

STATE OF FLORIDA
BOARD OF NURSING

By: Rachael Bl
Deputy Agency Clerk

HUBERT HERRING,
Petitioner,

vs.

DOAH Case No.: 07-5095

BOARD OF NURSING,
Respondent.

FINAL ORDER

THIS CAUSE came before the Board of Nursing pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on March 4, 2008, in Tallahassee, 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 Borden Hallowes, Esquire. Respondent was represented by Lee Ann Gustafson, 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.

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.

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ADMINISTRATIVE
HEARINGS
FILED

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 464, Florida Statutes.
2. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.
3. Mr. Herring has failed to establish that his application for licensure as a registered nurse should be granted.

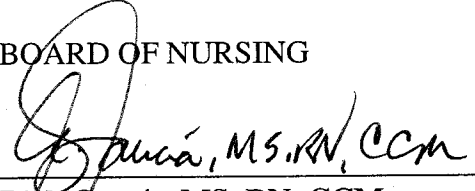
DISPOSITION

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 Mr. Herring's application for licensure as a registered nurse is denied.

DONE AND ORDERED this 22 day of AUGUST, 2008.

BOARD OF NURSING


Rick Garcia, MS, RN, CCM

Executive Director

for Vicky Stone-Gale, MSN, ARNP, Chair

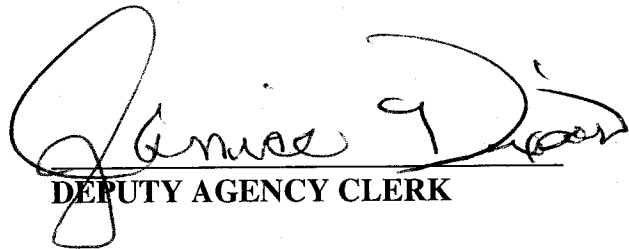
NOTICE OF RIGHT TO JUDICIAL REVIEW

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 **Borden Hallows, Esquire**, 4613 Highway 17 South, Orange Park, Florida 32003; to **Lisa Shearer Nelson**, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; to **Lee Ann Gustafson, Esquire**, by interoffice delivery; and to **Josefina M. Tamayo, Esquire**, Department of Health, 4052 Bald Cypress Way, Bin #A-02, Tallahassee, Florida 32399-1701.

THIS 18 day of September, 2008.


DEPUTY AGENCY CLERK