

STATE OF FLORIDA
BOARD OF MEDICINE

Final Order No. DOH-16-0271-^{DOE} MQA
FILED DATE FEB 16 2016
Department of Health
By Angel Sanders
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2014-00249
DOAH CASE NO.: 15-4486PL
LICENSE NO.: ME0079663

BRIAN MITCHELL LEE, M.D.,

Respondent.

FILED
FEB 17 PM 1 01
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 February 5, 2016, in Orlando, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order and the Petitioner's Exceptions (copies of which are attached hereto as Exhibits A and B) in the above-styled cause. Petitioner was represented by Yolonda Green, Assistant General Counsel. Respondent was not present and was not represented by counsel.

RULING ON EXCEPTIONS

At the hearing in this matter, the Petitioner withdrew its second exception filed in this matter. The Board reviewed the Petitioner's exception to paragraph 29 of the Recommended Order and granted the Petitioner's exception.

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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, as amended by Petitioner's exception to Paragraph 29 of the Recommended Order.

PENALTY

Upon a complete review of the record in this case, the Board determines that the penalty recommended by the Administrative Law Judge be ACCEPTED.

WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED: Respondent's license to practice medicine in the State of Florida is hereby REVOKED.

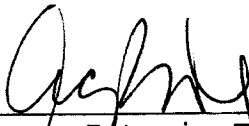
RULING ON MOTION TO ASSESS COSTS

Upon the Petitioner's request to withdraw its Motion to Assess Costs, the Board agreed with Petitioner and no costs were imposed in this matter.

(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 15 day of February,
2016.

BOARD OF MEDICINE



Adrienne Rodgers, Interim Executive Director
For Steven Rosenberg, 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 BRIAN MITCHELL LEE, M.D., 13020 Sorrento Road, Pensacola, Florida 34307; to Lisa Shearer Nelson, 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 16th day of February, 2016.

Angel Saucedo
Deputy Agency Clerk

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