

FILED DATE **SEP 23 2016**

Department of Health

By: [Signature]
Deputy Agency Clerk

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

DEPARTMENT OF HEALTH, PETITIONER,	CASE NO.: 2010-03196
VS.	DOAH CASE NO.: 15-6268PL
HAYDEE ARANDA, DDS, RESPONDENT.	LICENSE NO.: DN 14819

FINAL ORDER

This cause came before the FLORIDA BOARD OF DENTISTRY (hereinafter Board), pursuant to Chapters 456; 466; and sections 120.569 and 120.57(1), *Florida Statutes*, at a duly noticed public meeting held on August 26, 2016, in Gainesville, Florida. The purpose of the cause was for consideration of the Honorable J. Lawrence Johnston's (hereinafter Administrative Law Judge or ALJ) Recommended Order issued on May 24, 2016 (attached hereto as Exhibit "A").

APPEARANCES

For Petitioner: Bridget Kelly McDonnell, Esquire
Candace A. Rochester, Esquire
Assistant General Counsels
Department of Health
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399

For Respondent: Sean Michael Ellsworth, Esquire
Ellsworth Law Firm, P.A.
Suite 601
420 Lincoln Road
Miami Beach, Florida 33139

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DIVISION OF
ADMINISTRATIVE
HEARINGS

Upon review of the Recommended Order (hereinafter RO), the Exceptions, and hearing oral arguments from the parties, and after a review of the complete record in this cause, the Board makes the following rulings, findings, and conclusions:

I. RULINGS ON EXCEPTIONS

The Petitioner timely filed exceptions (attached hereto as Exhibit "B"). The Respondent timely filed responses to the Petitioner's exceptions (attached hereto as Exhibit "C"). In all exceptions filed, the Petitioner takes exception to findings of fact. All exceptions are hereby **DENIED**, because the Board cannot find the facts were not based upon competent substantial evidence. §120.57(1) (l), Fla. Stat. The Board adopts and incorporates the oral arguments of the Respondent and the Respondent's timely filed responses to the exception as the bases for the denials.

II. FINDINGS OF FACT

1. There is competent, substantial evidence to support the RO's Findings of Fact.
2. Accordingly, the RO's Findings of Facts are hereby approved, adopted and incorporated herein by reference as the Findings of Fact of the Board.

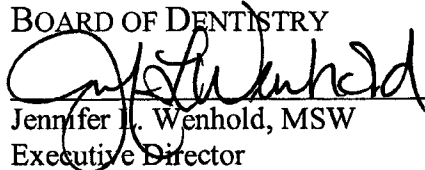
III. CONCLUSIONS OF LAW

1. The Board has personal jurisdiction, subject matter jurisdiction, and final order authority, in this cause pursuant to sections 120.569; 120.57(1); and Chapters 456 and 466, *Florida Statutes*.
2. The Board does not find a more reasonable interpretation of the law than that which was found by the Administrative Law Judge.
3. Accordingly, the Conclusions of Law as set forth in the RO are approved, adopted, and incorporated herein by reference as the Conclusions of Law of the Board.

WHEREFORE, based on the aforementioned, it is hereby **ORDERED** and **ADJUDGED**, that the allegations and charges in the Amended Administrative Complaint are hereby **DISMISSED**.

DONE AND ORDERED this 23rd day of SEPTEMBER, 2016.

BOARD OF DENTISTRY


Jennifer L. Wenhold, MSW
Executive Director

on behalf of Dr. Robert L. Perdomo, III, D.D.S.
Chair of the Board of Dentistry

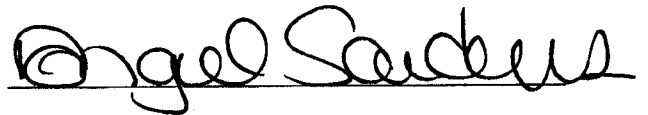
THIS FINAL ORDER SHALL BECOME EFFECTIVE UPON BEING FILED WITH THE AGENCY CLERK FOR THE DEPARTMENT OF HEALTH

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 US Mail to **Dr. Haydee Aranda, D.D.S.**, 4560 15th Avenue Southwest, Naples, Florida 34116; and to the **Honorable, J. Lawrence Johnston**, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by Electronic Mail to **Sean M. Ellsworth, Esquire**, sean@ellsworth.com ; **Bridget K. McDonnell**, Assistant General Counsel, Florida Department of Health, bridget.mcdonnell@flhealth.gov ; and to **David D. Flynn**, Assistant Attorney General, david.flynn@myfloridalegal.com this 23rd day of September, 2016.



DEPUTY AGENCY CLERK