

**STATE OF FLORIDA
BOARD OF VETERINARY MEDICINE**

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	10/7/2013
File #	2013-05913

**DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,
Petitioner,**

vs.

**TED OROSKI, D.V.M.,
Respondent.**

**CASE NO.:2010 - 028154
DOAH CASE NO.: 13 - 0100PL
LICENSE NO.: VM 4239**

FINAL ORDER

THIS CAUSE came before the BOARD OF VETERINARY MEDICINE (hereinafter referred to as the “Board”) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on September 4, 2013 in St. Augustine, Florida, for the purpose of considering the Administrative Law Judge’s Recommended Order, Exceptions to the Recommended Order, (copies of which are attached hereto as Exhibits A, and B, respectively and incorporated herein by reference) in the above-styled cause.

Board members present were Robert O’Neil, D.V.M, Raul Figarola, D.V.M., Joann Helm, D.V.M., Ms. Connie Mae Johnson, and Nanette Parratto-Wagner, D.V.M.

Legal advisor to the Board was Clark R. Jennings, Assistant Attorney General. The Respondent appeared *pro se* at the proceedings.

APPEARANCES

For Petitioner: Elizabeth Fletcher Henderson, Esq.
Assistant General Counsel
Department of Business and Professional Regulation
1940 N. Monroe St., Ste. 60
Tallahassee, Florida 32399-2202

For Respondent: Ted Oroski, D.V.M.
P.O. Box 454
Ocala, Florida 34478

Prior to the commencement of proceedings, Petitioner's counsel presented two preliminary motions which required Board attention. The first was Petitioner's Motion For Extension Of Time In Which To file Exceptions filed on May 30, 2013 and Petitioner's Second Motion for Extension Of Time In Which To File Exceptions filed on July 1, 2013. The Respondent filed no objection to both motions and reaffirmed on the record at the Board meeting his agreement to the granting of the motions. Upon review of the motions and noting no objection from the Respondent the Board granted both motions and accepted for review Petitioner's Exception to Recommended Order.

UPON REVIEW of the Recommended Order, the arguments of the parties, the exceptions filed, and after a review of the complete record in this case, the Board makes the following findings and conclusions.

RULING ON EXCEPTIONS

The Board reviewed and considered the Petitioner's Exceptions to the Recommended Order and ruled as follows:

1. Petitioner's exception to the recommended penalty is hereby adopted for the reasons set forth in writing and stated by the Petitioner. The Board concurs that the imposition of

probation without specified terms and conditions to be observed by the probationer is in essence a non-event and a penalty without substance. Consequently, the Board believes that it is appropriate to establish conditions of probation that are in accord with the disciplinary guidelines established by Board rule as listed in the Florida Administrative Code. All other penalties recommended by the Administrative Law Judge in this matter are adopted.

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.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 497, Florida Statutes.
2. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

THEREFORE IT IS ORDERED AND ADJUDGED:

1. **Fine.** Respondent shall pay an administrative fine in the amount of **three thousand dollars (\$3,000.00)** within **ninety (90) days** of the filing date of this Final Order.
2. **Reprimand.** Respondent is hereby Reprimanded.

3. **Probation.** Respondent's license to practice veterinary medicine shall be placed on probation for a period of **two (2) years** from the filing date of this Final Order.

A. As a condition of probation, during the probationary period, Respondent shall attend in person **two (2) board meetings per year** for a total of **four (4) board meetings** of the Board of Veterinary Medicine in the probationary period.

B. As a condition of probation, the Respondent must, at his own expense, take and pass the Florida Laws and Rules Examination for Veterinary Medicine within one hundred eighty three (183) days of the issuance of this Order.

C. As a condition of probation, Respondent shall, within **the probationary period established by this order**, obtain **eight (8) hours** of continuing education in **medical record production and maintenance** in addition to the normal credit hours required to maintain an active license to practice veterinary medicine in the State of Florida. Respondent shall submit the proposed course to the Board Office for approval by Dr. Joann Helm and obtain said approval **prior** to attendance.

4. **Payment Address.** Respondent shall pay the fine and costs in the form of a check or money order 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 4 day of October, 2013.

BOARD OF VETERINARY MEDICINE



ROBERT O'NEIL, D.V.M.
CHAIRMAN

NOTICE OF APPEAL RIGHTS

PURSUANT TO SECTION 120.68 FLORIDA STATUTES, A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW UNLESS WAIVED. PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF THE NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF FINANCIAL SERVICES AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEALS, 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: Ted Oroski, D.V.M., P.O. Box 454, Ocala, Florida 34478; to Lisa Shearer Nelson, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by hand/interoffice delivery to Elizabeth Fletcher Henderson, Esq., Assistant General Counsel, Office of the General Counsel, 1940 N. Monroe St., Ste. 60, Tallahassee, Florida 32399-2202, and Clark R. Jennings, Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050, on or before 5:00 p.m., this 7th day of October, 2013.

