

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

CASE NUMBER: 2009-004214

COMPLAINT MADE BY: Rosemary Zuba
2635 Einwood Dr.
Poinciana, FL 34758

DATE COMPLAINT RECEIVED: January 26, 2009

COMPLAINT MADE AGAINST: Judy White
367 Northfolk Place
Lakeland, FL 33809

LICENSE NUMBER: CAM 30171

INVESTIGATED BY: Robert T. Shindo, BIS Office

REVIEWED BY: Diane Marger Moore/tmy

STAFF RECOMMENDATION: R-42 (Insufficient Evidence)

CLOSING ORDER

THE COMPLAINT: Subject is alleged to be in violation of Section 468.436(2)(b)(5), Florida Statutes, which prohibits, "[c]ommitting acts of gross misconduct or gross negligence in connection with the profession," through a violation of Rule 61E14-2.001(4), Florida Administrative Code, which requires due professional care.

THE FACTS: Rosemary Zuba ("Complainant") alleges that Judy White ("Subject") prevented residents from voting because they were delinquent on their fees; hired an off-duty deputy to patrol the election meeting; and allowed the deputy to remove Complainant from that meeting.

Subject responded by explaining that the Board of Directors made the decision to prevent delinquent residents from voting. However, only members who were over ninety days delinquent were prevented from voting. Further, Complainant was removed from the meeting because she was disruptive.

THE LAW: Based on the foregoing, the evidence does not support prosecution of the specified violations of Chapter 468, Part VIII, Florida Statutes, or the rules promulgated thereunder. Therefore, this case should be closed without further prosecution and **without prejudice to reopen if the Department receives additional evidence** or determines, upon further review, that the determination to close was in error.

It is therefore ORDERED that the matter should be, and the same is, hereby DISMISSED.

DONE and ORDERED this 25th day of March 2010.

Diane Marger Moore

Diane Marger Moore
Assistant General Counsel

DMM/tmy

Case No. 2009-004214