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STATE OF FLORIDA  
 BOARD OF VETERINARY MEDICINE

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 DIVISION OF  
 ADMINISTRATIVE  
 HEARINGS  
 FILED

DEPARTMENT OF BUSINESS & )  
 PROFESSIONAL REGULATION, )  
 BOARD OF VETERINARY MEDICINE, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 PHILIP J. ALEONG, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

Case No. 08-5457PL  
 DBPR Case No: 2008-029108

**FINAL ORDER**

THIS CAUSE came before the Board (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on December 1, 2009, in Fernandina Beach, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order (attached hereto as Exhibit 1) in the above-styled case. Petitioner was represented by Elizabeth Fletcher Duffy, Assistant General Counsel. Respondent was present with his counsel, Bradford J. Beilly, Attorney at Law.

Petitioner filed an Administrative Complaint (Exhibit 2) against the Respondent alleging that Respondent violated provisions of the Veterinary Medicine Practice Act. Respondent disputed the facts alleged in the administrative complaint and requested an evidentiary hearing before the Division of Administrative Hearings ("DOAH"). This matter was referred to DOAH and on March 5, 2009, an evidentiary hearing was held before the honorable Stuart M. Lerner, Administrative Law Judge. On July 1, 2009, Judge Lerner's Recommended Order was transmitted to the Department of Business and Professional Regulation, Board of Veterinary Medicine. On September 1, 2009, the Recommended Order was presented to the Board for its consideration. At the September 2009 hearing, the Board voted to remand the matter back to

1. The established disciplinary guideline is set forth in Rule 61G18-30.001(1)(e), Florida Administrative Code, which states: "The usual action of the Board in the case of a licensee shall be to impose revocation if the subject's license has been suspended and an administrative fine of five thousand dollars (\$5,000.00)" [Recommended Order, P. 23]. The Board cited Respondent's prior disciplinary record during its discussion at the hearing.
2. Respondent has been licensed as a veterinarian in the State of Florida since June 6, 1994 [Recommended Order, P. 8].
3. Respondent has been disciplined by the Board on two occasions prior to the entry of the Amended Final Order that constitutes a third disciplinary action [Recommended Order, P. 11].
4. Respondent had a fourth complaint filed alleging that he was practicing on a suspended license; however, that complaint was dismissed without disciplinary action being taken [Recommended Order, P. 16-18].
5. In the 15 year period that Respondent has been licensed, he has had disciplinary action taken against his license on three prior occasions; this proceeding is the fourth disciplinary action. Two of the prior disciplinary cases involved failing to keep accurate medical records [Recommended Order, P. 12]. The violation in the instant case, practicing on a suspended license, is the same as the violation alleged in the complaint that was dismissed without disciplinary action [Recommended Order, P. 16-17].

In modifying the penalty recommendation set forth in the Recommended Order, the Board cited its grounds as following its established disciplinary guidelines, Respondent's disciplinary history, and the repeated offenses in the disciplinary actions.

WHEREFORE,

IT IS HEREBY ORDERED AND ADJUDGED that:

1. Respondent's license to practice veterinary medicine in the State of Florida shall be **SUSPENDED** for **six (6) months**. The license suspension shall begin on the date that this Order is filed with the Clerk of the Department of Business and Professional Regulation. If Respondent is serving a suspension pursuant to another Board order, the suspension periods shall be concurrent.

2. Respondent shall petition the Board to lift the suspension and to reinstate his license to active status. Prior to lifting the suspension, Respondent must demonstrate that he has complied with all previous Final Orders of the Board and has paid the fine and costs assessed in this Final Order. After the Respondent's license suspension is lifted, his license to practice veterinary medicine in the State of Florida shall be placed on probation for **one (1) year**. During the probationary period, Respondent shall attend **four (4)** full Board of Veterinary Medicine meetings.

3. Respondent shall pay a fine of **five thousand dollars (\$5,000.00)**, prior to the lifting of his license suspension.

4. Respondent shall pay the costs of the investigation of this matter which total **two hundred eleven dollars and six cents (\$211.06)**, prior to the lifting of his license suspension.

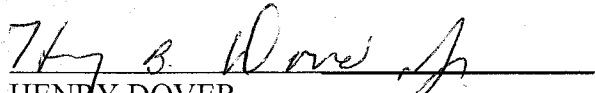
5. Respondent shall pay the fine and costs in the form of a cashier's or certified check made payable to the Executive Director of the Board of Veterinary Medicine, Department

of Business and Professional Regulation, Division of Professions, Post Office Box 5377,  
Tallahassee, Florida 32314-5377.

This Final Order shall take effect upon being filed with the Clerk of the Department of  
Business and Professional Regulation.

**DONE AND ORDERED** this 23 day of December, 2009.

**BOARD OF VETERINARY MEDICINE**

  
HENRY DOVER  
VICE-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 BUSINESS AND PROFESSIONAL REGULATION AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE FLORIDA 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 has been furnished by certified U.S. mail to: **Philip Aleong, DVM**, by sending same to his counsel of record, **Bradford J. Beilly**, Attorney at Law, 1144 Southeast 3<sup>rd</sup> Avenue, Fort Lauderdale, Florida 33316; and by interoffice mail to **Deborah B. Loucks**, Assistant Attorney General, Office of the Attorney General, The Capitol, PL-01, Tallahassee, Florida 32399-1050; and **Elizabeth F. Duffy**, Assistant General Counsel, 1940 N. Monroe St., Tallahassee, Florida 32399, and by regular U.S. Mail to **Stuart M. Lerner**, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060, on January 12<sup>th</sup>, 2010.

Brandon M. Nichols