

STATE OF FLORIDA
AGENCY FOR PERSONS WITH DISABILITIES

AGENCY FOR PERSONS
WITH DISABILITIES,

Petitioner,

Vs.

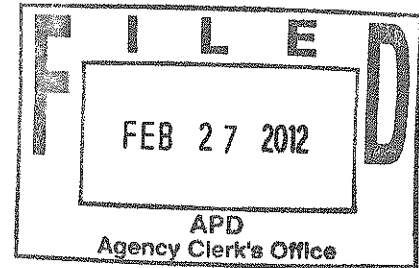
APD Case NO. 11-0394

DOAH Case No. 11-4383APD

Rendition No.: APD-11-4871-FO

EAGLES NEST FOUNDATION
OF VOLUSIA COUNTY, Inc.,
Owned and operated by
Delores Kramer,

Respondent.



FINAL ORDER

This matter comes before the Agency for Persons with Disabilities (the Agency) for entry of a Final Order based on Petitioner's Motion for Final Order.

This case arose out of an Administrative Complaint filed by the Agency charging Respondent Eagles Nest with one count of violating Florida Law and Administrative Code and asking for the revocation of its license. After Respondent requested a hearing, the matter was referred to the Division of Administrative Hearings. On December 6, 2011, the parties entered into a signed Settlement Agreement and on December 8, 2011, the Division relinquished jurisdiction back to the Agency and closed its case file.

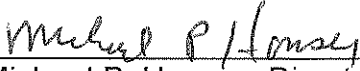
In its Motion for Final Order, Petitioner asserts that Respondent has failed to comply with the terms of the Settlement Agreement in that it has not relinquished its license as required. Petitioner further asserts that under paragraph 9 of the Settlement Agreement, breach of the Settlement Agreement results in the automatic revocation of Petitioner's license and denial by the Agency of any subsequent license sought by Delores Kramer or any business owned or operated by Dolores Kramer. A copy of Petitioner's Motion was served on counsel for Respondent on January 10, 2012, but Respondent has not filed any response or objection to Petitioner's Motion.

It is hereby found as a Finding of Fact that Respondent has failed to comply with the terms and conditions of the Settlement Agreement that it entered into on December 6, 2011. It is further found as a Conclusion of Law that Respondent's failure to comply triggers the provisions of the Settlement Agreement that call for revocation of

Respondent's license and will result in the denial by the Agency of any future application by Respondent Delores Kramer, or any business owned or operated by Delores Kramer, for a license.

Based on the foregoing, it is hereby ORDERED that Respondent's license number 11-12-035 is REVOKED. It is further ORDERED that any future application by Delores Kramer or any business owned or operated by Delores Kramer shall be denied in accordance with the terms of the Settlement Agreement.

DONE AND ORDERED, the 27 day of Feb., 2012, in Tallahassee, Leon County, Florida.



Michael P. Hansen, Director
Agency for Persons with Disabilities

RIGHT TO APPEAL

A party who is adversely affected by this final order is entitled to judicial review. To initiate judicial review, the party seeking it must file one copy of a "Notice of Appeal" with the Agency Clerk. The party seeking judicial review must also file another copy of the "Notice of Appeal," accompanied by the filing fee required by law, with the First District Court of Appeal in Tallahassee, Florida, or with the District Court of Appeal in the district where the party resides. Review proceedings shall be conducted in accordance with Florida Rules of Appellate Procedure. The Notices must be filed within thirty (30) days of the rendition of this final order.¹

Information about some sources of possible legal assistance may be found at: <http://apd.myflorida.com/customers/legal/resource-listing.htm>.

Copies furnished to:

APD Area 12 Office

Eagles Nest Foundation
Delores Kramer
1525 Carr Street
Deland, FL 32720

Claudia Llado, Clerk
Division of Administrative Hearings

Jonathan Grabb, Esq.
Agency for Persons with Disabilities

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this Final Order was provided to the above-named individuals at the listed addresses, by U.S. Mail or electronic mail, this 27 day of Feb., 2012.



Percy W. Mallison, Jr., Agency Clerk
Agency for Persons with Disabilities
4030 Esplanade Way, Suite 380
Tallahassee, FL 32399-0950

¹ The date of the "rendition" of this Order is the date that is stamped on its first page. The Notices of Appeal must be received on or before the thirtieth day after that date.