

FILED DATE AUG 06 2013

Department of Health

By: Angel Saucedo
Deputy Agency Clerk

**STATE OF FLORIDA
BOARD OF CHIROPRACTIC MEDICINE**

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2012-04875

License No.: CH 7405

DEAN ELLIOT DRALUCK, D.C.,

Respondent.

_____ /

NOTICE OF CORRECTED FINAL ORDER

Petitioner, Department of Health, files this notice in order to correct Final Order No. DOH-13-0193-FOI-MQA, filed February 8, 2013, in the above matter.

The original filed order failed to include the timeframe for payment of the costs imposed by the Board. Respondent has **two (2) years** from the date of the lifting of the license suspension to pay the costs.

DONE AND ORDERED this 1 day of August, 2013

BOARD OF CHIROPRACTIC MEDICINE

Wm. Freeman Miller
Wm. Freeman Miller, Executive Director
on behalf of Debra Hoffman, D.C., Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to: **Dean Draluck, D.C.**, 17720 Caloosa Trace, Ft. Myers, Florida 33063 and 430 C. Lakewood Circle, Margate, Florida 33063; and by electronic mail to: **Tari Rossito-Van Winkle**, Assistant General Counsel, Department of Health, @ Tari_RossitoVanWinkle@doh.state.fl.us; and **Deborah B. Loucks**, Assistant Attorney General, Office of the Attorney General, @ deborah.loucks@myfloridalegal.com, on August 16, 2013.

Brygel Sanders

Deputy Agency Clerk

Ft. Myers, FL

7012 3050 0002 3881 4066

Margate, FL

7012 3050 0002 3881 4073

Final Order No. DOH-13-0193-^{FDI}-MOA

FILED DATE FEB 08 2013

Department of Health
By: *[Signature]*
Deputy Agency Clerk

**STATE OF FLORIDA
BOARD OF CHIROPRACTIC MEDICINE**

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DEAN ELLIOT DRALUCK, D.C.,

Respondent.

Case No.: 2012-04875

License No.: CH 7405

FINAL ORDER

THIS MATTER came before the Board of Chiropractic Medicine (hereinafter "the Board") at a duly noticed public meeting on January 18, 2013, in Orlando, Florida. Pursuant to the Administrative Complaint, attached hereto as Exhibit A, it was alleged that Respondent violated specified sections of Chapters 456 and 460, Florida Statutes.

Petitioner was represented by Tari Rossitto-Van Winkle, Assistant General Counsel, with the Department of Health. Respondent was present.

Service of the Administrative Complaint was made upon Respondent by personal service, pursuant to Section 120.60(5), Florida Statutes. Respondent has not filed an Election of Rights or any other type of responsive pleading to the Administrative Complaint. A Motion for Determination of Waiver and Entry of Final Order Following Hearing is attached.

The prosecuting attorney offered the investigative file into evidence to prove the facts as alleged in the Administrative Complaint and for the purposes of determining penalty. The investigative file was received into evidence and the Board finds that the uncontested facts

adequately support the allegations. After a complete review of the record in this matter, including consideration of the Administrative Complaint, any written evidence or testimony, and any mitigating or aggravating circumstances, the Board makes the following findings and conclusions:

FINDINGS OF FACT

1. The allegations of fact set forth in the Administrative Complaint are approved, adopted, and incorporated herein by reference as the findings of fact by the Board.
2. There is competent, substantial evidence to support the Board's findings and conclusions.
3. The Board finds that Respondent failed to timely respond to the Administrative Complaint and waived his right to elect a method of resolution in this matter.

CONCLUSIONS OF LAW

1. Petitioner's Motion for Determination of Waiver and Entry of Final Order Following Hearing Not Involving Disputed Issues of Material Fact is **granted**.
2. The conclusions of law alleged and set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the conclusions of law of the Board.
3. The violations set forth in the Administrative Complaint warrant disciplinary action by the Board.
4. Based upon the Findings of Fact, the Board concludes that the licensee violated Section 456.072(1)(x), Florida Statutes, by failing to report a criminal conviction to the board – 5 counts.

5. The Board is empowered by Section 460.413(2) and/or 456.072(2), Florida Statutes, to impose a penalty against Respondent.

THEREFORE IT IS ORDERED AND ADJUDGED, that:

1. **Reprimand.** Respondent's license to practice as a chiropractic physician is hereby reprimanded.

2. **Suspension.** Respondent's license to practice chiropractic medicine in the State of Florida shall be indefinitely suspended. The suspension shall remain in force until Respondent is able to demonstrate to the Board that he is capable of safely engaging in the practice of chiropractic medicine.

3. **PRN Evaluation.** Respondent shall undergo an evaluation coordinated through the Professionals Resource Network (PRN). Respondent shall comply with any and all recommendations of PRN. The license suspension shall not be lifted until such time as PRN is willing to advocate that Respondent is capable to practice chiropractic medicine with skill and safety.

4. **Additional obligations.** If the license suspension lasts for two (2) or more years from the filing date of this Final Order, then Respondent must demonstrate completion of the following obligations prior to the license suspension being lifted:

- a. Take and pass the Special Purposes Examination for Chiropractic (SPEC) administered by the National Board of Chiropractic Examiners (NCBE);
- b. Take and pass the Florida Board of Chiropractic Medicine laws and rules examination; and
- c. Provide documentation of completion of all of the required continuing

education for the licensure bienniums during which his license was suspended.

5. **Fine.** The Board shall impose an administrative fine in the amount of five thousand dollars (\$5,000.00) to be paid by Respondent. The fine shall be paid within two (2) years from the date of the lifting of the suspension.

6. **Probation.** Respondent's license shall be placed on probation for a period of two (2) years following the lifting of the license suspension. Within the initial thirty (30) days of the probationary period, the monitor shall present at Respondent's office for the initial visit.

The probationary terms are:

a. **Supervision:** During probation, Respondent shall practice under the indirect supervision of a Board-approved chiropractic physician, hereinafter referred to as the "monitor." Respondent shall allow the monitor access to Respondent's medical records, calendar, patient logs or other documents necessary for the monitor to supervise Respondent's practice. The monitor shall be physically present at Respondent's office when the records and practice review occur. The monitor shall review records at any and all of the locations at which Respondent practices or provides consulting services.

b. **Monitor's Responsibilities:**

1. For the first six (6) months of the probationary period, the monitor shall review, every month, a minimum of ten (10) files or 100% review (if fewer than five active patients) of Respondent's active patient records for the purpose of ascertaining whether proper care and treatment is provided and proper documentation is maintained. The monitor shall randomly select the patient files to review. In addition to the review of the patient files, the monitor shall review the general office procedures. After the first six months and upon approval

of the monitor and the Board Disciplinary Compliance Chair, the records review may be done on a quarterly basis.

2. Reports. During the entire probationary period, after each monitoring session/review, the monitor shall submit a report, in affidavit form, which shall include:

- a. A brief statement of why Respondent is on probation;
- b. A description of Respondent's practice (type and composition);
- c. A statement addressing Respondent's compliance with the terms of probation;
- d. A brief description of the monitor's relationship with Respondent;
- e. A statement advising the Board of any problems that have arisen;
- f. A summary of the dates the monitor went to Respondent's office, the number of records reviewed, the overall quality of the records reviewed, and the dates Respondent contacted the monitor; and
- g. A statement addressing the issues outlined in the monitoring questionnaire sent to the monitor from the Compliance Officer/Disciplinary Compliance Chairman.

More detailed information regarding the content of the monitoring report shall be provided to the monitor by the Board's Compliance Officer or the Department's Compliance unit. The monitor will be expected to utilize the forms and comply with the guidelines contained in these materials.

3. Obligation to report. The monitor is required to report immediately to the Board any violations by Respondent of Chapters 456 or 460, Florida Statutes, or the rules

promulgated pursuant thereto.

4. **Appearances.** The monitor shall appear before the Board at any time requested by the Board to answer any questions that the Board may have about Respondent. It is Respondent's responsibility to ensure that Respondent's monitor appears as requested or directed by the Board. If Respondent's approved monitor inexcusably fails to appear as requested by the Board, **Respondent shall immediately cease practicing chiropractic medicine until such time as Respondent's approved monitor or alternate monitor appears before the Board, unless the monitor's failure to appear was beyond the control of the monitor or Respondent.**

5. **Change in Monitor.** In the event that Respondent's monitor is unable or unwilling to fulfill the responsibilities of a monitor, Respondent shall immediately notify the Board office. Respondent shall obtain another Board approved monitor within **two weeks (fourteen days)** of the cessation of supervision by the previous monitor. In the event that Respondent has difficulty obtaining a Board approved monitor because of a lack of monitors in his area, Respondent shall contact the Board office who will notify the chair of the Disciplinary Compliance Committee. The Board staff or Committee Chair will seek additional monitors. Regardless of the circumstances, Respondent agrees to refrain from practice in the event that he is without a monitor for more than one month. Respondent may resume practice once he obtains another Board approved monitor.

c. **Respondent reports.** Respondent shall submit annual reports, in affidavit form, which shall include:

1. A brief statement of why Respondent is on probation;
2. A description of Respondent's practice location;

3. A description of Respondent's current practice (type and composition);
4. A brief statement of compliance with probationary terms;
5. A description of the relationship with Respondent's monitoring chiropractic physician;
6. A statement advising the Board of any problems which have arisen; and
7. A statement addressing compliance with any restrictions or requirements imposed.

d. **Other Obligations/Requirements of Probation**

1. **Failure to Comply:** Respondent agrees that upon a finding by the Board that Respondent failed to comply with any of the terms of this Order, the Board may **SUSPEND** Respondent's license to practice chiropractic medicine until Respondent demonstrates to the Board that he is in compliance with all probationary terms.

2. **Appearance Requirements:** Respondent is required to appear before the Board at any time upon request or direction of the Board. Board staff shall notify Respondent of the date, time, and place of the Board meeting at which Respondent's attendance is required. Inexcusable failure of Respondent to appear as requested or directed shall be considered a violation of the terms of this Order and may subject Respondent to disciplinary action, unless Respondent's appearance was excused in advance by the Board or the failure to appear was beyond Respondent's control.

3. If the Board or the Disciplinary Compliance Committee Chairman determines that Respondent or the monitor reports are unacceptable or do not conform with the above-listed requirements, the Board retains the authority to extend the probationary period for an indefinite

period of time.

e. **Continuity of Practice**

1. Tolling Provisions. In the event that Respondent leaves the State of Florida for a period of **thirty (30) days** or more or otherwise does not engage in the active practice of chiropractic medicine in the State of Florida, the following probationary provisions shall be tolled and shall remain tolled until Respondent returns to the active practice of chiropractic medicine in the State of Florida:

- a. The time period of probation;
- b. The indirect supervision, including the file review and submission of quarterly monitor reports; and
- c. Preparation of investigative reports detailing compliance with the probationary terms.

During any time period when Respondent's probation is tolled, Respondent shall continue to submit reports to the Compliance Officer in the manner directed by the Compliance Officer.

2. Active Practice. In the event that Respondent leaves the active practice of chiropractic medicine for a period of **one (1) year** or more, the Board may require that Respondent appear before the Board and demonstrate his ability to practice chiropractic medicine with skill and safety to patients prior to resuming the practice of chiropractic medicine in Florida.

7. **Board Meeting Attendance**. Within **two (2) years** of the lifting of the license suspension, Respondent shall attend **two (2)** in-person board meeting at which disciplinary

matters are considered. Respondent shall sign in prior to the start of the meeting, at the conclusion of the meeting, and at any other time as directed by the Board Chair or Executive Director. At least **thirty (30) days** in advance of the meeting, Respondent shall notify the Board office of the meeting he plans to attend.

8. **Continuing Education.** Within **one (1) year** of the lifting of the license suspension, Respondent shall complete **three (3) hours** of additional Board approved continuing education in the area of risk management with **two (2)** of the continuing education hours obtained in the area of the laws and rules governing the practice of chiropractic medicine in the State of Florida.

RULING ON MOTION TO ASSESS COSTS


The Board reviewed Petitioner's Motion to Assess Costs, grants the Motion, and imposes the costs associated with the investigation and prosecution of this case in the amount of **one thousand five hundred twenty-three dollars and eighty-two cents (\$1,523.82).**

Payments of the fines and costs owed shall be made to the Board of Chiropractic Medicine and mailed to: DOH-Compliance Management Unit, P.O. Box 6320, Tallahassee, Florida 32314-6320, Attention: Chiropractic Compliance Officer.

This order shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 7th day of February, 2013.

BOARD OF CHIROPRACTIC MEDICINE


Wm. Freeman Miller, Executive Director
on behalf of Debra Hoffman, D.C., 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 FLORIDA 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 U.S. Mail to: **Dean Draluck, D.C.**, 17720 Caloosa Trace, Ft. Myers, Florida 33063 and 430 C. Lakewood Circle, Margate, Florida 33063; and by interoffice mail to **Tari Rossitto-Van Winkle**, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3265; and **Deborah B. Loucks**, Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050, on February 8, 2013.

Ft. Myers, FL

Angel Sanders

Deputy Agency Clerk

7012 1010 0002 2381 2266

Margate, FL

7012 1010 0002 2381 2273

**STATE OF FLORIDA
BOARD OF CHIROPRACTIC MEDICINE**

DEPARTMENT OF HEALTH,

Petitioner,

vs.

CASE NO. 2012-04875

DEAN E. DRALUCK, D.C.,

Respondent.

**MOTION FOR DETERMINATION OF WAIVER AND
FINAL ORDER BY HEARING NOT INVOLVING DISPUTED ISSUES OF
MATERIAL FACT**

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel and moves the Board of Chiropractic Medicine to find Respondent has waived the right to elect a method of disposition of the pending administrative complaint, determine that no material facts are in dispute, conduct a hearing not involving disputed issues of material fact, and enter a Final Order thereafter. As grounds therefore, Petitioner states:

1. An Administrative Complaint was filed against Respondent on **July 27, 2012**. A copy of said Administrative Complaint is attached hereto as Petitioner's Exhibit A.

2. A copy of the Administrative Complaint, Explanation of Rights form, and Election of Rights form was sent to Respondent, via certified US mail return receipt requested, on **July 30, 2012 (article number 7196 9008 9111 4170**

3449) to his address of record at 430 C Lakewood Circle, Margate, Florida 33063.

The certified mail receipt was unclaimed and returned to sender.

3. On **October 3, 2012**, the Department hand-served the Administrative Complaint to the Respondent at 17220 Caloosa Trace, Fort Myers, Florida 33967. A copy of the Affidavit of Service is attached as Exhibit "B".

4. Respondent has not filed with the Department of Health, nor the Board of Chiropractic Medicine, an Election of Rights or other responsive pleading in this case within the twenty-one (21) day period to dispute the allegations of fact contained in the Administrative Complaint. A copy of affidavits supporting same is attached hereto as Petitioner's Exhibits C and D.

5. Respondent has been advised by this motion that a copy of the investigative file in this case shall be furnished to the Board to establish a prima facie case regarding the violations set forth in the Administrative Complaint.

6. The Department has determined that there are no material facts in dispute and Respondent has waived the right to elect the method of resolution.

7. The Department requests that this Motion and hearing be placed on the agenda of the next meeting of the Board of Chiropractic, to be held on **January 18, in Orlando, Florida.**

WHEREFORE, Petitioner respectfully requests the Board find that Respondent has waived the right to elect a method of resolution of this matter, find that there are no material facts in dispute, hold a hearing not involving material issues of disputed fact based on the information contained in the investigative file,

find that Respondent violated Chapters 460, Florida Statutes, as alleged in the Administrative Complaint, impose discipline in accordance with the disciplinary guidelines, and enter a Final Order.

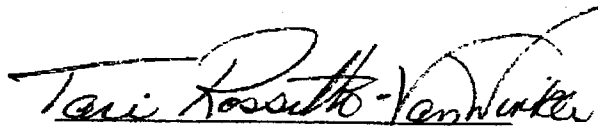
Respectfully submitted,



Tari Rossitto-Van Winkle, R.N., J.D.
Assistant General Counsel
Florida Bar Number # 0613908
Department of Health
Prosecution Services Unit
4052 Bald Cypress Way, Bin # C-65
Tallahassee, Florida 32399-3265
(850) 245-4640 Telephone
(850) 245-4684 Fax

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Determination of Waiver and Final Order by Hearing Not Involving Disputed Issues of Material Fact has been furnished via US Mail to Dean E. Draluck, D.C., 430 C Lakewood Circle, Margate, Florida 33063 and 17220 Caloosa Trace, Fort Myers, Florida, 33967 this 12th day of December, 2012.



Tari Rossitto-Van Winkle, R.N., J.D.
Assistant General Counsel

**STATE OF FLORIDA
BOARD OF CHIROPRACTIC MEDICINE**

**DEPARTMENT OF HEALTH,
PETITIONER,**

v.

CASE NO. 2012-04875

**DEAN ELLIOT DRALUCK, D.C.,
RESPONDENT.**

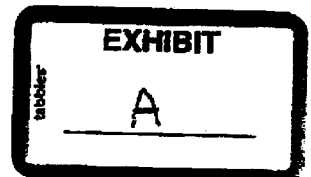
ADMINISTRATIVE COMPLAINT

The Petitioner, the Department of Health, by and through the undersigned counsel, files this Administrative Complaint (Complaint) before the Board of Chiropractic Medicine (Board) against the Respondent, Dean Elliot Draluck, D.C., and in support alleges:

1. The Petitioner is the state department charged with regulating the practice of chiropractic medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 460, Florida Statutes.

2. The Respondent was first licensed to practice chiropractic medicine in the State of Florida on or about January 22, 1998.

3. At all times material to this Complaint, the Respondent was licensed to practice chiropractic medicine in the State of Florida under license number CH 7405.



4. The Respondent's address of record is 430 C Lakewood Circle, Margate, Florida 33063.

5. On or about October 14, 2008, the Respondent pled no contest to violating Section 322.34(2)(b), Florida Statutes, in case 2008-2564-CT filed in the County Court of Collier County. The Court adjudicated the Respondent guilty and placed the Respondent on six months of probation.

6. Section 322.34(2)(b), Florida Statutes, provides that a second conviction for driving while one's license suspended or revoked is a first degree misdemeanor.

7. The Respondent failed to report to the Board in writing within 30 days of entering a plea of no contest and/or being adjudicated guilty of a crime in case 2008-2564-CT in the County Court of Collier County.

8. On or about October 16, 2008, the Respondent pled nolo contendere to violating Section 322.34(2)(a), Florida Statutes, in case 08-CF-015768 in the Circuit Court of the Twentieth Judicial Circuit of Lee County. The Court adjudicated the Respondent guilty and gave the Respondent six months of probation.

9. Section 322.34(2)(a), Florida Statutes, provides that one's first conviction for driving with a suspended or revoked license is a second degree misdemeanor.

10. The Respondent failed to report to the Board in writing within 30 days of entering a plea of nolo contendere and/or being adjudicated guilty of a crime in case 08-CF-015768 in Circuit Court of the Twentieth Judicial Circuit of Lee County.

11. On or about June 20, 2011, the Respondent pled no contest to violating Section 322.16(1)(c), Florida Statutes, in case 11-2011-CT-000225 in the County Court of Collier County and the Court adjudicated the Respondent guilty.

12. Section 322.16(1)(c), Florida Statutes, provides that failing to abide by court ordered restrictions on one's drivers license is a second degree misdemeanor.

13. The Respondent failed to report to the Board in writing within 30 days of entering a no contest plea and/or being adjudicated guilty of a crime in 11-2011-CT-000225, in the County Court of Collier County.

14. On or about June 20, 2011, a jury found the Respondent guilty of violating Section 316.193(2)(b), Florida Statutes, in case 11-2011-CT-

000191-A in the County Court of Collier County. The Court adjudicated the Respondent guilty.

15. Section 316.193(2)(b), Florida Statutes, provides that being convicted of driving under the influence three times in ten years is a third degree felony.

16. The Respondent failed to report to the Board in writing within 30 days of being adjudicated guilty of a crime in case 11-2011-CT-000191-A in the County Court of Collier County.

17. On or about July 27, 2011, the Respondent pled no contest to violating Section 741.29(6), Florida Statutes, in case 11-001580-MM, in the County Court of Collier County and the Court adjudicated the Respondent guilty.

18. Section 741.29(6), Florida Statutes, provides that violating the conditions of pretrial release when the original arrest was for committing domestic violence is a first degree misdemeanor.

19. The prosecutor entered a notice of nolle prosequi on the domestic violence charge in case 11-001580-MM.

20. The Respondent failed to report to the Board in writing within 30 days of entering a plea of no contest and being adjudicated guilty of a crime in case 11-001580-MM in the County Court of Collier County.

COUNT I

21. The Petitioner re-alleges and incorporates paragraphs one (1) through seven (7), as if fully stated herein.

22. Section 456.072(1)(x), Florida Statutes, provides that a licensee is subject to discipline for failing to report to the board, or the department if there is no board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction. Convictions, findings, adjudications, and pleas entered into prior to the enactment of this paragraph must be reported in writing to the board, or department if there is no board, on or before October 1, 1999.

23. The Respondent failed to report to the Board in writing within 30 days of on or about October 14, 2008, when he entered a plea of no contest and/or was adjudicated guilty of a crime in case 2008-2564-CT in the County Court of Collier County.

24. Based on the foregoing, the Respondent violated Section 456.072(1)(x), Florida Statutes.

COUNT II

25. The Petitioner re-alleges and incorporates paragraphs one (1) through four (4), eight (8) through ten (10), and twenty-two (22) as if fully stated herein.

26. The Respondent failed to report to the Board in writing within 30 days of on or about October 16, 2008, when he entered a plea of nolo contendere and/or was adjudicated guilty of a crime in case 08-CF-015768 in the Circuit Court of the Twentieth Judicial Circuit of Lee County.

27. Based on the foregoing, the Respondent violated Section 456.072(1)(x), Florida Statutes.

COUNT III

28. The Petitioner re-alleges and incorporates paragraphs one (1) through four (4), eleven (11) through thirteen (13), and twenty two (22) as if fully stated herein.

29. The Respondent failed to report to the Board in writing within 30 days of on or about June 20, 2011, when he entered a no contest plea

and/or was adjudicated guilty of a crime in 11-2011-CT-000225, in the County Court of Collier County.

30. Based on the foregoing, the Respondent violated Section 456.072(1)(x), Florida Statutes.

COUNT IV

31. The Petitioner re-alleges and incorporates paragraphs one (1) through four (4), fourteen (14) through sixteen (16), and twenty two (22) as if fully stated herein.

32. The Respondent failed to report to the Board in writing within 30 days of on or about June 20, 2011, when he was adjudicated guilty of a crime in case 11-2011-CT-000191-A in the County Court of Collier County.

33. Based on the foregoing, the Respondent violated Section 456.072(1)(x), Florida Statutes.

COUNT V

34. The Petitioner re-alleges and incorporates paragraphs one (1) through four (4), seventeen (17) through twenty (20) and twenty two (22) as if fully stated herein.

35. The Respondent failed to report to the Board in writing within 30 days of on or about July 27, 2011, when he entered a plea of no

contest and/or was adjudicated guilty of a crime in case 11-001580-MM in the County Court of Collier County.

36. Based on the foregoing, the Respondent violated Section 456.072(1)(x), Florida Statutes.

WHEREFORE, the Petitioner respectfully requests that the Board enter an order imposing one or more of the following penalties: permanent revocation or suspension of the Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 24th day of July, 2012.

John H. Armstrong, MD
Surgeon General and Secretary of Health

Tari Rossitto Van Winkle
Tari Rossitto-Van Winkle, R.N., J.D.

Assistant General Counsel
Florida Bar Number 0613908
Florida Department of Health
Office of the General Counsel
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
Telephone: (850) 245-4640
Facsimile: (850) 245-4684

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK **Angel Sanders**
DATE **JUL 27 2012**

PCP: July 24, 2012

PCP Members: Linda Reynolds, Consumer Member & Gene Jenkins, D.C.

NOTICE OF RIGHTS

The Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

The Respondent is placed on notice that the Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.



Rick Scott
Governor

John H. Armstrong, M.D.
State Surgeon General

AFFIDAVIT OF SERVICE OR DILIGENT SEARCH

Florida Department of Health

Petitioner

vs

Case No. 2012 -04875

Dean Draluck, DC

Respondent

COMES NOW, the affiant, who first being duly sworn, deposes and states:

1) Affiant is an Investigator/Inspector employed by the DEPARTMENT OF HEALTH, State of Florida.

2) That on (date) October 3, 2012, Affiant made a diligent effort to locate Respondent, to serve X Administrative Complaint and related papers; ___ Order compelling examination(s); Subpoena(s); ___ Final order; ___ Notice to cease and desist; ___ ESO/ERO and related papers.

3) Check applicable answer below:

X Affiant made personal service on Respondent, or on some person at Respondent's usual place of abode over the age of 15 residing there, on (date) October 3, 2012.

___ Affiant was unable to make service after searching for Respondent at: (a) all addresses for Respondent shown in the DOH investigation of the case; (b) all official addresses for Respondent shown in his licensing records on the computer terminal or Board office; (c) Local telephone company for the last area Respondent was known to frequent; (d) Division of Drivers Licenses; and (e) Utilities (electric, cable, etc.); any others:

[Signature]
Affiant

State Of Florida

County Of LEE

Before me, personally appeared Frank A. Ashline whose identity is known to me by Personallv (type of identification) and who, acknowledges that his/her signature appears above.

Sworn to or affirmed by Affiant before me this 3 day of October 2012.

[Signature]
Notary Public-State of Florida

My Commission Expires

Sara Norden
Type or Print Name

SARA NORDEN
Commission # EE 006723
Expires August 20, 2014
Bonded Thru Tidy Pen Insurance 800-385-7019

EXHIBIT
B



RECEIVED
NOV 17 2012
11:23 AM

AFFIDAVIT

I, Bruce Deterding, Executive Director Custodian for the Board of Chiropractic Medicine, hereby certify in my official capacity as custodian for the Board's licensure files, that the Board of Chiropractic Medicine has not received an Election of Rights form or other responsive pleading which requests a hearing prior to any agency action regarding Dean E. Draluck, D.C., Case Number 2012-04875, which would affect the Subject's substantial interest or rights.

Bruce Deterding
Custodian of Record
Board of Chiropractic Medicine

Before me, personally appeared Michelle Johnson, whose identity is known to me by personal (type of identification) and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed before me this 20 day of Nov, 2012.

Helaine Robison
NOTARY PUBLIC
HELAIN ROBISON
MY COMMISSION # EE 138825
EXPIRES: November 17, 2015
Bonded thru Notary Public Underwriters

My Commission Expires:

EXHIBIT
C



Rick Scott
Governor

John H. Armstrong, MD, FACS
Surgeon General & Secretary

AFFIDAVIT

I, Angel Sanders, Deputy Clerk for the Department Clerk's Office, hereby certify in my official capacity as custodian for the Department Clerk's records, that the Department Clerk's Office has not received an Election of Rights form or other responsive pleading, which requests a hearing prior to any Department action regarding Dean E. Draluck, D.C., Case Number 2012-04875, which would affect the Respondent's substantial interests or rights.

Angel Sanders

Custodian of Record
Department Clerk's Office

Before me, personally appeared Angel Sanders, whose identity is known to me by personally known (type of Identification) and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed before me this 20th day of November, 2012.



Lawanda Bell

Notary Public

My Commission Expires:

Prosecution Services Unit
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