

STATE OF FLORIDA
BOARD OF MEDICINE

Final Order No. DOH-16-1638-~~FOF~~-MQA

FILED DATE AUG 18 2016

Department of Health

By Oracel Sanders
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2011-17075

DOAH CASE NO.: 15-04397

LICENSE NO.: ME98818

CESAR AUGUSTO VELILLA, 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 July 29, 2016, in Tampa, Florida, for the purpose of considering the Administrative Law Judge's Law Judge's Recommended Order, Exceptions to the Recommended Order, and Response to Exceptions to the Recommended Order (copies of which are attached hereto as Exhibits A, B, and C, respectively) in the above-styled cause. Petitioner was represented by Zachary Bell, Assistant General Counsel. Respondent was represented by Bruce D. Lamb, 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.

2016 AUG 19 PM 1:27
FILED
DIVISION OF
ADMINISTRATIVE
HEARINGS

RULING ON EXCEPTIONS

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

1. Petitioner's exception to paragraph 57 and 58 are rejected on the reasons set forth by Respondent.
2. On the record at the hearing in this matter, Petitioner withdrew its exception to paragraph 38.
3. Based upon Petitioner's withdrawal of its exception to paragraph 38, the Respondent withdrew its exception.

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 Complaint filed in this matter is hereby DISMISSED.

DONE AND ORDERED this 16th day of August, 2016.

BOARD OF MEDICINE



Claudia Kemp, J.D., Executive Director
For Sarvam TerKonda, 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 CESAR AUGUSTO VELILLA, M.D., 12709 Miramar Parkway, Miramar, Florida

33027; to Bruce D. Lamb, Esquire, Gunster, Yoakley & Stewart,
P.A., 401 East Jackson Street, 25th Floor, Tampa, Florida 33602;
to F. Scott Boyd, Administrative Law Judge, Division of
Administrative Hearings, The DeSoto Building, 1230 Apalachee
Parkway, Tallahassee, Florida 32399-3060; by email to Jack Wise,
Assistant General Counsel, Department of Health, at
Jack.Wise@flhealth.gov; and by email to Edward A. Tellechea,
Chief Assistant Attorney General, at
Ed.Tellechea@myfloridalegal.com this 10th day of
August, 2016.



Deputy Agency Clerk