

STATE OF FLORIDA  
BOARD OF MEDICINE

FILED DATE - OCT 22 2015  
Department of Health

By: [Signature]  
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2013-13523  
DOAH CASE NO.: 15-0775PL  
LICENSE NO.: ME0079521

KENNETH D. STAHL, M.D.,

Respondent.

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2013-14341  
DOAH CASE NO.: 15-0776PL  
LICENSE NO.: ME0110105

EDDIE W. MANNING, III, M.D.,

Respondent.

FILED  
2015 OCT 23 PM 12:29  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on October 9, 2015, in Lake Buena Vista, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order, Petitioner's Exceptions to the Recommended Order, Respondent's Response to Exceptions to the Recommended Order, Petitioner's Amended Exceptions to the Recommended Order, and Respondent's

Motion to Strike (copies of which are attached hereto as Exhibits A, B, C, D, and E, respectively) in the above-styled cause. Petitioner was represented by John B. Fricke, Jr., Assistant General Counsel. Respondent was represented by Monica Felder Rodriguez, Esquire and Maria Arista-Volsky, 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.

RULING ON RESPONDENT'S MOTION TO STRIKE PETITIONER'S AMENDED

EXCEPTIONS

The Board reviewed the Respondent's Motion to Strike and GRANTED the Respondent's Motion to Strike the Petitioner's Amended Exceptions as untimely and unauthorized by law.

RULING ON EXCEPTIONS

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

1. Petitioner's exception 1 to paragraph 22 of the Recommended Order is denied because the Board does not have the necessary substantive jurisdiction to address evidentiary/procedural matters.

2. Petitioner's exception 2 to paragraphs 32 and 33 of the Recommended Order is denied based upon the response provided by the Respondent in its Response to Petitioner's Exceptions.

3. Petitioner's exception 3 to the Administrative Law Judge's recommendation of dismissal of DOH Case Numbers 2013-13523 and 2013-14341 is denied based upon the response provided by the Respondent in its Response to Petitioner's Exceptions.

4. Petitioner's exception 4 to the Administrative Law Judge's endnote is denied based upon the response provided by the Respondent in its Response to Petitioner's Exceptions.

#### 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.

#### DISPOSITION

Upon a complete review of the record in this case, the Board determines that the disposition recommended by the

Administrative Law Judge be ACCEPTED. WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

The Second Amended Administrative Complaints filed in this matter are hereby DISMISSED.

DONE AND ORDERED this 21<sup>st</sup> day of October,

2015.

BOARD OF MEDICINE



André Ourso, J.D., M.P.H., Executive Director  
For Bernardo Fernandez, 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 U.S. Mail to KENNETH D. STAHL, M.D., 3040 Paddock Road, Fort Lauderdale, Florida 33141, to EDDIE W. MANNING, III, M.D., 1900 South Treasure Drive, Apt. 6R, North Bay Village, Florida 33141; to Monica

Felder Rodriguez, Esquire, Dresnick & Rodriguez, P.A., 7301  
Wiles Road, Suite 107, Coral Springs, Florida 33067; to Maria  
Arista-Volsky, Esquire, Miami-Dade County Attorney's Office, 111  
NW First Street, Suite 2800, Miami, Florida 33128; to F. Scott  
Boyd, Administrative Law Judge, Division of Administrative  
Hearings, The DeSoto Building, 1230 Apalachee Parkway,  
Tallahassee, Florida 32399-3060; by email to Yolonda Green,  
Assistant General Counsel, Department of Health, at  
Yolonda.Green@flhealth.gov; and by email to Edward A. Tellechea,  
Chief Assistant Attorney General, at  
Ed.Tellechea@myfloridalegal.com this 27<sup>th</sup> day of  
October, 2015.

Angel Sanders

**Deputy Agency Clerk**