

FILED DATE **MAR 10 2014**

Department of Health

By: *Angel Saucedo*
Deputy Agency Clerk

**STATE OF FLORIDA
THE FLORIDA BOARD OF DENTISTRY**

DEPARTMENT OF HEALTH	2014 MAR 11 AM 10 58		
PETITIONER,			
v.	DIVISION OF	CASE NO.:	2011-15616
	ADMINISTRATIVE	DOAH CASE NO.:	13-1221PL
MIRANDA WHYLLY SMITH, DDS,	HEARINGS	LICENSE NO.:	DN 15873
RESPONDENT.			

FINAL ORDER

This cause came before the Board of Dentistry (hereinafter Board), pursuant to sections 120.569 and 120.57(1), *Florida Statutes*, at a duly noticed public meeting held February 21, 2014, in Tallahassee, Florida. The purpose of the cause was for consideration of the Honorable William F. Quattlebaum's Recommended Order issued on October 3, 2013 (attached hereto as Exhibit "A"); Petitioner's Exceptions; and Respondent's Response to Petitioner's Exceptions. Petitioner was represented by Adrienne C. Rodgers, Assistant General Counsel. Respondent was present and was represented by Christopher C. Torres, Esquire.

APPEARANCES

For Petitioner:	Adrienne C. Rodgers, Esquire Assistant General Counsel Department of Health 4052 Bald Cypress Way, Bin C-65 Tallahassee, Florida 32399-3265
For Respondent:	Christopher C. Torres, Esquire Casey and Torres, LLC 1240 Thomasville Road Tallahassee, Florida 32303

Upon review of the Recommended Order, Petitioner's Exceptions and Respondent's Response to Exceptions, and having heard argument of the parties and after a review of the complete record in this case, the Board makes the following findings and conclusions:

EXCEPTIONS

Petitioner filed exceptions to the Recommended Order. The exceptions were not filed within 15 days of rendition of the Recommended Order. The exceptions were untimely. §120.57(1)(k), Fla. Stat.; Rule 28-106.217 (1), Fla. Admin. Code; Rule 28-106.103, Fla. Admin. Code.

WHEREFORE, the Board hereby **SUSTAINS** the Respondent's objection to the Petitioner's exceptions and the Petitioner's untimely filed exceptions are hereby **STRICKEN**.

FINDINGS OF FACT

1. There is competent, substantial evidence to support the Findings of Fact made in the Recommended Order.
2. Accordingly, the Findings of Fact set forth in the Recommended Order are hereby approved, adopted, and incorporated by reference as the Findings of Fact of the Board.

CONCLUSIONS OF LAW

3. The Board has personal and subject matter jurisdiction of this cause pursuant to sections 120.569; 120.57(1); and Chapters 456; 466, *Florida Statutes*.
4. The Board does not find a more reasonable interpretation of the law than that which was found by the Administrative Law Judge.
5. Accordingly, the Conclusions of Law set forth in the Recommended Order are approved, adopted and incorporated herein by reference.

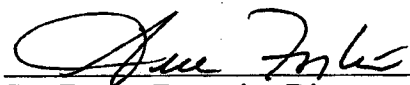
WHEREFORE, based on the Findings of Facts and Conclusions of Law, the Administrative Law Judge's Recommendation is **ACCEPTED**.

WHEREFORE, it is hereby **ORDERED** and **ADJUDGED** that the Amended Administrative Complaint and the allegations therein, filed against Miranda Whyllly Smith, DDS is hereby **DISMISSED**.

THIS FINAL ORDER shall become effective upon being filed with the Clerk for the Florida Department of Health.

DONE AND ORDERED this 10th day of MARCH, 2014.

BOARD OF DENTISTRY



Sue Foster, Executive Director
For Joseph Thomas, DDS, 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 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 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 U.S. Mail to **Miranda Whyly Smith, DDS**, 1047 Rudolph Court, Spring Hill, Florida 34609; **Honorable William F. Quattlebaum**, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by Electronic Mail to **Christopher C. Torres**, keyschris305@aol.com ; **Adrienne C. Rodgers**, Assistant General Counsel, Department of Health, Adrienne.rodgers@flhealth.gov and to **David D. Flynn**, Assistant Attorney General, david.flynn@myfloridalegal.com this 10th day of MARCH, 2014.



Deputy Agency Clerk