

**STATE OF FLORIDA  
AGENCY FOR PERSONS WITH DISABILITIES**

**AGENCY FOR PERSONS  
WITH DISABILITIES,**

**Petitioner,**

**v.**

**DOAH Case No.: 19-6645FL**

**NUEVOS CORAZONES GROUP  
HOME, OWNED AND OPERATED  
BY NUEVOS CORAZONES, INC.,**

**Respondent.**

\_\_\_\_\_ /

**FINAL ORDER**

This case is before the Agency for Persons with Disabilities (“Agency”) for entry of a Final Order concerning the Agency’s revocation of the Nuevos Corazones Group Home’s (“Respondent”) license to operate as a group home facility.

**FINDINGS OF FACT**

1. On November 7, 2019, the Agency issued an administrative complaint against Respondent. Respondent timely petitioned for hearing and on December 18, 2019, the Agency referred Respondent to the Division of Administrative Hearings (“DOAH”), where an administrative law judge was assigned and the case was scheduled for hearing. Respondent withdrew its petition for hearing and the Agency

filed a Motion to Relinquish Jurisdiction on March 17, 2020. On March 17, 2020, DOAH issued an Order Closing File and Relinquishing Jurisdiction (“Order”).

2. Respondent did not request an informal hearing pursuant to section 120.57(2), Florida Statutes. When a party waives the right to challenge the factual allegations of an administrative complaint, the facts of the complaint are deemed to be admitted. *Trisha's One Stop, Inc. v. Office of Financial Regulation*, 130 So. 3d 285, 287-88 (Fla. 1st DCA 2014) (quoting *Nicks v. Department of Business & Professional Regulation*, 957 So. 2d 65, 67 (Fla. 5th DCA 2007)).

3. Paragraphs one (1) through twelve (12) of the Administrative Complaint, which is attached as Exhibit A, are incorporated by reference.

### **CONCLUSIONS OF LAW**

4. Pursuant to section 393.0673(1)(a)1., Florida Statutes, the Agency may revoke or suspend a license or impose an administrative fine, not to exceed \$1,000 per violation per day, if the licensee has falsely represented or omitted a material fact in its license application submitted under section 393.067.

5. Rule 65G-2.0041(2), *Florida Administrative Code*, requires the Agency to consider the following factors when determining sanctions to be imposed for a violation of Agency rules or statutes:

(a) The gravity of the violation, including whether the incident involved the abuse, neglect, exploitation, abandonment, death, or serious physical or mental injury of a resident, whether death or serious physical or mental injury could have resulted from the violation, and

whether the violation has resulted in permanent or irrevocable injuries, damage to property, or loss of property or client funds;

(b) The actions already taken or being taken by the licensee to correct the violations, or the lack of remedial action;

(c) The types, dates, and frequency of previous violations and whether the violation is a repeat violation;

(d) The number of residents served by the facility and the number of residents affected or put at risk by the violation;

(e) Whether the licensee willfully committed the violation, was aware of the violation, was willfully ignorant of the violation, or attempted to conceal the violation;

(t) The licensee's cooperation with investigating authorities, including the Agency, the Department of Children and Families, or law enforcement;

(g) The length of time the violation has existed within the home without being addressed; and,

(h) The extent to which the licensee was aware of the violation.

6. Dianel Corzo (“Mr. Corzo”), President and sole officer of Respondent, falsely represented on Respondent’s 2019 licensing application that the facility had been inspected by the local fire authority or the State Fire Marshal and determined to be in compliance with applicable statutes and rules. Misrepresenting facts pertaining to fire safety could have resulted in death or serious injury to residents as well as property were a fire to occur. Although the facility may not be a fire hazard, Respondent not only did not receive a satisfactory fire inspection but misrepresented that fact, which casts serious doubts as to its integrity.

7. There is no record evidence indicating that the licensee, Mr. Corzo, took or is taking action to correct this violation.

8. Respondent has only been licensed for one year, which means it has operated under the one-year license related to the application at issue in this case. This is not a repeat violation, but it could not be considering the length of the license.

9. There is no record evidence indicating the number of residents served by the facility, but all were put at risk by Respondent's action.

10. The licensee must have been aware of the violation because he prepared and signed the application under penalty of perjury, which included the document purporting to be a fire inspection report completed by Lieutenant Daniel Suarez. Stated differently, the licensee attempted to conceal the violation, i.e. failure to receive a satisfactory fire inspection, by attesting otherwise on the licensure application. There is no evidence in the record indicating that the licensee was not aware that the information regarding a fire inspection was false.

11. There is no record evidence indicating whether the licensee cooperated with investigating authorities.

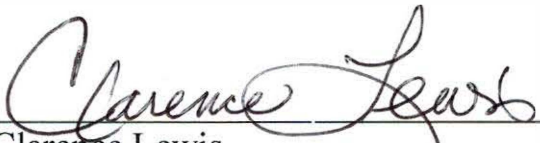
12. Since the violation pertains to the licensure application completed on or around January 31, 2019 and there is no evidence that Respondent received a satisfactory fire inspection after that time, the violation has existed for over a year.

13. Respondent's material misstatement regarding fire safety on its initial license application and lack of remedial action warrant revocation of Respondent's license pursuant to section 393.0673(1)(a)1., Florida Statutes.

## CONCLUSION

Based on the foregoing Findings of Fact and Conclusions of Law, Respondent's license (10-3015GH) to operate as a group home facility is hereby REVOKED.

DONE AND ORDERED in Tallahassee, Leon County, Florida, on  
July 14, 2020.

  
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Clarence Lewis  
Deputy Director of Operations  
Agency for Persons with Disabilities

## NOTICE OF RIGHT TO APPEAL

A party who is adversely affected by this final order is entitled to judicial review. To initiate judicial review, the party seeking it must file one copy of a "Notice of Appeal" with the Agency Clerk. The party seeking judicial review must also file another copy of the "Notice of Appeal," accompanied by the filing fee required by law, with the First District Court of Appeal in Tallahassee, Florida, or with the District Court of Appeal in the district where the party resides. The Notices must be filed within thirty (30) days of the rendition of this final order.<sup>1</sup>

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<sup>1</sup> The date of "rendition" of this Final Order is the date that the Agency Clerk certified it was sent to the named individuals.

Copies furnished to:

Trevor Suter, Esq.  
Agency for Persons with Disabilities  
4030 Esplanade Way, Suite 315C  
Tallahassee, FL 32399-0950  
[Trevor.Suter@apdcares.org](mailto:Trevor.Suter@apdcares.org)

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7161 Taft Street  
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DOAH  
1230 Apalachee Parkway  
Tallahassee, FL 32399-3060  
*Filed via e-ALJ*

Rita Castor  
Regional Operations Manager  
APD Southeast Region

I HEREBY CERTIFY that a copy of this Final Order was provided by regular US or electronic mail to the above individuals at the addresses listed on July 14, 2020.

*/s/ Danielle Thompson*

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Danielle Thompson, Esq.  
Agency Clerk  
Agency for Persons with Disabilities  
4030 Esplanade Way, Suite 335  
Tallahassee, FL 32399-0950  
[Apd.agencyclerk@apdcares.org](mailto:Apd.agencyclerk@apdcares.org)

# Exhibit A

**STATE OF FLORIDA  
AGENCY FOR PERSONS WITH DISABILITIES**



AGENCY FOR PERSONS  
WITH DISABILITIES,

Petitioner,

v.

License Number: 10-3015GH

NUEVOS CORAZONES GROUP  
HOME, OWNED AND OPERATED  
BY NUEVOS CORAZONES, INC.,

Respondent.

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ADMINISTRATIVE COMPLAINT

The AGENCY FOR PERSONS WITH DISABILITIES (“Agency”) issues this Administrative Complaint against Nuevos Corazones Group Home, owned and operated by Nuevos Corazones, Inc., (“Respondent”) and states the following as the basis for this complaint:

1. Petitioner is the state agency charged with regulating the licensing and operation of foster care facilities, group home facilities, residential habilitation centers, and comprehensive transitional education programs pursuant to section 20.197 and Chapter 393, Florida Statutes.
2. At all times material to this complaint, Respondent has held a group home facility license issued by the Agency for the following address: 4691A SW 43<sup>rd</sup> Terrace, Dania Beach, Florida 33314.
3. Pursuant to the Florida Division of Corporations, Dianel Corzo is listed as the President and sole officer of Nuevos Corazones, Inc., a Florida Profit Corporation.
4. Section 393.0673, Florida Statutes, sets forth the Agency’s authority for denial, suspension, or revocation of license; moratorium on admissions; and administrative



fines. (1) The agency may revoke or suspend a license or impose an administrative fine, not to exceed \$1,000 per violation per day, if:

(a) The licensee has:

1. Falsely represented or omitted a material fact in its license application submitted under s. [393.067](#);
  2. Had prior action taken against it under the Medicaid or Medicare program; or
  3. Failed to comply with the applicable requirements of this chapter or rules applicable to the licensee.
5. On or about January 31, 2019, Dianel Corzo, President of Nuevos Corazones, Inc., submitted an initial facility licensure application for a home located at 4691A SW 43<sup>rd</sup> Terrace, Dania Beach, Florida 33314.
  6. On the Agency facility license application form, Section IV, Additional Documentation, item #4 requires “Documentation that the facility has been inspected by the local fire safety authority or the State Fire Marshal and determined to be in compliance with applicable statutes and rules.”
  7. Section V, Affidavit, of the Agency facility license application form states “Under penalty of perjury, I hereby attest that all information contained in and submitted with application is true and accurate to the best of my knowledge and by submitting same I am requesting a license to operate a facility in accordance with Chapter 393, F.S. I also attest that I have the authority to attest to such information on behalf of the above-named applicant for licensure or license renewal.”
  8. On the initial facility license application for Nuevos Corazones, Inc. group home submitted to the Agency, Dianel Corzo attested that the information submitted with the application was true and accurate, as indicated by his notarized signature.
  9. The fire inspection report submitted as part of the facility application package by Dianel Corzo is dated January 20, 2019. The name and signature of the inspector on the report is Lieutenant Daniel Suarez with Broward Sheriff’s Office Fire Rescue. The report for property address 4691A SW 43<sup>rd</sup> Terrace, Dania Beach, states “A certificate of use fire inspection of your occupancy revealed no violations at the time of this inspection.”
  10. A satisfactory inspection by the local authority having jurisdiction over fire safety is required for initial licensure and annual license renewals. Fla. Admin. Code R. 65G-2.010(2), 69A-38.036.



11. The Agency issued an initial one-year group home facility license for Nuevos Corazones Group Home at 4691A SW 43<sup>rd</sup> Terrace, Dania Beach, effective May 1, 2019.
12. On or about August 23, 2019, the Agency received written confirmation from David Zipoli, Fire Inspector with Broward Sheriff's Office Fire Rescue, that the property located at 4691A SW 43<sup>rd</sup> Terrace, Dania Beach, was not inspected by Broward Sheriff's Office Fire Rescue. He also stated that the address did not have a business tax (occupational) license. Inspector Zipoli stated that Lt. Daniel Suarez was not working in the Fire Marshal's office on January 20, 2019, the date of the fire inspection report.
13. A licensee shall not make willful or intentional misstatements, orally or in writing, to intentionally mislead Agency staff in the performance of their duties. Fla. Admin. Code R. 65G-2.007(20).
14. The issuance of a license does not constitute a waiver of any statutory or rule violations by the licensee and does not prevent the Agency from seeking administrative sanctions against the licensee for violations that occurred during the term of previous licenses, up to a period of two years, for the same facility. Fla. Admin. Code R. 65G-2.003(6).
15. The Agency may revoke a license or impose an administrative fine if the licensee has falsely represented or omitted a material fact in its license application. § 393.0673, Fla. Stat.
16. Based on the foregoing, Respondent violated section 393.0673, Florida Statutes, by submitting falsified fire inspection reports to the Agency.

Based on the foregoing and pursuant to 393.0673, Florida Statutes, the Agency requests that a Final Order be entered that revokes the Respondent's license.

Dated November 7, 2019



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Trevor Suter, Esq.  
Senior Attorney  
Agency for Persons with Disabilities  
4030 Esplanade Way, Suite 380  
Tallahassee, Florida 32399-0950

Attachments:

Notice of Administrative Hearing Rights

Copies furnished to:

Daniel Corzo  
Nuevos Corazones, Inc.  
4691A SW 43<sup>rd</sup> Terrace  
Dania Beach, Florida 33314

Rita Castor  
Regional Operations Manager  
APD Southeast Region



## **Notice of Administrative Hearing Rights For Administrative Complaint**

You have the right to request a hearing to be conducted in accordance with sections 120.569 and 120.57, Florida Statutes (F.S.), and to be represented by counsel or qualified representative to challenge the administrative complaint. To obtain an administrative hearing, you must file a written request for hearing with the Agency Clerk by 5:00 PM Eastern Time within 21 days of the day that you receive the administrative complaint. Filed with the Agency Clerk means received by the Agency Clerk's Office. If you fail to file the request for hearing within the 21 days, you waive the right to have a hearing. The request for hearing shall include:

1. Your name, address, e-mail address, telephone number, and facsimile number, if any, if you are not represented by an attorney or a qualified representative;
2. The name, address, e-mail address, telephone number, and facsimile number of your attorney or qualified representative, if any, upon whom service of pleadings and other papers shall be made;
3. A statement requesting an administrative hearing identifying those material facts that are in dispute. If there are none, the petition must so indicate. (Pursuant to sections 120.569 and 120.57, F.S., a disputed issue of material fact entitles you to a formal hearing; if there are no disputed issues of material fact then you are entitled to an informal hearing);
4. A statement of when you received notice of the administrative complaint; and
5. A statement including the file number on the administrative complaint.

You must file your request for hearing with the Agency Clerk by hand delivery, express delivery service, U.S. mail, facsimile transmission, or by email at the following address:

Agency for Persons with Disabilities  
Attention: Agency Clerk  
4030 Esplanade Way, Suite 335  
Tallahassee, FL 32399  
[APD.AgencyClerk@apdcares.org](mailto:APD.AgencyClerk@apdcares.org)  
(850) 921-3779 (phone)  
(850) 410-0665 (fax)

Filed with the Agency Clerk means received in the Office of Agency Clerk by 5:00 pm on the due date.

Mediation under s.120.573, Florida Statutes, is not available for this proceeding.