

STATE OF FLORIDA  
AGENCY FOR PERSONS WITH DISABILITIES

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DOAH Case NO.: 09-2472-APD  
RENDITION No. : APD-09-7507-FO

Petitioner,

v.

AGENCY FOR PERSONS WITH DISABILITIES

Respondent.

\_\_\_\_\_/

**FINAL ORDER**

This cause is before the Agency for Persons with Disabilities for consideration and final agency action determining whether Petitioner should be granted an exemption from disqualification from holding a position of special trust pursuant to Florida Statutes 435.04, 435.07 and 393.0655. Following █████ receipt of notice that the Agency was prepared to deny █████ application, Petitioner timely requested an administrative hearing. The Division of Administrative Hearings assigned Administrative Law Judge Ella Jane P. Davis, who held a de novo hearing on July 24, 2009. The Administrative Law Judge forwarded her Recommended Order to the Agency on October 15, 2009, recommending that the Agency deny Petitioner's application for an exemption. Neither party filed exceptions. The Recommended Order is attached to this Final Order, and its Findings of Fact and Conclusions of Law are approved and incorporated herein.

Accordingly, upon review of the complete record in this case, including the Recommended Order, the submissions and arguments of the parties, and being otherwise fully advised in the premises, the Recommended Order is hereby

ADOPTED. Petitioner's application for an exemption from disqualification is hereby DENIED. This Order shall not prevent Petitioner from reapplying for an exemption in the future when he can demonstrate successful rehabilitation.

**DONE AND ORDERED** in Tallahassee, Leon County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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Mac McCoy, Operations Officer  
Agency for Persons with Disabilities

### **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. Review proceedings shall be conducted in accordance with Florida Rules of Appellate Procedure. The Notices must be filed within thirty (30) days of the rendition of this final order.<sup>1</sup>

Information about some sources of possible legal assistance maybe found at:  
<http://apd.myflorida.com/customers/legal/resource-listing.htm>

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<sup>1</sup> The date of the "rendition" of this Final Order is the date that is stamped on its first page. The Notices of Appeal must be received on or before the thirtieth day after that date.

Copies furnished to:

Melinda Powers, Esquire  
Agency for Persons with Disabilities  
4030 Esplanade Way, Suite 380  
Tallahassee, FL. 32399



Claudia Llado, Clerk of the Division  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this Final Order was provided to the above-named individuals at the listed addresses, by U.S. Mail or electronic mail, this \_\_\_\_ day of \_\_\_\_\_, 2009.

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Percy W. Mallison, Jr., Agency Clerk  
Agency for Persons with Disabilities  
4030 Esplanade Way, Suite 380  
Tallahassee, FL 32399-0950