

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED
AHCA
AGENCY CLERK
2010 JUL 20 A 7:30

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Petitioner,

AUDIT NO. C.I. 10-9721-000

v.

KENETRA JOHNSON as representative
of ROSE GARDEN ENTERPRISES, INC.,

Respondent.

FINAL ORDER

THIS CAUSE concerns a Petition for Formal Hearing (“Petition”) that the Respondent filed on October 15, 2009.

On November 3, 2009, the Agency Clerk referred the Petition to the Division of Administrative Hearings (“DOAH”) for further proceedings.

On December 7, 2009, the administrative law judge assigned to the case entered an Order Closing File based on the parties’ representation that they had settled the matter.

On May 25, 2010, counsel for Petitioner filed a Motion for Order to Show Cause (“Motion”), stating that the Respondent had paid the fine that was at issue in the matter but had not communicated with counsel for Petitioner regarding a resolution of the matter.

On June 2, 2010, the Agency Clerk entered an Order granting the Petitioner’s Motion and giving the Respondent ten days in which to show cause why the matter should not be dismissed by final order based on the Respondent’s apparent abandonment of its right to a hearing.


On June 14, 2010, the Respondent filed a Notice of Voluntary Dismissal, voluntarily dismissing its Petition.

Based upon the foregoing,

IT IS THEREFORE ORDERED AND ADJUDGED THAT:

The Petition is dismissed, and the Agency's September 16, 2009 letter imposing a \$1,000 fine on the Respondent is hereby upheld. The Respondent has paid the fine, and this matter is now closed.

DONE and ORDERED this 15 day of July, 2010, in Tallahassee, Florida.



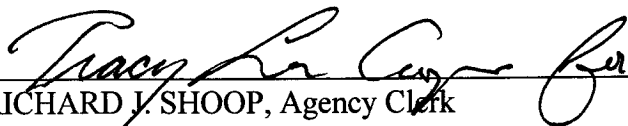
THOMAS W. ARNOLD, Secretary
AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW, WHICH SHALL BE INSTITUTED BY FILING THE ORIGINAL NOTICE OF APPEAL WITH THE AGENCY CLERK OF AHCA, AND A COPY ALONG WITH THE FILING FEE PRESCRIBED BY LAW WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE AGENCY MAINTAINS ITS HEADQUARTERS OR WHERE A PARTY RESIDES. REVIEW PROCEEDINGS SHALL BE CONDUCTED IN ACCORDANCE WITH THE FLORIDA APPELLATE RULES. THE NOTICE OF APPEAL MUST BE FILED WITHIN 30 DAYS OF THE 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 furnished by U.S. or interoffice mail to the persons named below on this 20th day of July, 2010.


RICHARD J. SHOOP, Agency Clerk
Agency for Health Care Administration
2727 Mahan Drive, MS #3
Tallahassee, Florida 32308
(850) 412-3630

COPIES FURNISHED TO:

Honorable Suzanne F. Hood
Administrative Law Judge
Division of Administrative Hearings
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