

Final Order No. DOH-22-0211- FOF-MQA
FILED DATE - FEB 21 2022
Department of Health
By: *Amy R. Conway*
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2015-30041
DOAH CASE NO.: 21-1137PL
LICENSE NO.: ME00109501

EDMOND O. ALAKA, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on February 4, 2022, in Orlando, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order, and Petitioner's Exceptions to the Recommended Order, copies of which are attached hereto as Exhibits A, and B, respectively, in the above-styled cause. Written response to Petitioner's exceptions were not filed. Petitioner was represented by Hunter Patterson, Assistant General Counsel. Respondent was not present and was not represented by counsel.

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.

DIVISION OF
ADMINISTRATIVE HEARINGS

2022 FEB 24 PM 1:31

FILED

RULING ON EXCEPTIONS

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

1. Petitioner's first exception to Paragraphs 6 of the Recommended Order is denied because the finding is based upon competent substantial evidence.

2. Petitioner's second exception to Paragraph 34 and 43 of the Conclusion of Law is denied because to the extent that the findings constitute ultimate findings of fact, they are based upon competent substantial evidence. To the extent that the findings are legal findings, the Board agrees with the Administrative Law Judge's reasoning and analysis.

3. Petitioner withdrew its third exception on the record.

FINDINGS OF FACT

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

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

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 458, Florida Statutes.

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

DISPOSITION

Upon a complete review of the record in this case, the Board determines that the penalty recommended by the Administrative Law Judge be ACCEPTED. WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

The Administrative Complaint filed in this matter is hereby **DISMISSED**.

DONE AND ORDERED this 21st day of February,
2022.

BOARD OF MEDICINE

Paul A. Vazquez

Paul A. Vazquez (Feb 21, 2022 09:38 EST)

Paul A. Vazquez, J.D., Executive Director
For Kevin Cairns, M.D., MPH, Vice-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: Edmond O. Alaka, M.D., 216 Elm Drive, Chattahoochee, FL 32324; Lisa Shearer Nelson, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; by email to Louise St. Laurent, Deputy General Counsel, Department of Health, at Louise.Stlaurent@flhealth.gov; Chad Dunn, Chief Legal Counsel, Department of Health, at Chad.Dunn@flhealth.gov; and Edward A. Tellechea, Chief Assistant Attorney General, at Ed.Tellechea@myfloridalegal.com this 21st day of February, 2022.



Deputy Agency Clerk