

Final Order No. DOH-21-0930-FOF-MQA
FILED DATE - JUL 06 2021
Department of Health
By: Quinn Mauer
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF NURSING

DEPARTMENT OF HEALTH,

Petitioner,
vs.

DOH CASE NUMBERS: 2018-24302
2018-24376
2018-24459
DOAH CASE NUMBER: 20-3057PL
Consolidated
LICENSE NO.: APRN 9201869

ALEJANDRO PEREZ, A.P.R.N.,

Respondent.
_____ /

FINAL ORDER

THIS CAUSE came before the BOARD OF NURSING (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on June 25, 2021, via a duly noticed telephone conference meeting, for the purpose of considering the Administrative Law Judge's Recommended Order, Respondent's Exceptions to the Recommended Order, and Petitioner's Responses to Respondent's Exceptions to the Recommended Order (copies of which are attached hereto as Exhibits A, B, and C, respectively) in the above-styled cause. Petitioner was represented by Ann Prescott, Assistant General Counsel. Respondent was not present but was represented by his counsel of record, Dwight O. Slater, Attorney at Law.

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.

RULING ON EXCEPTIONS

The Board reviewed and considered the Respondent's Exceptions to the Recommended Order and ruled as follows:

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DIVISION OF ADMINISTRATIVE HEARINGS
FILED

1. The Board found that the written exceptions did not comply with the legal requirements for exceptions. Rule 28-106.217, Florida Administrative Code states that exceptions to a Recommended Order shall identify the disputed portion of the recommended order by page number and paragraph, identify the legal basis for the exception, and include any appropriate and specific citations to the record. Respondent failed to identify the legal basis for her exceptions and failed to cite to the record in support of the exceptions. During the presentation of the exceptions, Respondent's counsel attempted to cure this defect by orally making citations to the record.

2. Despite the exceptions being legally deficient, the Board reviewed and considered them, making the following findings:

3. The Board denied Respondent's first exception for the reasons set forth in the Petitioner's written response to the Respondent's exceptions and as summarized on the record.

4. The Board denied Respondent's second exception for the reasons set forth in the Petitioner's written response to the Respondent's exceptions and as summarized on the record.

5. The Board denied Respondent's third exception for the reasons set forth in the Petitioner's written response to the Respondent's exceptions and as summarized on the record.

6. The Board denied Respondent's fourth exception for the reasons set forth in the Petitioner's written response to the Respondent's exceptions and as summarized on the record.

7. The Board denied Respondent's fifth exception for the reasons set forth in the Petitioner's written response to the Respondent's exceptions and as summarized on the record.

8. The Board denied Respondent's sixth exception for the reasons set forth in the Petitioner's written response to the Respondent's exceptions and as summarized on the record.

FINDINGS OF FACT

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

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

CONCLUSIONS OF LAW

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

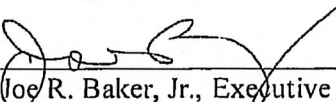
12. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

PENALTY

Upon a complete review of the record in this case, the Board determines that the penalty recommended by the Administrative Law Judge is **ACCEPTED**. Therefore, Respondent's license is hereby **REVOKED**.

DONE AND ORDERED this 2nd day of July, 2021.

BOARD OF NURSING



Joe R. Baker, Jr., Executive Director
for Deborah McKeen, CD-LPN, BS, 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 THE FILING DATE 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 certified and U.S. Mail to **Alejandro Perez**, 8870 SW 92nd Court, Miami, Florida 33176 and 8932 SW 10th Terrace, Miami, Florida 33174; and by U.S. Mail to **Robert E. Meale**, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060 and **Mary Li Creasy**, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by email to Respondent's counsel of record: **Dwight Slater**, dwight@cohnslater.com; **Matthew Witters**, Chief Legal Counsel, Department of Health-PSU, Matthew.Witters@flhealth.gov; and **Deborah Loucks**, Senior Assistant Attorney General, Deborah.Loucks@myfloridalegal.com; on July 6, 2021.



Deputy Agency Clerk

Alejandro Perez
8870 SW 92nd Court
Miami, FL 33176

Certified Article Number

7414 7266 9904 2178 1331 41

SENDER'S RECORD

Alejandro Perez
8932 SW 10th Terrace
Miami, FL 33174

Certified Article Number

7414 7266 9904 2178 1331 34

SENDER'S RECORD