40	\$123.94	\$49.58	11/09/2006	36	PREPARATION OR REVISION OF LETTER
HLL36B	0.60	\$123.94	\$74.36	11/17/2006	25	REVIEW CASE FILE
HLL53A	3.00	\$123.32	\$369.96	06/27/2007	25	REVIEW CASE FILE
HLL53A	0.20	\$123.32	\$24.66	07/03/2007	37	REVIEW LETTER
HLL36B	1.30	\$123.94	\$161.12	07/11/2007	39	PREPARE/RESPOND TO DISCOVERY
HLL53A	0.40	\$123.32	\$49.33	07/11/2007	64	LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF.
HLL53A	0.60	\$123.32	\$73.99	07/11/2007	38	REVIEW DISCOVERY REQUESTS/RESPONSES
HLL53A	0.10	\$123.32	\$12.33	07/12/2007	35	TELEPHONE CALLS
HLL53A	0.40	\$123.32	\$49.33	07/12/2007	40	PREPARATION OF OR REVISION OF A PLEADING
HLL53A	0.40	\$91.00	\$36.40	07/12/2007	35	TELEPHONE CALLS
HLL53A	0.40	\$123.32	\$49.33	07/13/2007	79	STIPULATION
HLL53A	0.10	\$123.32	\$12.33	07/18/2007	35	TELEPHONE CALLS
HLL53A	0.10	\$123.32	\$12.33	07/18/2007	35	TELEPHONE CALLS
HLL53A	0.40	\$123.32	\$49.33	08/06/2007	60	MISCELLANEOUS
HLL53A	0.40	\$123.32	\$49.33	08/07/2007	40	PREPARATION OF OR REVISION OF A PLEADING
HLL53A	0.20	\$123.32	\$24.66	08/07/2007	35	TELEPHONE CALLS
HLL53A	0.20	\$123.32	\$24.66	08/09/2007	60	MISCELLANEOUS
HLL53A	1.00	\$123.32	\$123.32	08/13/2007	39	PREPARE/RESPOND TO DISCOVERY

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***** CONFIDENTIAL *****
Time Tracking System
Itemized Cost by Complaint

Complaint 200315896

Report Date: 04/02/2008

Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
HLL53A	0.50	\$104.39	\$52.20	08/16/2007	47	TRIAL PREPARATION
HLL53A	0.30	\$104.39	\$31.32	08/16/2007	35	TELEPHONE CALLS
HLL53A	0.50	\$123.32	\$61.66	08/21/2007	60	MISCELLANEOUS
HLL53A	0.40	\$123.32	\$49.33	08/21/2007	60	MISCELLANEOUS
HLL53A	0.20	\$123.32	\$24.66	08/23/2007	60	MISCELLANEOUS
HLL53A	0.20	\$123.32	\$24.66	08/23/2007	60	MISCELLANEOUS
HLL53A	0.20	\$123.32	\$24.66	08/23/2007	60	MISCELLANEOUS
HLL53A	0.40	\$123.32	\$49.33	08/23/2007	39	PREPARE/RESPOND TO DISCOVERY
HLL53A	0.30	\$123.32	\$37.00	08/27/2007	60	MISCELLANEOUS
HLL53A	0.30	\$123.32	\$37.00	08/31/2007	47	TRIAL PREPARATION
HLL53A	0.30	\$123.32	\$37.00	08/31/2007	36	PREPARATION OR REVISION OF LETTER
HLL53A	0.30	\$123.32	\$37.00	08/31/2007	6	SUPPLEMENTAL INVESTIGATION
HLL53A	0.40	\$104.39	\$41.76	09/04/2007	35	TELEPHONE CALLS
HLL53A	0.30	\$104.39	\$31.32	09/05/2007	60	MISCELLANEOUS
HLL53A	0.30	\$104.39	\$31.32	09/07/2007	103	REVIEW SUPPLEMENTAL REPORT
HLL53A	0.20	\$104.39	\$20.88	09/10/2007	74	MEETINGS WITH DEPARTMENT STAFF
HLL53A	0.30	\$104.39	\$31.32	09/11/2007	47	TRIAL PREPARATION
HLL53A	0.30	\$104.39	\$31.32	09/11/2007	74	MEETINGS WITH DEPARTMENT STAFF
HLL53A	0.30	\$104.39	\$31.32	09/11/2007	35	TELEPHONE CALLS
HLL53A	0.40	\$104.39	\$41.76	09/11/2007	60	MISCELLANEOUS
HLL53A	0.40	\$104.39	\$41.76	09/11/2007	60	MISCELLANEOUS
HLL22B	0.20	\$112.43	\$22.49	09/13/2007	35	TELEPHONE CALLS
HLL22B	0.20	\$112.43	\$22.49	09/14/2007	35	TELEPHONE CALLS
HLL22B	0.30	\$112.43	\$33.73	09/14/2007	35	TELEPHONE CALLS
HLL22B	0.30	\$112.43	\$33.73	09/14/2007	35	TELEPHONE CALLS
HLL22B	0.60	\$112.43	\$67.46	09/14/2007	36	PREPARATION OR REVISION OF LETTER
HLL53A	0.70	\$104.39	\$73.07	09/17/2007	53	PREPARATION OF MOTION TO AVOID STAY/RESPONSE TO MOTION TO STAY
HLL53A	0.60	\$104.39	\$62.63	09/18/2007	60	MISCELLANEOUS
HLL53A	1.00	\$104.39	\$104.39	09/19/2007	43	PREPARE FOR DEPOSITION
HLL53A	2.00	\$104.39	\$208.78	09/19/2007	44	DEPOSITIONS
HLL53A	0.40	\$104.39	\$41.76	09/20/2007	38	REVIEW DISCOVERY REQUESTS/RESPONSES
HLL53A	0.20	\$104.39	\$20.88	09/21/2007	60	MISCELLANEOUS
HLL53A	0.30	\$104.39	\$31.32	09/21/2007	103	REVIEW SUPPLEMENTAL REPORT

00031

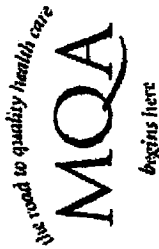
***** CONFIDENTIAL *****
Time Tracking System
Itemized Cost by Complaint

Complaint 200315896

Report Date: 04/02/2008

Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
HLL53A	0.30	\$104.39	\$31.32	09/24/2007	35	TELEPHONE CALLS
HLL53A	0.30	\$104.39	\$31.32	09/26/2007	41	REVIEW PLEADING
HLL53A	0.50	\$104.39	\$52.20	09/26/2007	41	REVIEW PLEADING
HLL53A	0.30	\$104.39	\$31.32	09/26/2007	60	MISCELLANEOUS
HLL53A	0.30	\$104.39	\$31.32	09/26/2007	74	MEETINGS WITH DEPARTMENT STAFF
HLL53A	0.30	\$91.00	\$27.30	09/26/2007	60	MISCELLANEOUS
HLL53A	0.20	\$104.39	\$20.88	09/27/2007	60	MISCELLANEOUS
HLL53A	0.70	\$104.39	\$73.07	09/28/2007	38	REVIEW DISCOVERY REQUESTS/RESPONSES
HLL53A	0.30	\$104.39	\$31.32	10/01/2007	60	MISCELLANEOUS
HLL53A	0.30	\$104.39	\$31.32	10/02/2007	60	MISCELLANEOUS
HLL53A	1.00	\$104.39	\$104.39	10/03/2007	39	PREPARE/RESPOND TO DISCOVERY
HLL53A	0.60	\$104.39	\$62.63	10/05/2007	60	MISCELLANEOUS
HLL53A	0.70	\$104.39	\$73.07	10/05/2007	46	LEGAL RESEARCH
HLL53A	0.50	\$104.39	\$52.20	10/08/2007	47	TRIAL PREPARATION
HLL53A	0.40	\$104.39	\$41.76	10/08/2007	74	MEETINGS WITH DEPARTMENT STAFF
HLL53A	3.50	\$104.39	\$365.37	10/09/2007	47	TRIAL PREPARATION
HLL53A	1.50	\$104.39	\$156.59	10/10/2007	60	MISCELLANEOUS
HLL36B	0.40	\$105.87	\$42.35	10/11/2007	74	MEETINGS WITH DEPARTMENT STAFF
HLL53A	3.00	\$91.00	\$273.00	10/11/2007	47	TRIAL PREPARATION
HLL53A	0.40	\$91.00	\$36.40	10/12/2007	60	MISCELLANEOUS
HLL53A	0.40	\$91.00	\$36.40	10/16/2007	35	TELEPHONE CALLS
HLL53A	0.30	\$91.00	\$27.30	10/16/2007	47	TRIAL PREPARATION
HLL53A	0.40	\$91.00	\$36.40	10/17/2007	35	TELEPHONE CALLS
HLL53A	0.70	\$91.00	\$63.70	10/17/2007	79	STIPULATION
HLL53A	0.50	\$91.00	\$45.50	10/17/2007	35	TELEPHONE CALLS
HLL53A	0.70	\$91.00	\$63.70	10/17/2007	47	TRIAL PREPARATION
HLL53A	3.00	\$91.00	\$273.00	10/17/2007	39	PREPARE/RESPOND TO DISCOVERY
HLL53A	0.20	\$91.00	\$18.20	10/18/2007	60	MISCELLANEOUS
HLL53A	1.00	\$91.00	\$91.00	10/18/2007	45	PREHEARING MOTION/CONFERENCE CALL
HLL53A	1.30	\$91.00	\$118.30	10/18/2007	39	PREPARE/RESPOND TO DISCOVERY
HLL22B	0.20	\$91.00	\$18.20	10/19/2007	35	TELEPHONE CALLS
HLL22B	0.40	\$91.00	\$36.40	10/19/2007	26	PREPARE OR REVISE MEMORANDUM
HLL22B	0.30	\$91.00	\$27.30	10/19/2007	35	TELEPHONE CALLS

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*** CONFIDENTIAL ***
 Time Tracking System
 Itemized Cost by Complaint

Complaint 200315896

Report Date: 04/02/2008

Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
HLL22B	0.60	\$91.00	\$54.60	10/19/2007	35	TELEPHONE CALLS
HLL53A	2.00	\$91.00	\$182.00	10/19/2007	42	CONFERENCE/CONVENTION
HLL22B	0.10	\$91.00	\$9.10	10/20/2007	26	PREPARE OR REVISE MEMORANDUM
HLL22B	0.20	\$91.00	\$18.20	10/22/2007	35	TELEPHONE CALLS
HLL22B	0.20	\$91.00	\$18.20	10/22/2007	26	PREPARE OR REVISE MEMORANDUM
HLL22B	0.20	\$91.00	\$18.20	10/22/2007	26	PREPARE OR REVISE MEMORANDUM
HLL36B	0.40	\$91.00	\$36.40	10/23/2007	99	PREPARATION AND FOLLOW THROUGH OF CASES FOR EXPERT REVIEW
HLL36B	1.00	\$91.00	\$91.00	10/23/2007	47	TRIAL PREPARATION
HLL53A	5.00	\$91.00	\$455.00	10/23/2007	47	TRIAL PREPARATION
HLL53A	1.00	\$91.00	\$91.00	10/23/2007	35	TELEPHONE CALLS
HLL53A	0.60	\$91.00	\$54.60	10/23/2007	40	PREPARATION OF OR REVISION OF A PLEADING
HLL22B	0.40	\$91.00	\$36.40	10/24/2007	26	PREPARE OR REVISE MEMORANDUM
HLL22B	0.50	\$91.00	\$45.50	10/24/2007	70	CONFERENCES WITH LAWYERS
HLL22B	0.50	\$91.00	\$45.50	10/24/2007	40	PREPARATION OF OR REVISION OF A PLEADING
HLL53A	1.00	\$91.00	\$91.00	10/24/2007	45	PREHEARING MOTION/CONFERENCE CALL
HLL53A	1.00	\$91.00	\$91.00	10/24/2007	60	MISCELLANEOUS
HLL53A	0.50	\$91.00	\$45.50	10/24/2007	44	DEPOSITIONS
HLL53A	0.40	\$91.00	\$36.40	10/24/2007	45	PREHEARING MOTION/CONFERENCE CALL
HLL53A	0.70	\$91.00	\$63.70	10/24/2007	60	MISCELLANEOUS
HLL53A	0.20	\$91.00	\$18.20	10/24/2007	31	PREPARE OR REVISE CLOSING ORDER
HLL36B	0.50	\$91.00	\$45.50	10/24/2007	40	PREPARATION OF OR REVISION OF A PLEADING
HLL36B	1.80	\$91.00	\$163.80	10/24/2007	47	TRIAL PREPARATION
HLL36B	0.40	\$91.00	\$36.40	10/24/2007	36	PREPARATION OR REVISION OF LETTER
HLL22B	0.30	\$91.00	\$27.30	10/25/2007	47	TRIAL PREPARATION
HLL36B	0.30	\$91.00	\$27.30	10/25/2007	74	MEETINGS WITH DEPARTMENT STAFF
HLL53A	0.20	\$91.00	\$18.20	10/25/2007	60	MISCELLANEOUS
HLL36B	1.20	\$91.00	\$109.20	10/26/2007	74	MEETINGS WITH DEPARTMENT STAFF
HLL53A	3.50	\$91.00	\$318.50	10/26/2007	47	TRIAL PREPARATION
HLL36B	0.80	\$91.00	\$72.80	10/29/2007	47	TRIAL PREPARATION
HLL36B	0.40	\$91.00	\$36.40	10/29/2007	47	TRIAL PREPARATION
HLL36B	1.00	\$91.00	\$91.00	10/30/2007	47	TRIAL PREPARATION
HLL36B	1.50	\$91.00	\$136.50	10/30/2007	47	TRIAL PREPARATION
HLL53A	1.50	\$91.00	\$136.50	10/30/2007	47	TRIAL PREPARATION

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Time Tracking System
Itemized Cost by Complaint

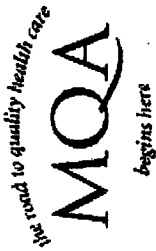
Complaint 200315896

Report Date: 04/02/2008

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Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
HLL36B	7.50	\$91.00	\$682.50	10/31/2007	48	FORMAL HEARING
HLL36B	0.40	\$91.00	\$36.40	10/31/2007	58	TRAVEL TIME
HLL53A	0.50	\$91.00	\$45.50	10/31/2007	58	TRAVEL TIME
HLL53A	4.00	\$91.00	\$364.00	10/31/2007	48	FORMAL HEARING
HLL53A	1.50	\$91.00	\$136.50	10/31/2007	60	MISCELLANEOUS
HLL36B	0.30	\$91.00	\$27.30	11/05/2007	102	REVIEW EXPERT WITNESS REPORT
HLL53A	0.20	\$91.00	\$18.20	11/06/2007	60	MISCELLANEOUS
HLL53A	0.20	\$91.00	\$18.20	11/07/2007	60	MISCELLANEOUS
HLL53A	3.00	\$91.00	\$273.00	11/16/2007	40	PREPARATION OF OR REVISION OF A PLEADING
HLL53A	0.40	\$91.00	\$36.40	11/19/2007	53	PREPARATION OF MOTION TO AVOID STAY/RESPONSE TO MOTION TO STAY
HLL53A	0.10	\$91.00	\$9.10	12/03/2007	60	MISCELLANEOUS
HLL53A	0.20	\$91.00	\$18.20	12/10/2007	60	MISCELLANEOUS
HLL53A	0.40	\$111.56	\$44.62	01/08/2008	35	TELEPHONE CALLS
HLL53A	1.00	\$111.56	\$111.56	01/09/2008	49	REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER
HLL53A	0.70	\$111.56	\$78.09	01/17/2008	49	REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER
HLL53A	0.70	\$111.56	\$78.09	01/17/2008	49	REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER
HLL53A	0.40	\$111.56	\$44.62	01/18/2008	41	REVIEW PLEADING
HLL53A	1.00	\$111.56	\$111.56	01/18/2008	49	REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER
HLL53A	4.00	\$111.56	\$446.24	01/23/2008	49	REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER
HLL53A	0.30	\$111.56	\$33.47	01/25/2008	40	PREPARATION OF OR REVISION OF A PLEADING
HLL53A	5.00	\$111.56	\$557.80	01/25/2008	48	FORMAL HEARING
HLL36B	0.70	\$111.56	\$78.09	01/28/2008	40	PREPARATION OF OR REVISION OF A PLEADING
HLL22B	0.70	\$111.56	\$78.09	01/28/2008	40	PREPARATION OF OR REVISION OF A PLEADING
HLL53A	0.70	\$111.56	\$78.09	01/28/2008	40	PREPARATION OF OR REVISION OF A PLEADING
HLL53A	1.20	\$111.56	\$133.87	01/28/2008	40	PREPARATION OF OR REVISION OF A PLEADING
HLL53A	0.30	\$111.56	\$33.47	01/28/2008	64	LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF.
HLL53A	0.70	\$111.56	\$78.09	01/28/2008	40	PREPARATION OF OR REVISION OF A PLEADING
HLL53A	0.50	\$111.56	\$55.78	01/29/2008	40	PREPARATION OF OR REVISION OF A PLEADING
HLL36B	0.50	\$111.56	\$55.78	01/29/2008	40	PREPARATION OF OR REVISION OF A PLEADING
HLL53A	0.40	\$111.56	\$44.62	01/30/2008	60	MISCELLANEOUS
HLL53A	0.20	\$111.56	\$22.31	02/12/2008	41	REVIEW PLEADING
HLL22B	0.60	\$111.56	\$66.94	03/20/2008	40	PREPARATION OF OR REVISION OF A PLEADING
HLL36B	0.40	\$111.56	\$44.62	03/20/2008	40	PREPARATION OF OR REVISION OF A PLEADING

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Time Tracking System
Itemized Cost by Complaint

Complaint 200315896

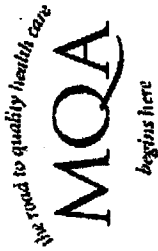
Report Date: 04/02/2008

Page 8 of 8

Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
HLL36B	0.30	\$111.56	\$33.47	03/20/2008	64	LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF.
HLL53A	0.30	\$111.56	\$33.47	03/21/2008	35	TELEPHONE CALLS
HLL53A	0.30	\$111.56	\$33.47	03/24/2008	70	CONFERENCES WITH LAWYERS
HLL53A	0.30	\$111.56	\$33.47	03/24/2008	70	CONFERENCES WITH LAWYERS
Sub Total	145.10		\$14,204.90			

Total Cost	\$15,921.25
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00035



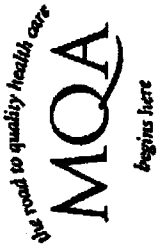
***** CONFIDENTIAL *****
Time Tracking System
Itemized Expense by Complaint
 Complaint 200315896

Report Date: 04/02/2008

Staff Code	Expense Date	Expense Amount	Expense Code	Expense Code Description
PROSECUTION SERVICES UNIT				
HLL53A	10/24/2007	\$55.00	131400	COURT REPORTING
HLL53A	11/01/2007	\$168.30	131400	COURT REPORTING
HLL53A	10/17/2007	\$227.70	131400	COURT REPORTING
HLL53A	09/19/2007	\$68.75	131400	COURT REPORTING
HLL53A	10/31/2007	\$250.00	131400	COURT REPORTING
HLL53A	12/13/2007	\$251.99	131400	COURT REPORTING
HL34B	08/08/2007	\$312.50	131630	EXPERT WITNESS
HL34B	12/04/2007	\$625.00	131630	EXPERT WITNESS
HLL53A	09/19/2007	\$372.01	261010	TRAVEL - EMOLOYEE - IN FLA

SubTotal **\$2,331.25**
 Total Expenses **\$2,331.25**

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***** CONFIDENTIAL *****
Time Tracking System
Itemized Expense by Complaint
 Complaint 200315896

Report Date: 04/21/2008

Staff Code	Expense Date	Expense Amount	Expense Code	Expense Code Description
PROSECUTION SERVICES UNIT				
HLL53A	10/24/2007	\$55.00	131400	COURT REPORTING
HLL53A	11/01/2007	\$168.30	131400	COURT REPORTING
HLL53A	10/17/2007	\$227.70	131400	COURT REPORTING
HLL53A	09/19/2007	\$68.75	131400	COURT REPORTING
HLL53A	10/31/2007	\$250.00	131400	COURT REPORTING
HLL53A	12/13/2007	\$251.99	131400	COURT REPORTING
HL34B	08/08/2007	\$312.50	131630	EXPERT WITNESS
HL34B	12/04/2007	\$625.00	131630	EXPERT WITNESS
HLL53A	09/19/2007	\$372.01	261010	TRAVEL - EMLOYEE - IN FLA
HLL53A	11/02/2007	\$350.46	261010	TRAVEL - EMLOYEE - IN FLA
	SubTotal	\$2,681.71		
	Total Expenses	\$2,681.71		

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BERRYHILL & ASSOCIATES, INC.
 General Court Reporting Services
 501 E. Kennedy Blvd. Suite 1225
 Tampa, Florida 33602-5239
 (813) 229-8225 Fax: (813) 229-8722



107 OCT 30 AM 10:10

PRACTITIONER REGULATION
LEGAL

DEPARTMENT OF HEALTH
 4052 BALD CYPRESS WAY
 BIN C-65
 TALLAHASSEE, FL 32399-3265

CECELIA JEFFERSON, ESQ. *HLS3A*
 DEPT. OF HEALTH V. FALOWSKI
 2003-15896 (CONTRACT #05-1302)

INVOICE NO. :	152905
INVOICE DATE:	10/24/2007
REPORTER:	MARY E. BLAZER
ID#	59-3280942

Date	Description	Amount
10/24/2007	DEPO: ALICIA CAMPO (2:00-2:20) FIRST HR OR PORTION THEREOF \$55.00 INV. PREPARED BY: DEBBIE BAKER	55.00

Sub Total	55.00
Paid	0.00
Balance Due	55.00

PSU
 DATE INVOICE RECEIVED 10/30/07
 DATE GOODS OR SVCS. REC'D 10/24/07
 DATE GOODS OR SVCS. APPROVED 11/2/07
 PAYMENT APPROVED BY Donna S. Brown
 PROCESS IN 5 WORKING DAYS
 RETURN FINANCE & ACCOUNTING
 OBJECT CODE 131400
 ORGANIZATION CODE 64-22-73-01-004
 ED: PA
 OOA: M. DAVIS

*11-12-07
PE*

Signature: _____

Address# _____ Zip: _____

Mastercard _____ Visa _____ American Express _____ Exp. Date: _____

Credit Card Number

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TERMS:
 PAYMENT DUE UPON RECEIPT. PAYMENT IS NOT CONTINGENT ON CLIENT REIMBURSEMENT. ACCOUNTS
 OVER 30 DAYS PAST DUE MAY BE SUBJECT TO A MONTHLY LATE FEE. ALL DISPUTES MUST BE MADE IN
 WRITING WITHIN 30 DAYS OF THE DATE OF INVOICE.

00038

*12/07
K.C.*



BERRYHILL & ASSOCIATES, INC.
 General Court Reporting Services
 501 E. Kennedy Blvd. Suite 1225
 Tampa, Florida 33602-5239
 (813) 229-8225 Fax: (813) 229-8722

**PRACTITIONER REGULATION
 LEGAL**

2007 NOV -1 AM 9:29

DEPARTMENT OF HEALTH
 4052 BALD CYPRESS WAY
 BIN C-65
 TALLAHASSEE, FL 32399-3265

CECELIA JEFFERSON, ESQ. *HLL 53A*
 DEPT. OF HEALTH V. FALOWSKI
 2003-15896 (CONTRACT #05-1302)

INVOICE NO. : 152947
 INVOICE DATE: 10/29/2007
 REPORTER:
 MARY E. BLAZER

ID# 59-3280942

Date	Description	Amount
10/24/2007	DEPO: ALICIA CAMPO (17 PGS)	
	ORIG TRANS., DAILY, \$7.90 PE	134.30
	ONE COPY TRANSCRIPT, \$1.00 PER PG	17.00
	ONE COPY TRANSCRIPT, \$1.00 PER PG	17.00

10/29/2007
 EMAILED TO CLIENT
 POSTAGE/ HANDLING/DELIVERY FEE
 TRANS. MAILED TO C. JEFFERSON, ESQ.
 AND NEIL GARFIELD, ESQ.
 INV. PREPARED BY: DEBBIE BAKER

Sub Total 168.30
 Paid 0.00
 Balance Due 168.30

OFFICE SECTION PSU
 DATE INVOICE RECEIVED 11/1/07
 DATE GOODS OR SVCS. REC'D 11/1/07
 DATE GOODS OR SVCS. APPROVED 11/2/07
 PAYMENT APPROVED BY Donna S Brown
 PROCESS IN 5 WORKING DAYS DONNA BROWN
 RETURN FINANCE & ACCOUNTING
 OBJECT CODE 131400
 ORGANIZATION CODE 64-22-13-01-004

Signature: _____

Address# _____ Zip: _____

Mastercard _____ Visa _____ American Express _____ Exp. Date: _____

Credit Card Number _____

TERMS:
 PAYMENT DUE UPON RECEIPT. PAYMENT IS NOT CONTINGENT ON CLIENT REIMBURSEMENT. ACCOUNTS
 OVER 30 DAYS PAST DUE MAY BE SUBJECT TO A MONTHLY LATE FEE. ALL DISPUTES MUST BE MADE IN
 WRITING WITHIN 30 DAYS OF THE DATE OF INVOICE.

00039

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BERRYHILL & ASSOCIATES, INC.
 General Court Reporting Services
 501 E. Kennedy Blvd. Suite 1225
 Tampa, Florida 33602-5239
 (813) 229-8225 Fax: (813) 229-8722

DEPARTMENT OF HEALTH
 4052 BALD CYPRESS WAY
 BIN C-65
 TALLAHASSEE, FL 32399-3265

CECELIA JEFFERSON, ESQ. *HLL 53A*
 DEPARTMENT OF HEALTH V. FALOWSKI
 2003-15896 (CONTRACT #05-1302)

INVOICE NO. : 152807
 INVOICE DATE: 10/12/2007
 REPORTER:
 MARY E. BLAZER

ID# 59-3280942

2003-15896

Date	Description	Amount
9/19/2007	DEPO: ALICIA CAMPO (46 PGS) ORIG & 1 CC TRANS., REG. \$3.95 PER ONE COPY TRANSCRIPT, \$1.00 PER PG	181.70 46.00
10/12/2007	POSTAGE/ HANDLING/DELIVERY FEE INV. PREPARED BY: DEBBIE BAKER	
Sub Total		227.70
Paid		0.00
Balance Due		227.70

OFFICE SECTION PSU
 DATE INVOICE RECEIVED 10/17/07
 DATE GOODS OR SVCS. REC'D 10/17/07
 DATE GOODS OR SVCS. APPROVED 10/19/07
 PAYMENT APPROVED BY Donna S. Brown
 PROCESS IN 5 WORKING DAYS BONNA BROWN
 RETURN FINANCE & ACCOUNTING
 OBJECT CODE 13400
 ORGANIZATION CODE 64-22-13-01-004
 EO: PA
 OCA: MQAPS

2007 OCT 17 AM 9:31
 PRACTITIONER REGULATION
 LEGAL

For Credit Card Payment, Please Refer to Yellow Remittance Copy, **THANK YOU!**

TERMS:
 PAYMENT DUE UPON RECEIPT. PAYMENT IS NOT CONTINGENT ON CLIENT REIMBURSEMENT. ACCOUNTS
 OVER 30 DAYS PAST DUE MAY BE SUBJECT TO A MONTHLY LATE FEE. ALL DISPUTES MUST BE MADE IN
 WRITING WITHIN 30 DAYS OF THE DATE OF INVOICE.

00040

*1707
 PCE*



FRACTITIONER REGULATION
LEGAL

BERRYHILL & ASSOCIATES, INC.
General Court Reporting Services
501 E. Kennedy Blvd. Suite 1225
Tampa, Florida 33602-5239
(813) 229-8225 Fax: (813) 229-8722

2007 SEP 24 AM 10:54

INVOICE NO. : 152601
INVOICE DATE: 9/19/2007
REPORTER:
MARY E. BLAZER

DEPARTMENT OF HEALTH
4052 BALD CYPRESS WAY
BIN C-65
TALLAHASSEE, FL 32399-3265

CECELIA JEFFERSON, ESQ. **HLL53A**
DEPARTMENT OF HEALTH V. FALOWSKI

ID# 59-3280942

2003-15896 (CONTRACT #05-1302)

Date **Description** **Amount**

9/19/2007	DEPO: ALICIA CAMPO (10:00-11:10)	
	FIRST HR OR PORTION THEREOF \$55.00	55.00
	ADDT'L HR TO NEAREST QRT \$ 55.00	13.75
	INV. PREPARED BY: DEBBIE BAKER	

Sub Total	68.75
Paid	0.00
Balance Due	68.75

OFFICE SECTION PSU
DATE INVOICE RECEIVED 9/24/07
DATE GOODS OR SVCS. REC'D 9/19/07
DATE GOODS OR SVCS. APPROVED 9/26/07
PAYMENT APPROVED BY Donna S. Brown
PROCESS IN 5 WORKING DAYS
RETURN FINANCE & ACCOUNTING
OBJECT CODE 131400
ORGANIZATION CODE 6422-13-01004

ED. PA
OAT. m Q A P S

For Credit Card Payment, Please Refer to Yellow Remittance Copy, **THANK YOU!**

TERMS:
PAYMENT DUE UPON RECEIPT. PAYMENT IS NOT CONTINGENT ON CLIENT REIMBURSEMENT. ACCOUNTS
OVER 30 DAYS PAST DUE MAY BE SUBJECT TO A MONTHLY LATE FEE . ALL DISPUTES MUST BE MADE IN
WRITING WITHIN 30 DAYS OF THE DATE OF INVOICE.

00041

Official Reporting Services, LLC

524 South Andrews Avenue, Suite 302N

Ft. Lauderdale, Florida 33301-2845

954-467-8204 Fax 954-467-8214

Tax ID 20-5849842

HLS3A

CECELIA JEFFERSON, ESQUIRE
AGC DEPT OF HEALTH
4052 BALD CYPRESS WAY
BUILDING A-02
TALLAHASSEE, FL 32399-1703

November 7, 2007

Invoice# 50003277

Balance: \$250.00

Re: DOH VS FRANCES FALOWSKI
07-3513, 051701
on 10/31/07
by MARITZA MONROE

2003-15826

Invoicing Information

Charge Description

TRIAL BEFORE JUDGE LARRY SARTIN
AM & PM SESSION (9:15 - 5:00PM)
TRANSCRIPT - HOLDING PAGES

Amount

250.00

OFFICE SECTION PSU
DATE INVOICE RECEIVED 11/20/07
DATE GOODS OR SVCS. REC'D 10/31/07
DATE GOODS OR SVCS. APPROVED 11/20/07
PAYMENT APPROVED BY Donna S. Brown
PROCESS IN 5 WORKING DAYS
RETURN FROM
PROJECT CODE 131400
INIZATION CODE 6422-13-01-004

2007 NOV 20 AM 9:13
PRACTITIONER REGULATION
LEGAL

ED:PA
OCA:MQADS

1.00% per month on unpaid balance

Please Remit - - - > Total Due: \$250.00

BALANCE PAST DUE 30 DAYS SHALL BEAR INTEREST.
CLIENT AGREES TO PAY ALL COSTS OF COLLECTION.

00042

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Official Reporting Services, LLC

524 South Andrews Avenue, Suite 302N
Ft. Lauderdale, Florida 33301-2845
954-467-8204 Fax 954-467-8214
Tax ID 20-5849842

H153A

CECELIA JEFFERSON, ESQUIRE
AGC DEPT OF HEALTH
4052 BALD CYPRESS WAY
BUILDING A-02
TALLAHASSEE, FL 32399-1703

December 10, 2007

Invoice# 30098839

Balance: \$503.98

Re: BOARD OF CHIRO MEDICINE VS FALOWSKI -
073513, 073514
on 10/31/07
by MARITZA MONROE

2003-15896
~~2006-00284~~

Invoicing Information

Charge Description	Amount
HEARING BEFORE JUDGE HART 164 PGS @ 2.95 O+1	483.80
SENT ORIGINAL TO DAOH ON 12/10/07	10.09
SENT COPY TO ATTY ON 12/10/07	10.09

DATE INVOICE RECEIVED 12/13/07
 DATE GOODS OR SVCS. REC'D 12/13/07
 DATE GOODS OR SVCS. APPROVED _____
 PAYMENT APPROVED BY Bethany L. Price for
 KATHY'S PRICE FOR DONNA IS PLOWN
 PROCESS IN 5 WORKING DAYS
 RETURN FINANCE & ACCOUNTING
 OBJECT CODE 131400
 ORGANIZATION CODE 6422-13-01-004
 CO. PA
 OCA: MOA PS

2007 DEC 13 AM 11:25
PRACTITIONER REGULATION
LEGAL

1.00% per month on unpaid balance

fmb
12/20/07

Please Remit - - - > Total Due: \$503.98 *2=*

BALANCE PAST DUE 30 DAYS SHALL BEAR INTEREST.
CLIENT AGREES TO PAY ALL COSTS OF COLLECTION.

251.99

00043

DEPARTMENT OF HEALTH
PROSECUTION SERVICES UNIT

Work authorization: ✓ 4-15-07

4052 Italia Cypress Way, RVN - C-65 - Tallahassee, Florida 32309

EXPERT WITNESS WORK AUTHORIZATION AND INVOICE

SECTION ONE - WORK AUTHORIZATION

The expert named below is authorized to perform expert services in this case, per terms of the DOH Expert Witness Agreement.

1. Expert Last Name: _____ First Name: _____ 2. SSN/PHID: _____ Expiration Date: _____
 4. MAXIMUM AUTHORIZED FUNDS: \$1,250.00 5. Type of Service: Case Review, FH Prep, Testimony
 6. Case Number: 2003-15896 7. Subject Last Name: Bolivar 8. Board: CH
 9. Requestor's Full Name: Irene Anker Bolivar 10. Requestor Phone Number: 850-414-2126
 11. Issuing Authority: Irene Anker *Irene Anker* Signature Date Signed: 8/20/07

SECTION TWO - EXPERT'S INVOICE FOR SERVICES AND EXPENSE

- DO NOT ENCLOSE the Maximum Authorized Funds.
- DO NOT include Travel Expenses on this form. They require a separate travel voucher.
- Enter services and incidental expenses separately (use designated boxes).
- Hourly rate is set as per the terms of the DOH expert Witness Agreement.
- Be Sure to sign and return this original form. Attach any receipts for incidental expenses.
- Contact the Requestor if your expert services require additional funding or if you have any other questions.

SERVICES ONLY

(12) Date of Service	(13) Description of Service	(14) Hourly Fee	(15) Hours	(16) Total Fee
10-18-05	REVIEWED FILE DOH V. FRANKS <i>Followed by</i>	\$125.00	5	625.00
10-18-05	REVIEWED FINAL ORDER CASE 02-4910-KK		1	125.00
10-20-05	MEETING W. TH. BOLIVAR		.5	62.50
10-26-05	REVIEW TRANSCRIPTS CASE #02-4911-KK		.5	62.50

INCIDENTAL EXPENSES ONLY (i.e. copying, phone calls, film developing costs, etc.) Please attach receipt

(17) Date Incurred	(18) Description of Expenses	(19) Amount \$
N/A		

GRAND TOTAL FEES EXPENSES: \$ 312.50 *00*

I have performed the services and attached the original receipts as shown in accordance with the DOH Expert Witness Agreement.

20. Expert's Signature: *Irene Anker* 21. Date Signed: 8/6/07

SECTION THREE - REQUESTOR'S ACKNOWLEDGEMENT OF SERVICE

The above referenced services have been satisfactorily received.

22. Requestor's Signature: *Irene Anker* 23. Date Signed: 8/8/07

SECTION FOUR - ORIGINATING OFFICE INFORMATION

Time Invoiced: 8/8/07 Date Invoice Sent: 8/8/07
 Office Code: 257209 CMI Approval: *Irene Anker* Date: 8/8/07
 Organizational Code: 2222340000 CAS Approval: _____ Date: _____
 Address: Bonast Hoffman, Inc.
 1227 N. W. 13th St.
 Tallahassee, FL 32310

PROFESS IN 5 WORKING DAYS AND REFERS TO FINANCE AND ACCOUNTING.

00044



DEPARTMENT OF HEALTH
PROSECUTION SERVICES UNIT
4052 Bald Cypress Way, BIN # C-65 - Tallahassee, Florida 32399-3265

Work Authorization: 07-9146

EXPERT WITNESS WORK AUTHORIZATION AND INVOICE

SECTION ONE - WORK AUTHORIZATION

The expert named below is authorized to perform expert services in this case, per terms of the DOH Expert Witness Agreement.

1. Expert Last Name: _____ First Name: _____ 2. SSN/FEID: _____ 3. Expiration Date: 12/30/07

4. MAXIMUM AUTHORIZED FUNDS: \$1,625.00 5. Type of Service: Case Review/FH Prep./Testimony

6. Case Number: 2003-15896, 2006-00284 7. Subject Last Name: Falowski 8. Board: CH

9. Requestor's Full Name: Irene Lake/Schultz 10. Requestor Phone Number: 850-245-4640

11. Issuing Authority: Irene Lake [Signature] Date Signed: 10/25/2007
Signature

SECTION TWO - EXPERT'S INVOICE FOR SERVICES AND EXPENSES

- DO NOT EXCEED the Maximum Authorized Funds.
- DO NOT include Travel Expenses on this form. They require a separate travel voucher.
- Enter services and incidental expenses separately (use designated boxes).
- Hourly rate is set as per the terms of the DOH expert Witness Agreement.
- Be Sure to sign and return this original form. Attach any receipts for incidental expenses.
- Contact the Requestor if your expert services require additional funding or if you have any other questions.

SERVICES ONLY

(12) Date of Service	(13) Description of Service	(14) Hourly Fee	(15) Hours	(16) Total Fee
10/29/07	REVIEW A/C INVEST REPORT TRANSCRIPTS	\$125.00	2.75	343.75
10/29/07	DISCUSSION WITH MR. SCHULTZ	125.00	.75	93.75
10/29/07	FINAL REVIEW OF FILE PREMISE TESTIMONY	125.00	1.00	125.00
11/3/07	TESTIMONY AT HEARING	125.00	5.50	687.50

INCIDENTAL EXPENSES ONLY (i.e. copying, phone calls, film developing costs, etc.) Please attach receipts

(17) Date Incurred	(18) Description of Expenses	(19) Amount \$
N/A		

GRAND TOTAL FEES EXPENSES: \$ 1250.00

I have performed the services and

compliance with the DOH Expert Witness Agreement

20. Expert's Signature: _____ 21. Date Signed: 11/1/07

SECTION THREE - REQUESTOR'S ACKNOWLEDGEMENT OF SERVICES

The above referenced services have been satisfactorily received

22. Requestor's Signature: [Signature] 23. Date Signed: 12/4/07

SECTION FOUR - ORIGINATING OFFICE INFORMATION

Date Invoiced Rec'd: 12/4/07 Date Goods/Service Rec'd: 12/4/07 EXPANSION OPTION: PA
Object Code: 131800 CM Approval: [Signature] OCA: MQAPS
Organizational Code: 64221301004 CMS Approval: _____ Date: 12/4/07

Address: _____

PROCESS IN 5 WORKING DAYS AND RETURN TO FINANCE AND ACCOUNTING

12/6/07
00045

from prescribing or administering to any person any legend drug except as authorized under subparagraph 2..." Subparagraph 2 lists specified anesthetics in aerosol form and medical oxygen for emergency purposes.

10. All injectable substances, with the exception of insulin, are legend drugs.

COUNT ONE

11. Petitioner re-alleges and incorporates paragraphs one (1) through ten (10) as if fully set forth herein.

12. Section 460.413(1)(d), Florida Statutes (2003)(2004), subjects a chiropractic physician to discipline for false, ~~deceptive, or misleading advertising.~~

13. Respondent disseminated false, deceptive or misleading advertising when he indicated that he was authorized to perform the following services as a chiropractic physician even though they are prohibited by Section 460.413(9)(c), Florida Statutes (2003)(2004):

~~(a) by indicating that he authorized to administer an intravenous substance that is not a food, food concentrate, food extract and/or item for which a prescription is not required when performing chelation therapy, and/or~~

(b) by indicating that he is authorized to administer a substance that is not a food, food concentrate, food extract and/or item for which a prescription is not required when performing oxidative therapy, and/or

- (c) by indicating that he is authorized to administer an intravenous substance that is not a food, food concentrate, food extract and/or item for which a prescription is not required when performing prolotherapy

14. Based on the Foregoing, the Respondent has violated Section 460.413(1)(d), Florida Statutes (2003)(2004), by false, deceptive, or misleading advertising.

COUNT TWO

15. Petitioner re-alleges and incorporates paragraphs one (1) through ten (10) as if fully set forth herein.

16. Section 460.413(1)(ff), Florida Statutes (2003), provides that violating any provision of Chapters 456 or 460, or any rules adopted pursuant thereto, constitutes grounds for disciplinary action by the Board of Chiropractic Medicine.

17. Rule 64B2-15.001(2)(a), Florida Administrative Code, prohibits advertising which contains a misrepresentation of facts.

18. Rule 64B2-15.001(2)(e), Florida Administrative Code, prohibits advertising which Conveys the impression that the chiropractor or chiropractors, disseminating the advertising or referred to therein, possess qualifications, skills, or other attributes which are superior to other chiropractors, other than

a simple listing of earned professional post-doctoral or other professional achievements.

19. Rule 64B2-15.001(2)(g), Florida Administrative Code, prohibits advertising that contains any representations or claims, as to which the chiropractor, referred to in the advertising, fails to perform.

20. Respondent violated the above-mentioned advertising rules when he indicated that he was authorized to perform the following services as a chiropractic physician even though they are prohibited by Section 460.413(9)(c), Florida Statutes (2003) (2004):

- ~~(a) by indicating that he authorized to administer an intravenous substance that is not a food, food concentrate, food extract and/or item for which a prescription is not required when performing chelation therapy, and/or~~
- (b) by indicating that he is authorized to administer a substance that is not a food, food concentrate, food extract and/or item for which a prescription is not required when performing oxidative therapy, and/or
- (d) by indicating that he is authorized to administer an intravenous substance that is not a food, food concentrate, ~~food extract and/or item for which a~~ prescription is not required when performing prolotherapy

21. Based on the Foregoing, the Respondent has violated Section 460.413(1)(ff), Florida Statutes (2003) (2004), through violations of Rules 64B2-15.001(2)(a)(e)(g), Florida Administrative Code.

WHEREFORE, the Petitioner respectfully requests that the Board of Chiropractic Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 29th day of September, 2006.

M. Rony François, M.D., M.S.P.H., Ph.D.
Secretary, Department of Health

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Alicia Stiff
DATE 10/10/06

Tobey Schultz
Tobey Schultz
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
Florida Bar No. 0542131
(850) 245-4640 ext. 8176
(850) 245-4682 (facsimile)

PCP: 9/28/06 Kirby & Wolfson

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.
