

FILED

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DIVISION OF  
ADMINISTRATIVE HEARINGS  
DEPARTMENT OF HEALTH,

STATE OF FLORIDA  
BOARD OF NURSING

Final Order No. DOH-17-0420-FOF -MQA

FILED DATE FEB 28 2017  
Department of Health

*Amber Greene*  
By Amber Greene  
Secretary Agency Clerk

Petitioner,

vs.

DOH CASE NO.: 2016-16393  
DOAH CASE NO.: 2016-6421PL  
LICENSE NO.: CNA 275789

**BRANDON YOUNG,**

Respondent.

**FINAL ORDER**

THIS CAUSE came before the BOARD OF NURSING (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, at the properly noticed meeting on February 1-3, 2017, in Tampa, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order (a copy of which is attached hereto as Exhibit A) in the above-styled cause. Petitioner was represented by Matthew Witters, Assistant General Counsel. Counsel for Respondent, Paul Drake, Esq. was present on behalf of Respondent.

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.

**EXCEPTIONS**

1. The Department filed exceptions to paragraphs 15, 16, 17, 22, 38, and 39 of the Recommended Order. The Respondent responded to the Department's exceptions.

2. After consideration, the Board finds that the Department's exceptions point to an evidentiary ruling over which the Board has no substantive jurisdiction. Therefore the Department's exceptions are rejected.

**FINDINGS OF FACT**

3. The findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

4. There is competent substantial evidence to support the findings of fact.

**CONCLUSIONS OF LAW**

5. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 464, Florida Statutes.

6. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

**PENALTY**

7. Upon a complete review of the record in this case, the Board determines that the recommendation of the Administrative Law Judge that the case be dismissed is ACCEPTED.

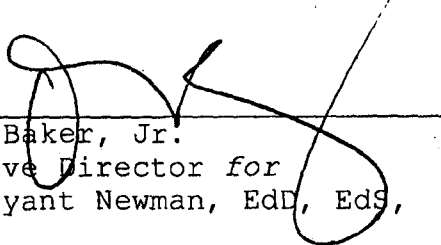
**WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:**

The Administrative Complaint filed against Brandon Young is **DISMISSED.**

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 27<sup>th</sup> day of Feb, 2017.

BOARD OF NURSING

  
\_\_\_\_\_  
Joe R. Baker, Jr.  
Executive Director for  
Jody Bryant Newman, EdD, EdS,  
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 BRANDON YOUNG, 2049 Hunters Trace Circle, Middleburg, FL 32068, and c/o Counsel to Respondent, Paul Drake, Esq., Grossman, Furlow and Bayo, 2022-2 Raymond Diehl Road, Tallahassee, FL 32308; to: E. Gary Early, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida

32399-3060; and by e-mail to: Matthew Witters, Assistant General  
Counsel, at Matthew.witters@flhealth.gov; and Diane L. Guillemette,  
Assistant Attorney General, at  
diane.guillemette@myfloridalegal.com, this 28 day of  
February, 2017.

*Amber Greene*

**Deputy Agency Clerk**