

**STATE OF FLORIDA
BOARD OF CHIROPRACTIC MEDICINE**

DEPARTMENT OF HEALTH,

Petitioner,

vs.

**Case No.: 2008-15636
License No.: CH 8653**

JACQUELINE K. GONZALEZ, D.C.,

Respondent.

FINAL ORDER

THIS MATTER came before the Board of Chiropractic Medicine (hereinafter "the Board") at a duly noticed public meeting on April 23, 2010, in Orlando, Florida. Pursuant to the Administrative Complaint, attached hereto as Exhibit A, it was alleged that Respondent violated specified sections of Chapter 460 and Chapter 456, Florida Statutes.

Petitioner was represented by Tari Rossito-Van Winkle, Assistant General Counsel, with the Department of Health. Respondent was neither present nor represented by counsel.

Upon receipt of service of the Administrative Complaint, Respondent submitted an Election of Rights wherein she did not contest the factual allegations contained in the Administrative Complaint and requested a Hearing Not Involving Disputed Issues of Material Fact before the Board.

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.

CONCLUSIONS OF LAW

1. 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.
2. The violations set forth in the Administrative Complaint warrant disciplinary action by the Board.
3. Based upon the Findings of Fact, the Board concludes that the licensee violated Sections 456.072(1)(c) and 460.413(1)(c), Florida Statutes, by being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of jurisdiction, to a crime in any jurisdiction that relates to the practice or the ability to practice chiropractic medicine; and Section 460.413(1)(k), Florida Statutes, by making misleading, deceptive, untrue or fraudulent representations in the practice of chiropractic medicine.
4. 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. **Administrative Fine.** The Board shall impose a fine in the amount of **ten thousand dollars (\$10,000.00)**. The fine shall be paid prior to Respondent's submitting a petition to lift the license suspension. Payment shall be made by certified or cashier's check or money order.

2. **Suspension.** Respondent's license to practice as a certified chiropractic physician assistant shall be suspended for minimum period of **five (5) years**. After **five (5) years**, Respondent may submit a petition to the Board for reinstatement and appear at the Board meeting at which the petition for reinstatement is considered. The suspension shall continue until lifted by the Board by separate order. The Board expressly retains jurisdiction to impose additional conditions or restrictions on Respondent's license at the time that the suspension is lifted.

3. **Community Service.** Respondent shall perform **one thousand (1,000) hours** of community service. Prior to beginning her community service, Respondent shall submit her proposed community service plan to the Compliance Officer who will forward it to the Disciplinary Compliance Chair for review and approval. Documentation of the performance of the community service shall be submitted to the Compliance Officer in the manner directed by the Compliance Officer. The community service hours shall be completed prior to Respondent's submitting her petition for lifting of the license suspension.

4. **Special Purposes Examination for Chiropractic.** Prior to submitting her petition for lifting of the license suspension, Respondent shall take and successfully complete the Special Purposes Examination for Chiropractic (SPEC) administered by the National Board of

Chiropractic Examiners. Respondent shall send documentation of successful completion to the Chiropractic Medicine Compliance Officer.

5. **Ethics and Boundaries Examination.** Prior to submitting her petition for lifting of the license suspension, Respondent shall take and successfully complete Ethics and Boundaries Examination (E & B) administered by the National Board of Chiropractic Examiners. Respondent shall send documentation of successful completion to the Chiropractic Medicine Compliance Officer.

6. **Probation.** At the time that the license suspension is lifted, Respondent's license to practice chiropractic medicine shall be placed on probation for a period of **four (4) years**.

The probationary terms are:

a. **Supervision:** Respondent shall practice only under the direct 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.

b. **Monitor's Responsibilities:**

1. For the duration of the probationary period, the monitor shall review, on a monthly basis, **ten percent (10%)** 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. If Respondent has ten or fewer active patients, the monitor shall conduct a 100% review.

2. Reports. During the entire probationary period, the monitor shall submit, a quarterly 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. **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.

d. **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.


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 **two thousand six hundred eleven dollars and ninety-six cents (\$2,611.96)**. The costs shall be paid prior to Respondent's submission of her petition to lift the license suspension. Payment of the costs shall be made by cashier's or certified check or money order 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 18 day of May, 2010.

BOARD OF CHIROPRACTIC MEDICINE


Sharon L. Guilford, Acting Executive Director
on behalf of Gene Jenkins, 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: Jacqueline Gonzalez, 77865.004/FCT Tallahassee, 501 Capital Circle NE, Tallahassee, Florida 32301 and 2457 Collins Avenue, Miami Beach, Florida 33140; and by interoffice mail to Deborah B. Loucks, Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; and Tari Rossito-Van Winkle, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3265, on May 19, 2010.**

Angel Sanders

Deputy Agency Clerk

7003 1680 0006 8681 5366

U.S. Postal Service	
CERTIFIED MAIL	
<small>(Domestic Mail Only. No Ins)</small>	
OFFICI	
<small>For delivery information visit us at usps.com</small>	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Sent To	
Street, Apt. No., or PO Box No.	
City, State, ZIP+4	
<small>PS Form 3800, June 2002</small>	

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U.S. Postal Service	
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<small>For delivery information visit us at usps.com</small>	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Sent To	
Street, Apt. No., or PO Box No.	
City, State, ZIP+4	
<small>PS Form 3800, June 2002</small>	



Charlie Crist
Governor

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General

INTEROFFICE MEMORANDUM

DATE: April 1, 2010

TO: Lucy C. Gee, M.S., Division Director
Division of Medical Quality Assurance

FROM: Cassandra G. Pasley, BSN, JD, Bureau Chief
Health Care Practitioner Regulation

SUBJECT: Delegation of Authority

Effective April 2, 2010, upon Joe Baker, Jr.'s reassignment to Executive Director, Board of Nursing, Sharon Guilford, Program Operations Administrator, has delegated authority to serve as Acting Executive Director until further notice.

/hr

cc: MQA Staff

**STATE OF FLORIDA
DEPARTMENT OF HEALTH
BOARD OF CHIROPRACTIC MEDICINE**

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: *Angela Barton*
DATE 11/7/2010

DEPARTMENT OF HEALTH,

Petitioner,

Case Number: 2008-15636

vs.

Jacqueline L. Gonzalez, D.C.

Respondent.

**PETITIONER'S MOTION FOR FINAL ORDER BY HEARING
NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT**

Petitioner moves the Board of Chiropractic Medicine for a final order by hearing not involving disputed issues of material fact, and in support thereof states:


1. An Administrative Complaint was filed against Respondent on September 23, 2009, alleging that Respondent violated Chapter 456 and/or 460 Florida Statutes, as set forth therein. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.

2. Respondent was served via certified mail with an Administrative Complaint.

3. The Respondent has requested a hearing not involving disputed issues of material fact. Respondents request for informal hearing is attached as Exhibit B.

WHEREFORE, Petitioner respectfully requests the Board of Chiropractic Medicine to enter a Final Order after allowing the Respondent the opportunity to present oral and or written evidence in mitigation of the charges in the Administrative Complaint.

Respectfully submitted,



Tobey Schultz
Assistant General Counsel
Department of Health
4052 Bald Cypress Way Bin # C-65
Tallahassee, Florida 32399-3265
Florida Bar Number 0542131
850) 245-4640 ext. 8176
(850) 245-4684 FAX

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion has been provided to: Jacqueline K. Gonzalez, D.C., 2457 Collins Avenue #1002, Miami Beach, Florida 33140, and FCI Tallahassee/ 77865.004, 501 Capital Circle, N.E., Tallahassee, Florida 32301 by U.S. Mail this 2nd day of January, 2010.



Tobey Schultz,
Assistant General Counsel

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2008-15636

JACQUELINE K. GONZALEZ, D.C.

RESPONDENT,

_____ /

ADMINISTRATIVE COMPLAINT

Petitioner, Department of Health, by and through its undersigned counsel, files this Administrative Complaint before the Board of Chiropractic Medicine against Respondent, Jacqueline K. Gonzalez, D.C. In support Petitioner alleges:

1. 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. At all times material to this Complaint, Respondent was a chiropractic physician within the State of Florida, having been issued license number CH 8653 on or about August 4, 2003.

EXHIBIT

4

3. Respondent's address of record is 2457 Collins Avenue, #102, Miami Beach, Florida 33140.

4. On or about April 16, 2009, the United States Attorney filed a superseding information against Respondent in Case Number 08-06168-CR-ZLOCH(s), in the District Court for the Southern District of Florida.

5. Count one of the superseding information charged the Respondent as follows:

On or about January 6, 2006, in Broward County, in the Southern District of Florida, and elsewhere, the defendant, JACQUELINE GONZALEZ, did knowingly and willfully attempt to prevent, obstruct, mislead and delay the communication of information and records relating to a Federal health care offense to a criminal investigator, in that the defendant told a criminal investigator that she was the sole owner of North Miami Beach Health Center, when the defendant knew the same to be untrue in violation of Title 18, United States Code, Section 1518.

6. Count two of the superseding information charged the Respondent as follows:

On or about January 6, 2006, in Broward County, in the Southern District of Florida and elsewhere, the defendant, JACQUELINE GONZALEZ, in a matter within the jurisdiction of the executive branch of the Government of the United States, did knowingly and willfully make false, fraudulent and fictitious statements and representations as to material facts, in that she represented to a federal criminal investigator that she was the sole owner of the North Miami Beach Health Center, when in truth

and in fact, and as she then and there well knew, she was not the sole owner of North Miami Beach Health Center; in violation of Title 18, United States Code Section 1001(1)(a).

7. On or about the June 26, 2009, the Respondent pled guilty to Counts 1 and 2 of the superseding information.

8. On or about June 26, 2009, the United States District Court, for the Southern District of Florida, adjudicated Respondent guilty as to both counts of the superseding information.

9. Respondent was sentenced to a 15 month prison term, and 2 years of supervised release for each count contained in the information to run concurrently.

10. The crimes to which Respondent pled guilty are both felonies.

11. Respondent's conviction for violating Title 18, United States Code, Section 1518, represents a crime that is directly related to the practice or to the ability to practice chiropractic medicine.

12. Respondent's conviction for violating Title 18, United States Code Section 1001(1)(a), represents a crime that is directly related to the practice or to the ability to practice chiropractic medicine.

Count One

13. Petitioner re-alleges paragraphs one (1) through twelve (12) as though fully alleged herein.

14. Section 460.413(1)(c), Florida Statutes (2008)-(2009), subjects a licensee to discipline for being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of chiropractic medicine or to the ability to practice chiropractic medicine.

15. Section 456.072(1)(c), Florida Statutes, (2008)-(2009), subjects a licensee to discipline for being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.

16. Respondent was found guilty of crimes directly related to the practice or the ability to practice chiropractic medicine through one or more of the following:

a) when she was found guilty of violating Title 18, United States Code, Section 1518, based upon Respondent telling a criminal investigator that she was the sole owner of North Miami Beach Health Center, when the defendant knew the same to be untrue;

b) when she was found guilty of violating Title 18, United States Code Section 1001(1)(a), based upon her representations to a federal criminal investigator that she was the sole owner of the North Miami Beach

Health Center, when in truth and in fact, and as she then and there well knew, she was not the sole owner of North Miami Beach Health Center

17. Based on the foregoing, Respondent has violated Section 460.413(1)(c) and/or 456.072(1)(c) Florida Statutes (2008)–(2009).

Count Two

18. Petitioner re-alleges paragraphs one (1) through twelve (12) as though fully set forth herein.

19. Section 460.413(1)(k), Florida Statutes, (2005)–(2009) subjects a licensee to discipline for making misleading, deceptive, untrue, or fraudulent representations in the practice of chiropractic medicine or employing a trick or scheme in the practice of chiropractic medicine when such trick or scheme fails to conform to the generally prevailing standards of treatment in the chiropractic medical community.

20. Respondent made a fraudulent representation by indicating that Respondent was a one hundred percent (100%) owner of North Miami Beach Health Center when in fact she was not.

21. Based on the foregoing, Respondent has violated Section 460.413(1)(k), Florida Statutes (2005)–(2009).

WHEREFORE, the Petitioner respectfully requests that the Board of Chiropractic Medicine enter an order imposing one or more of the

following penalties: permanent revocation or suspension of 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 22nd day of September, 2009.

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: Angele Barton
DATE 9/23/09

Ana M. Viamonte Ros M.D., MPH
State Surgeon General

Tobey Schultz
Tobey Schultz
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
Florida Bar # 0542131
(850) 245-4640 ext 8176
(850) 246-4684 FAX

PCP: Jones & Wolfson 9/22/09

NOTICE OF RIGHTS

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

Respondent is placed on notice that 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.

ELECTION OF RIGHTS

PRACTITIONER REGULATION
LEO

DOH v. Jacqueline K. Gonzalez D.C. Case No. 2008-15636

2009 NOV 19 AM PLEASE SELECT ONLY 1 OF THE 3 OPTIONS

An Explanation of Rights is attached. If you do not understand these options, please consult with your attorney or contact the attorney for the Prosecution Services Unit at the address/phone number listed at the bottom of this form.

OPTION 1. 10/11 I do not dispute the allegations of fact in the Administrative Complaint, but do wish to be accorded a hearing, pursuant to Section 120.57(2), Florida Statutes, at which time I will be permitted to submit oral and/or written evidence in mitigation of the complaint to the Board.

OPTION 2. _____ I do not dispute the allegations of fact contained in the Administrative Complaint and waive my right to object or to be heard. I request that the Board enter a final order pursuant to Section 120.57, Florida Statutes.

OPTION 3. _____ I do dispute the allegations of fact contained in the Administrative Complaint and request this to be considered a petition for formal hearing, pursuant to Sections 120.569(2)(a) and 120.57(1), Florida Statutes, before an Administrative Law Judge appointed by the Division of Administrative Hearings. I specifically dispute the following paragraphs of the Administrative Complaint:

In addition to the above selection, I also elect the following:

() I accept the terms of the Settlement Stipulation, and I have signed and am returning the Settlement Stipulation or I am interested in settling this case.

9/14 (✓) I do not accept the terms of the settlement agreement, but am interested in settling the case.

() I do not wish to continue practicing, and I have signed and returned the voluntary relinquishment of licensure form, if it has been provided.

Regardless of which option I have selected, I understand that I will be given notice of time, date, and place when this matter is to be considered by the Board for Final Action. Mediation under Section 120.573, Florida Statutes, is not available in this matter.

(Please sign and complete all the information below.)

Respondent's Signature

Address:

1801 SW 310 Ave
Miami FL 33129

Lic. No.

CH86053

Phone No.

N/A

Fax No.

N/A

STATE OF FLORIDA
COUNTY OF Leon

Before me, personally appeared Jacqueline Gonzalez whose identity is known to me by

Florida ID (type of identification) and who, acknowledges that his/her signature appears above.

Sworn to or affirmed by Affiant before me this 5 day of November 2009

Notary Public-State of Florida

My Commission Expires Sept 25, 2012

Type or Print Name:

Lynn M. Henderson

PLEASE MAIL AND/OR FAX COMPLETED FORM TO: Tobey Schultz, Assistant General Counsel, DOH, Prosecution Services Unit, 4052 Bald Cypress Way, Bin# C-65, Tallahassee, Florida 32399-3265. Telephone Number: (850) 245-4882. FAX (850) 245-4882.

EXHIBIT

B



7160 3901 9845 9542 6968

TO: Jacqueline K. Gonzalez
2457 Collins Ave, #1002
Miami Beach, Fl.

33140

SENDER: TS/JS

REFERENCE: AC Pack

PS Form 3800, January 2005

RETURN
RECEIPT
SERVICE

Postage

Certified Fee

Return Receipt Fee

Restricted Delivery

Total Postage & Fees

US Postal Service

**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do Not Use for International Mail

POSTMARK OR D

Certified Article Number

7160 3901 9845 9542 6968

SENDER'S RECORD

2. Article Number



7160 3901 9845 9542 6968

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee)

☐ Yes

1. Article Addressed to:

Jacqueline K. Gonzalez
2457 Collins Ave, #1002
Miami Beach, Fl. 33140
2008-15636 HLL366

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

9-28-09

C. Signature

X

Christine Veldner

☒ Agent

☐ Addressee

D. Is delivery address different from item 1?
If YES, enter delivery address below:

☐ Yes
☐ No

PS Form 3811, January 2005

Domestic Return Receipt

2009 SEP 30 9:02 AM
LEGAL
FRACTIONNER REGULATION

STATE OF FLORIDA
DEPARTMENT OF HEALTH
BOARD OF CHIROPRACTIC MEDICINE

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: *Angela Barton*
DATE 1/7/2010

DEPARTMENT OF HEALTH,

Petitioner,

Case Number: 2008-15636

vs.

Jacqueline L. Gonzalez, D. C.

Respondent.

MOTION TO ASSESS COSTS
IN ACCORDANCE WITH SECTION 456.072(4)

COMES NOW the Department of Health, by and through undersigned counsel, and moves the Board of Chiropractic Medicine ("Board") for the entry of a Final Order assessing costs against the Respondent for the investigation and prosecution of this case in accordance with Section 456.072(4), Florida Statutes (2009). As grounds therefore, the Petitioner states the following:

1. At its next regularly scheduled meeting, the Board will take up for consideration the above-styled disciplinary action and will enter a Final Order therein.

2. Section 456.072(4), Florida Statutes (2005),¹ states as follows:

In addition to any other discipline imposed through final order, or citation, entered on or after July 1, 2001, pursuant

¹ Ch. 2003-416, § 19, Laws of Fla., effective September 15, 2003, amended Section 456.072(4), Florida Statutes (2003), to include the underlined language.

to this section or discipline imposed through final order, or citation, entered on or after July 1, 2001, for a violation of any practice act, the board, or the department when there is not board, shall assess costs related to the investigation and prosecution of the case. Such costs related to the investigation and prosecution include, but are not limited to, salaries and benefits of personnel, costs related to the time spent by the attorney and other personnel working on the case, and any other expenses incurred by the department for the case. The board, or the department when there is no board, shall determine the amount of costs to be assessed after its consideration of an affidavit of itemized costs and any written objections thereto. . . .

3. The investigation and prosecution of this case has resulted in costs in the total amount of **two thousand and six hundred and eleven dollars and ninety-six cents (\$2,611.96)** on the following itemized statement of costs:

Complaint:	\$	86.17
Investigation:	\$	1,145.91
Legal:	\$	1,379.88
Expenses:	\$	0.00

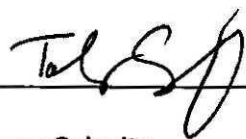
Therefore, the Petitioner seeks an assessment of costs against the Respondent in the amount of **two thousand and six hundred and eleven dollars and ninety-six cents (\$2,611.96)** as evidenced in the attached affidavit.

4. Should the Respondent file written objections to the assessment of costs, within ten (10) days of the date of this motion, specifying the grounds for the objections and the specific elements of the costs to which the objections are made, the Petitioner requests that the Board determine the amount of costs to be assessed based upon its consideration of the affidavit attached and any timely-filed written objections.

5. Petitioner requests that the Board grant this motion and assess costs in the amount of **two thousand and six hundred and eleven dollars and ninety-six cents (\$2,611.96)** as supported by competent, substantial evidence. This assessment of costs is in addition to any other discipline imposed by the Board and is in accordance with Section 456.072(4), Florida Statutes (2009).

WHEREFORE, the Department of Health requests that the Board enter a Final Order assessing costs against the Respondent in the amount of **two thousand and six hundred and eleven dollars and ninety-six cents (\$2,611.96)** DATED this 7th day of January, 2010.

Respectfully submitted,



Tobey Schultz
Assistant General Counsel
Florida Bar Number #0542131
Department of Health
Prosecution Services Unit
4052 Bald Cypress Way, Bin # C-65
Tallahassee, Florida 32399-3265
(850) 245-4640 ext. 8176
(850) 245-4682 FAX

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion has been provided to: Jacqueline L. Gonzalez, 2457 Collins Ave. #1002, Miami Beach, Florida, 33140 and 77865.004, FCI Tallahassee, 501 Capital Circle, Tallahassee, FL 32301 regular Mail this 7th day of January, 2010.



Tobey Schultz
Assistant General Counsel

Complaint Cost Summary

Complaint Number: 200815636

Complainant's Name: DEPT OF HEALTH/PROSECUTION
SERVICES UNIT

Subject's Name: GONZALEZ, JACQUELINE K

	***** Cost to Date *****	
	Hours	Costs
Complaint:	1.40	\$86.17
Investigation:	15.40	\$1,145.91
Legal:	12.20	\$1,379.88
Compliance:	0.00	\$0.00
	*****	*****
Sub Total:	29.00	\$2,611.96
Expenses to Date:		\$0.00
Prior Amount:		\$0.00
Total Costs to Date:		\$2,611.96

AFFIDAVIT OF FEES AND COSTS EXPENDED

STATE OF FLORIDA
COUNTY OF LEON:

BEFORE ME, the undersigned authority, personally appeared **SHONDRA A. WATSON** who was sworn and states as follows:

- 1) My name is Shondra A. Watson.
- 2) I am over the age of 18, competent to testify, and make this affidavit upon my own personal knowledge and after review of the records at the Florida Department of Health (DOH).
- 3) I am a Government Analyst in the Consumer Services and Compliance Management Unit where all complaints against Florida health care licensees (e.g., medical doctors, dentists, nurses, respiratory therapists) are officially filed. I have been in my current job position for more than one year. My business address is 4052 Bald Cypress Way, Bin C-75 Tallahassee, Florida 32399-3275.
- 4) As a Government Analyst in the Consumer Services and Compliance Management Unit, my job duties include reviewing data in the Time Tracking System and verifying that the amounts correspond. The Time Tracking System is a computer program which records and tracks DOH's costs regarding the investigation and prosecution of cases against Florida health care licensees.
- 5) As of today, DOH's total costs for investigating and prosecuting DOH case number(s) **2008-15636**(Department of Health v **Jacqueline K. Gonzalez, D.C.**) are **TWO THOUSAND SIX HUNDRED ELEVEN DOLLARS AND NINETY-SIX CENTS (\$2,611.96)**
- 6) The costs for DOH case numbers **2008-15636**(Department of Health v. **Jacqueline K. Gonzalez, D.C.**) are summarized in Exhibit 1 (Cost Summary Report), which is attached to this document.
- 7) The itemized costs and expenses for DOH case numbers **2008-15636**(Department of Health v. **Jacqueline K. Gonzalez, D.C.**) are detailed in Exhibit 2 (Itemized Cost Report and Itemized Expense Report and receipts), which is attached to this document.
- 8) The itemized costs as reflected in Exhibit 2 are determined by the following method: DOH employees who work on cases daily are to keep track of their time in six-minute increments (e.g., investigators and lawyers). A designated DOH employee in the Consumer Services

Unit, Legal Department, and in each area office, inputs the time worked and expenses spent into the Time Tracking System. Time and expenses are charged against a state health care Board (e.g., Florida Board of Medicine, Florida Board of Dentistry, Florida Board of Osteopathic Medicine), and/or a case. If no Board or case can be charged, then the time and expenses are charged as administrative time. The hourly rate of each employee is calculated by formulas established by the Department. (See the Itemized Cost Report)

- 9) Shondra A. Watson, first being duly sworn, states that she has read the foregoing Affidavit and its attachments and the statements contained therein are true and correct to the best of her knowledge and belief.

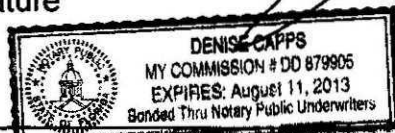
FURTHER AFFIANT SAYETH NOT.

Shondra A. Watson
Shondra A. Watson, Affiant

State of Florida
County of Leon

Sworn to and subscribed before me this 10 day of Jan, 2010,
by Shandra A. Watson, who is personally known to me.

[Signature]
Notary Signature



Name of Notary Printed

Stamp Commissioned Name of Notary Public:

Complaint Cost Summary

Complaint Number: 200815636

Complainant's Name: DEPT OF
HEALTH/PROSECUTION
SERVICES UNIT

Subject's Name: GONZALEZ, JACQUELINE K

	***** Cost to Date *****	
	Hours	Costs
Complaint:	1.40	\$86.17
Investigation:	15.40	\$1,145.91
Legal:	12.20	\$1,379.88
Compliance:	0.00	\$0.00
	*****	*****
Sub Total:	29.00	\$2,611.96
Expenses to Date:		\$0.00
Prior Amount:		\$0.00
Total Costs to Date:		\$2,611.96

**Time Tracking System
Itemized Cost by Complaint**

Complaint 200815636

Report Date 01/06/2010

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Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
CONSUMER SERVICES UNIT						
HA22	1.20	\$61.55	\$73.86	06/24/2008	78	INITIAL REVIEW AND ANALYSIS OF COMPLAINT
HA22	0.20	\$61.55	\$12.31	07/02/2008	35	TELEPHONE CALLS
Sub Total	1.40		\$86.17			
INVESTIGATIVE SERVICES UNIT						
LI75	1.00	\$80.35	\$80.35	07/01/2008	4	ROUTINE INVESTIGATIVE WORK
LI75	1.00	\$80.35	\$80.35	07/02/2008	4	ROUTINE INVESTIGATIVE WORK
LI75	1.00	\$80.35	\$80.35	07/02/2008	4	ROUTINE INVESTIGATIVE WORK
LI75	0.50	\$80.35	\$40.18	07/14/2008	4	ROUTINE INVESTIGATIVE WORK
LI75	0.50	\$80.35	\$40.18	07/22/2008	4	ROUTINE INVESTIGATIVE WORK
LI75	0.50	\$80.35	\$40.18	08/05/2008	4	ROUTINE INVESTIGATIVE WORK
LI75	3.00	\$80.35	\$241.05	09/11/2008	76	REPORT PREPARATION
LI75	2.50	\$80.35	\$200.88	09/16/2008	76	REPORT PREPARATION
LI75	0.50	\$63.04	\$31.52	06/22/2009	6	SUPPLEMENTAL INVESTIGATION
LI75	1.50	\$63.04	\$94.56	07/01/2009	6	SUPPLEMENTAL INVESTIGATION
LI75	0.50	\$63.04	\$31.52	07/14/2009	58	TRAVEL TIME
LI75	0.50	\$63.04	\$31.52	07/14/2009	6	SUPPLEMENTAL INVESTIGATION
LI75	1.50	\$63.04	\$94.56	07/15/2009	6	SUPPLEMENTAL INVESTIGATION
CI50	0.50	\$65.23	\$32.62	10/19/2009	100	SERVICE OF ADMINISTRATIVE COMPLAINTS, SUBPOENAS, NOTICE TO CEASE
CI50	0.10	\$65.23	\$6.52	10/19/2009	76	REPORT PREPARATION
CI50	0.30	\$65.23	\$19.57	10/19/2009	58	TRAVEL TIME
Sub Total	15.40		\$1,145.91			
PROSECUTION SERVICES UNIT						
HLL62A	0.70	\$111.56	\$78.09	06/24/2008	74	MEETINGS WITH DEPARTMENT STAFF
HLL62A	0.60	\$111.56	\$66.94	06/24/2008	35	TELEPHONE CALLS

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**Time Tracking System
Itemized Cost by Complaint**

Complaint 200815636

Report Date 01/06/2010

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Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
HLL62A	0.30	\$111.56	\$33.47	06/30/2008	35	TELEPHONE CALLS
HLL62A	0.40	\$111.56	\$44.62	06/30/2008	6	SUPPLEMENTAL INVESTIGATION
HLL62A	0.30	\$111.56	\$33.47	07/03/2008	36	PREPARATION OR REVISION OF LETTER
HLL62A	0.10	\$111.56	\$11.16	07/03/2008	37	REVIEW LETTER
HLL62A	0.10	\$111.56	\$11.16	07/07/2008	36	PREPARATION OR REVISION OF LETTER
HLL62A	0.40	\$111.56	\$44.62	07/08/2008	6	SUPPLEMENTAL INVESTIGATION
HLL62A	0.60	\$111.56	\$66.94	09/16/2008	115	CONTACT WITH INVESTIGATORS
HLL62A	0.40	\$111.56	\$44.62	09/19/2008	78	INITIAL REVIEW AND ANALYSIS OF COMPLAINT
HLL36B	0.40	\$111.56	\$44.62	10/09/2008	25	REVIEW CASE FILE
HLL36B	0.30	\$111.56	\$33.47	10/10/2008	64	LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF.
HLL22B	0.20	\$111.56	\$22.31	10/15/2008	27	REVIEW MEMORANDUM
HLL36B	0.30	\$111.56	\$33.47	10/15/2008	26	PREPARE OR REVISE MEMORANDUM
HLL62A	0.40	\$111.56	\$44.62	12/08/2008	25	REVIEW CASE FILE
HLL36B	0.20	\$111.56	\$22.31	02/18/2009	46	LEGAL RESEARCH
HLL62A	0.10	\$114.59	\$11.46	04/23/2009	36	PREPARATION OR REVISION OF LETTER
HLL62A	0.20	\$114.59	\$22.92	05/05/2009	37	REVIEW LETTER
HLL62A	0.30	\$114.59	\$34.38	06/15/2009	6	SUPPLEMENTAL INVESTIGATION
HLL62A	0.20	\$114.59	\$22.92	06/18/2009	36	PREPARATION OR REVISION OF LETTER
HLL62A	0.20	\$114.59	\$22.92	06/22/2009	78	INITIAL REVIEW AND ANALYSIS OF COMPLAINT
HLL62A	0.10	\$114.59	\$11.46	06/22/2009	115	CONTACT WITH INVESTIGATORS
HLL36B	0.40	\$114.59	\$45.84	07/01/2009	60	MISCELLANEOUS
HLL62A	0.20	\$114.59	\$22.92	07/13/2009	115	CONTACT WITH INVESTIGATORS
HLL36B	1.60	\$114.59	\$183.34	07/20/2009	25	REVIEW CASE FILE
HLL36B	1.80	\$114.59	\$206.26	07/20/2009	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HLL74A	0.70	\$114.59	\$80.21	07/20/2009	29	REVIEW ADMINISTRATIVE COMPLAINT
HLL36B	0.30	\$114.59	\$34.38	07/21/2009	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HLL36B	0.20	\$112.43	\$22.49	09/18/2009	89	PROBABLE CAUSE PREPARATION
HLL36B	0.20	\$112.43	\$22.49	09/25/2009	79	STIPULATION
Sub Total	12.20		\$1,379.88			

**Time Tracking System
Itemized Cost by Complaint**

Complaint 200815636

Report Date 01/06/2010

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Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
Total Cost						
			\$2,611.96			

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Time Tracking System
Itemized Expense by Complaint
Complaint

Report Date: 01/06/2010

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Staff Code	Expense Date	Expense Amount	Expense Code	Expense Code Description
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SubTotal
Total Expenses