

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

DEPARTMENT OF CHILDREN AND
FAMILIES,

Petitioner,

vs.

Case No. 18-0813

TERRI HALL, d/b/a CHILDREN OF
LIBERTY CHILD CARE CENTER,

Respondent.

_____ /

RECOMMENDED ORDER

Pursuant to notice to all parties, a final hearing was conducted in this case on March 26, 2018, in Jacksonville, Florida, before Administrative Law Judge R. Bruce McKibben of the Division of Administrative Hearings ("DOAH"). The parties were represented as set forth below.

APPEARANCES

For Petitioner: No Appearance

For Respondent: Terri Hall, pro se
Terri Hall, d/b/a Children of Liberty
Child Care Center
232 East 19th Street
Jacksonville, Florida 32206

STATEMENT OF THE ISSUE

The issue in this case is whether just cause exists for Petitioner, Department of Children and Families ("DCF" or the

"Department"), to impose sanctions against Respondent, Terri Hall, d/b/a Children of Liberty Child Care Center.

PRELIMINARY STATEMENT

The Department issued an Administrative Complaint dated on or about January 8, 2018, proposing a monetary fine of \$200 against Respondent. Respondent timely filed a request for formal administrative hearing to contest the Department's decision. The final hearing was scheduled on a date provided by the Department in its Unilateral Response to Initial Order.

At the final hearing, the Department did not make an appearance. Respondent was in attendance. The undersigned verified with his administrative assistant that no one from the Department had notified DOAH concerning attendance at final hearing. After a sufficient amount of time, the undersigned commenced the final hearing and, absent any evidence from the Department, closed the hearing.

FINDINGS OF FACT

1. The Department did not provide any evidence to support the allegations set forth in the Administrative Complaint.

2. Respondent, Terri Hall, introduced herself to the Administrative Law Judge.

CONCLUSIONS OF LAW

3. The Division of Administrative Hearings has jurisdiction over this matter pursuant to section 120.57,

Florida Statutes. Unless specifically stated otherwise herein, all references to Florida Statutes will be to the 2016 codification.

4. In cases where a state agency alleges that a licensee engaged in wrongdoing, the burden is on the Department to prove the wrongdoing. Dep't of Banking and Fin. v. Osborne Stern and Co., 670 So. 2d 932, 934 (Fla. 1996).

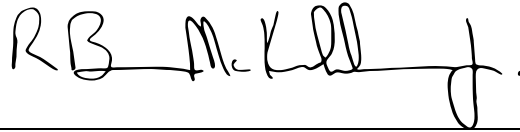
5. The standard of proof in this case is clear and convincing evidence because the Department is seeking to discipline Respondent and take action detrimental to its license, thus making the matter penal in nature. Ferris v. Turlington, 510 So. 2d 292 (Fla. 1987).

6. The Department did not satisfy its burden.

RECOMMENDATION

Upon consideration of the foregoing, it is RECOMMENDED that a final order be entered by Respondent, Department of Children and Families, dismissing the Administrative Complaint against Respondent, Terri Hall, d/b/a Children of Liberty Child Care Center.

DONE AND ENTERED this 28th day of March, 2018, in
Tallahassee, Leon County, Florida.



R. BRUCE MCKIBBEN
Administrative Law Judge
Division of Administrative Hearings
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Filed with the Clerk of the
Division of Administrative Hearings
this 28th day of March, 2018.

COPIES FURNISHED:

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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.