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

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| DEPARTMENT OF HEALTH PETITIONER, v. PASQUALE ALMERICO, JR, DDS, RESPONDENT. | CASE NO.: 2010-11573 DOAH CASE NO.: 13-3286PL LICENSE NO. : DN 9818 |
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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 August 22, 2014, in Orlando, Florida. The purpose of the cause was for consideration of the Honorable Edward T. Bauer's Recommended Order issued on July 9, 2014 (attached hereto as Exhibit "A"); Petitioner's Exceptions and Respondent's Response to Petitioner's Exceptions and additional pending motions. Petitioner was represented by Candace A. Rochester, Assistant General Counsel. Respondent was represented by Max R. Price, Esquire.

APPEARANCES

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| For Petitioner: | Candace A. Rochester, Esquire Assistant General Counsel Department of Health 4052 Bald Cypress Way, Bin C-65 Tallahassee, Florida 32399-3265 |
| For Respondent: | Max R. Price, Esquire Law Office of Max R. Price, P.A. 6701 Sunset Drive, Suite 104 Miami, Florida 33143 |

FILED
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 DIVISION OF
 ADMINISTRATIVE
 HEARINGS

Upon review of the Recommended Order, Petitioner's Exceptions and Respondent's Response to Exceptions, and additional pending motions, 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 & PENDING MOTIONS

Petitioner and Respondent withdrew all motions and pending exceptions.

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 Pasquale Almerico, Jr., 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 9th day of September, 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 **Pasquale Almerico, Jr., DDS**, 704 North Alexander Street, Plant City, Florida 33563; **Honorable Edward T. Bauer**, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by Electronic Mail to **Max R. Price, Esquire**, mprice@pricelegal.com ; **Candace A. Rochester**, Assistant General Counsel, Department of Health, candace.rochester@flhealth.gov and to **David D. Flynn**, Assistant Attorney General, david.flynn@myfloridalegal.com this 10th day of September, 2014.



DEPUTY AGENCY CLERK