

FILED DATE - **JAN 29 2021**  
Department of Health

**STATE OF FLORIDA  
BOARD OF OPTICIANRY**

By: *Synthia Parnell*  
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DAVID A. BRESSETTE, L.D.O.,

Respondent.

DOH Case No: 2017-21540  
DOAH Case No.: 20-3419PL  
License No.: DO 3755

**Final Order**

THIS MATTER came before the Florida Board of Opticianry (Board) at a duly noticed public meeting on January 15, 2021, via video conference call pursuant to section 120.57(1), Florida Statutes, for consideration of the Recommended Order entered on October 27, 2020, in this case by E. Gary Early, Administrative Law Judge. Also heard was the Respondent's Exceptions to the Recommended Order and the Petitioner's Exceptions to the Recommended Order.

A copy of the Recommended Order is attached hereto as Exhibit A. A copy of the Respondent's Exceptions to the Recommended Order and the Petitioner's Response to Respondent's Exceptions to the Recommended Order is attached hereto as composite Exhibit B. A copy of Petitioner's Exceptions to the Recommended Order is attached hereto as Exhibit C.

Respondent was represented by Douglas D. Marks, Esquire. Petitioner was represented by Rose L. Garrison.

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DIVISION OF  
ADMINISTRATIVE HEARINGS  
FILED

**Ruling on Respondent's Exceptions to Recommended Order**

1. EXCEPTION 1 (Paragraph 16 of the Recommended Order): The Board rejected the exception for the reasons stated in the Petitioner's Response to Respondent's Exceptions to the Recommended Order.

2. EXCEPTION 2 (Paragraph 17 of the Recommended Order): The Board rejected the exception for the reasons stated in the Petitioner's Response to Respondent's Exceptions to the Recommended Order.

3. EXCEPTION 3 (Paragraph 18 of the Recommended Order): The Board rejected the exception for the reasons stated in the Petitioner's Response to Respondent's Exceptions to the Recommended Order.

4. EXCEPTION 4 (Paragraph 20 of the Recommended Order): The Board rejected the exception for the reasons stated in the Petitioner's Response to Respondent's Exceptions to the Recommended Order.

5. EXCEPTION 5 (Paragraphs 34-35 of the Recommended Order): The Board rejected this exception to the conclusions of law for the reasons stated in the Petitioner's Response to Respondent's Exceptions to the Recommended Order.

**Ruling on Petitioner's Exceptions to the Recommended Order**

6. For the reasons stated in Petitioner's Exceptions to the Recommended Order, attached hereto, argument of Petitioner's counsel, and considering the response of Respondent's counsel, the Commission granted Petitioner's Exception to Recommended Order.

**Findings of Fact**

7. The Board hereby adopts the findings of fact in the Recommended Order. There is competent substantial evidence to support these findings of fact.

**Conclusions of Law**

8. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapters 456 and 484, Florida Statutes.

9. The Board hereby adopts the conclusions of law in the Recommended Order.

**Penalty**

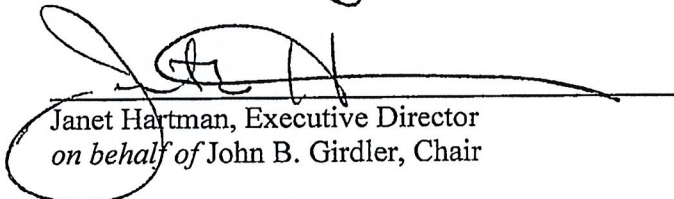
10. Upon a complete review of the record in this case, it is therefore **ORDERED** that Respondent's license to practice opticianry is hereby **REVOKED**.

**Costs**

11. The Board voted to bifurcate the issue of costs and to hear the Petitioner's Motion to Assess Costs and Respondent's Objection to Motion to Assess Costs at the next Board meeting.

This Final Order takes effect upon filing with the Clerk.

**DONE AND ORDERED**, this 29<sup>th</sup> day of January, 2021.

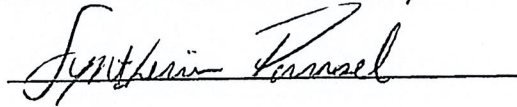
  
Janet Hartman, Executive Director  
on behalf of John B. Girdler, Chair

**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 EDUCATION PRACTICES COMMISSION 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 THIS ORDER.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Order was furnished to David Allen Bressette, c/o Douglas D. Marks, Esquire, P.O. Box 33790, Indialantic, FL 32903 by Certified U.S. mail; to E. GARY EARLY, Administrative Law Judge, Division of Administrative Hearings, 1230 Apalachee Parkway, Tallahassee, FL 32399-1550 by U.S. mail, and by electronic mail to Rose L. Garrison, Assistant General Counsel, Department of Health, [rose.garrison@flhealth.gov](mailto:rose.garrison@flhealth.gov), this 29<sup>th</sup> day of January, 2021.



**Deputy Agency Clerk**

|||||  
David Allen Bressette  
C/o: Douglas D. Marks, Esq.  
P.O. Box 33790  
Indialantic, FL 32903

**Certified Article Number**

9414 7266 4904 2157 7170 96

**SENDER'S RECORD**