

FILED DATE - APR 17 2014

Department of Health

By Angel Souders  
Deputy Agency Clerk

STATE OF FLORIDA  
BOARD OF MEDICINE

FILED

DEPARTMENT OF HEALTH,

Petitioner,

vs.

2014 APR 18 PM 12 48

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

DOH CASE NO.: 2012-03263  
DOAH CASE NO.: 13-3375PL  
LICENSE NO.: ACN 313

LEONARD F. MARQUEZ GARCIA, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on April 4, 2014, in Deerfield Beach, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order, Petitioner's Exception to the Penalty and Motion to Increase Penalty (copies of which are attached hereto as Exhibits A and B, respectively) in the above-styled cause. Petitioner was represented by Marisa Button, Assistant General Counsel. Respondent was represented by Mario Machado, Esquire.

Upon review of the Recommended Order, the argument of the parties, and after a review of the complete record in this case, the Board makes the following findings and conclusions.

### 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 458, Florida Statutes.
2. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

### RULING ON PETITIONER'S EXCEPTION

The Board reviewed and considered the Petitioner's Exception to Penalty of the Recommended Order and ruled as follows: The Board granted the Petitioner's Exception to Penalty for the reasons stated by the Petitioner and as set forth in Petitioner's written Exception.

### PENALTY

Upon a complete review of the record in this case, and the Petitioner's Exception to the Penalty and Motion to Increase Penalty, the Board determines that the penalty recommended by the Administrative Law Judge be REJECTED. The findings set

forth in the Petitioner's exceptions paragraphs 24-33 set forth sufficient justification to support revocation of the Respondent's license, which is within the disciplinary guidelines of each violation found by the Administrative Law Judge. WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

Respondent's license to practice medicine in the State of Florida is hereby REVOKED.

RULING ON MOTION TO ASSESS COSTS

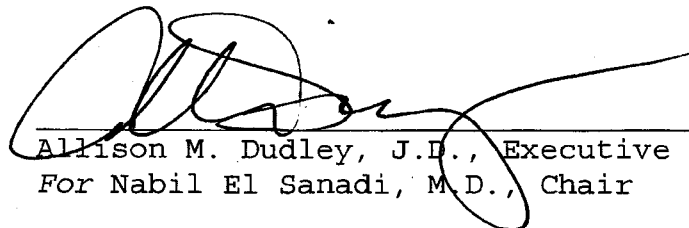
The Board reviewed the Petitioner's Motion to Assess Costs and imposes the costs associated with this case in the amount of \$16,453.63. Said costs are to be paid within 30 days from the date this Final Order is filed.

(NOTE: SEE RULE 64B8-8.0011, FLORIDA ADMINISTRATIVE CODE. UNLESS OTHERWISE SPECIFIED BY FINAL ORDER, THE RULE SETS FORTH THE REQUIREMENTS FOR PERFORMANCE OF ALL PENALTIES CONTAINED IN THIS FINAL ORDER.)

DONE AND ORDERED this 16th day of April.

2014.

BOARD OF MEDICINE

  
Allison M. Dudley, J.D., Executive Director  
For Nabil El Sanadi, M.D., 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 Final Order has been provided by **Certified Mail** to LEONARD F. MARQUEZ GARCIA, M.D., 5842 West 2<sup>nd</sup> Court, Hialeah, Florida 33012; to Mario Machado, Esquire, 6780 Coral Way, 2<sup>nd</sup> Floor, Miami, Florida 33155; to Todd P. Resavage, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by interoffice delivery to Doug Sunshine, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3253 this 17<sup>th</sup> day of April, 2014.

Leonard F. Marquez Garcia

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Mario Machado, Esq.

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Angel Saucedo

Deputy Agency Clerk