

<b>FILED</b>	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	<b>9/24/2009</b>
File #	<b>2009-07835</b>

STATE OF FLORIDA  
BOARD OF VETERINARY MEDICINE

**FILED**  
 2009 SEP 25 A 10:30  
 DIVISION OF  
 ADMINISTRATIVE  
 HEARINGS

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

Case No. 08-5457PL

**ORDER**

THIS CAUSE came before the Board (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on September 1, 2009, in St. Augustine, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order (attached hereto as Exhibit A) 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.

At hearing, Petitioner made an ore tenus motion to remand the matter back to the Administrative Law Judge for reconsideration of the penalty recommendation. Although mentioned in the hearing transcript (Transcript pages 1105-1106), the Administrative Law Judge was not provided with copies of the Final Orders entered in prior disciplinary cases against Respondent. Petitioner requested the remand to provide the Administrative Law Judge with copies of the prior disciplinary Final Orders for his review and consideration.

Rule 61G18-30.001, Florida Administrative Code, sets forth the disciplinary guidelines for violation of the veterinary medicine practice act. As stated in the Recommended Order (paragraph 50), the usual penalty for a violation of Section 474.213(1)(e), Florida Statutes, is

revocation. The Administrative Law Judge considered mitigating factors in crafting his penalty recommendation; however, evidence to support aggravating factors was not presented because the usual action of the Board, according to the disciplinary guidelines, was revocation. Because there is no penalty more severe than revocation, aggravating circumstances are not usually required to be presented.

The Board voted to grant Petitioner's Motion for Remand to the Division of Administrative Hearings for reconsideration of the penalty.

**DONE AND ORDERED** this 15<sup>th</sup> day of September, 2009.

BOARD OF VETERINARY MEDICINE

  
Henry Dover, Vice-Chair

**NOTICE OF RIGHTS**

**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 FLORIDA APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF THE FILING DATE 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; **Elizabeth F. Duffy**, Assistant General Counsel, 1940 N. Monroe St., Tallahassee, Florida 32399, and Patricia M. Hart, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building,

1230 Apalachee Parkway, Tallahassee, Florida 32399-3060, on

September 24<sup>th</sup>, 2009.

Brandon M. Nichols

STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
BOARD OF VETERINARY MEDICINE

DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION,

Petitioner,

v.

Case No. 2008-029108

PHILIP J. ALEONG, D.V.M.,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, Department Of Business And Professional Regulation, ("Petitioner"), files this Administrative Complaint before the Board of Veterinary Medicine, against Philip J. Aleong, D.V.M., ("Respondent"), and alleges:

1. Petitioner is the state agency charged with regulating the practice of veterinary medicine pursuant to Section 20.165, Florida Statutes, and Chapters 455 and 474, Florida Statutes.

2. Respondent is and has been, at all times material hereto, a licensed veterinarian in the State of Florida, having been issued license number VM 6466.

3. Respondent's last known address of record was 4917 Roosevelt Street, Hollywood, Florida 33021.

4. On April 24, 2008, Department investigators Beatriz Caldera and Abdel Cedeno visited Calder Race Track.

5. Investigators observed the Veterinarian Treatment Book for horses trained by Kathleen O'Connell and Marirose Smith at Barn # 16 and found entries for treatment initialed by Respondent made between April 10 and April 24, 2008.

6. Investigators observed two medication bottles with prescription labels listing Respondent's name and dates of April 12 and April 19, 2008.

7. Respondent's license was suspended for thirty days by the Board of Veterinary Medicine by Amended Final Order 2008-03061 entered April 7, 2008.

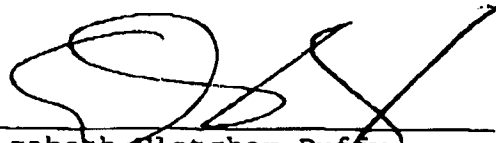
8. Section 474.213(1)(e), Florida Statutes, states: "No person shall use or attempt to use a veterinarian's license which has been suspended or revoked."

9. Based on the foregoing, Respondent violated Section 474.213(1)(e), Florida Statutes, by practicing veterinary medicine with a suspended license. Respondent is therefore subject to discipline by the Board of Veterinary Medicine pursuant to Section 474.213(1)(e) and (2), Florida Statutes.

WHEREFORE, Petitioner respectfully requests the Board of Veterinary Medicine enter an Order imposing one or more of the following penalties: revocation or suspension of Respondent's license, restriction of Respondent's practice, imposition of an administrative fine not to exceed \$5,000 per violation, issuance of a reprimand, placement of Respondent on probation, assessment

of costs association with the investigation, imposition of any or all penalties delineated within section 455.227(2), Florida Statutes, and/or any other relief that the Board is authorized to impose pursuant to chapters 455 and/or 474, Florida Statutes, and/or the rules promulgated thereunder.

Signed this 7 day of August, 2008.



Elizabeth Fletcher Duffy  
Assistant General Counsel  
Florida Bar No. 0980404  
Department of Business and  
Professional Regulation  
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EFD/rmw  
EFD 8/1/08

**FILED**  
Department of Business and Professional Regulation  
DEPUTY CLERK  
CLERK Branden M. Nichols  
DATE 8-26-2008