

10A

By: Theresa McLean
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2005-70618

LICENSE NO.: ME0059418

JOHN E. MCCARTHY, M.D.,

Respondent.

_____ /

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(2), Florida Statutes, on June 2, 2006, in Orlando, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause pursuant to Respondent's Election of Rights. At the hearing, Petitioner was represented by Robert Swanson, Assistant General Counsel. Respondent was not present and was not represented by counsel. The facts are not in dispute.

Upon consideration, it is ORDERED:

1. The allegations of fact set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the findings of fact by the Board.

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 by the Board.

3. The violations set forth warrant disciplinary action by the Board.

THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

Respondent's license to practice medicine in the State of Florida is hereby REVOKED.

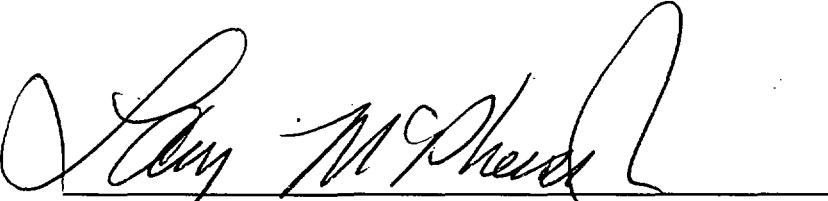
RULING ON MOTION TO ASSESS COSTS

The Board reviewed the Petitioner's Motion to Assess Costs and imposes the costs associated with this case in the amount of \$4,799.72. Said costs are to be paid within 30 days from the date this Final Order is filed.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 27 day of JUNE, 2006.

BOARD OF MEDICINE


Larry McPherson, Jr., Executive Director
for MAMMEN P. ZACHARIAH, M.D., 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 JOHN E. MCCARTHY, M.D., 970 Spanish Wells Drive, Melbourne, Florida 32940; and 1802 South Fiske Boulevard, Suite 103, Rockledge, Florida 32955; and by interoffice delivery to John Terrel and Dana Baird, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3265 this 29th day of June, 2006.



Deputy Agency Clerk

STATE OF FLORIDA
DEPARTMENT OF HEALTH

MAR 27 2006

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2005-70618

JOHN E. McCARTHY, M.D.

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Medicine against Respondent, John E. McCarthy, M.D., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 456, Florida Statutes.
2. At all times material to this Complaint, Respondent was a licensed physician within the state of Florida, having been issued license number ME 59418.

2006 MAR 28 AM 11:31
PRACTITIONER REGULATION
LEGAL

3. Respondent's address of record is 1802 South Fiske Boulevard, Suite 103, Rockledge, FL 32955.

4. In or about October of 2001, Respondent's office staff reported to the Professionals Resource Network ("PRN") that he appeared to be drinking heavily. Respondent admitted to PRN that he was drinking heavily on a daily basis.

5. PRN is the treatment program for impaired medical doctors and other medical professionals authorized under Section 456.076, Florida Statutes. PRN is an independent program that monitors the evaluation, care, and treatment of impaired doctors. PRN oversees random drug and alcohol screens and provides for the exchange of information between treatment providers and the Department for the protection of the public.

6. On or about December 14, 2001, Respondent entered into a contract with PRN calling for treatment and monitoring for five years. Under the terms of this contract, Respondent agreed to abstain from the use of alcohol.

7. On or about March 29, 2002, Respondent submitted a urine drug screen that was positive for alcohol.

8. On or about April 23, 2002, Respondent entered into another contract with PRN calling for treatment and monitoring for five years. Under the terms of this contract, Respondent agreed to abstain from the use of alcohol.

9. On or about December 16, 2002, Respondent submitted a urine drug screen that was positive for alcohol.

10. On or about January 30, 2003, Respondent entered into another five year monitoring and treatment contract with PRN. Under the terms of this contract, Respondent agreed to abstain from the use of alcohol.

~~11. On or about March 24, 2004, Respondent submitted a urine drug screen that was positive for alcohol.~~

12. On or about March 31, 2004, Respondent again submitted a urine drug screen that was positive for alcohol.

13. On or about May 7, 2004, Respondent entered into another five year monitoring and treatment contract with PRN. Under the terms of this contract, Respondent agreed to abstain from the use of alcohol.

14. On or about October 27, 2004, a mental health counselor contacted PRN to report that one of his patients had reported that Respondent

had tried to convince her to come to his house to pick up a prescription, told her she was "very attractive," and that he could "give [her] everything [she] needed."

15. On or about March 2, 2005, Respondent submitted an EtG screening test that was positive for alcohol.

16. Ethyl glucuronide (EtG) is a minor metabolite of ethanol (ethyl alcohol). It is formed in the body as a consequence of alcohol consumption. A small fraction (0.02%) of a dose of alcohol is conjugated in the liver with glucuronic acid to form ethyl glucuronide. This compound is excreted in the urine. EtG can be detected in the blood for up to 36 hours and in the urine for up to 5 days after heavy alcohol use. A positive finding of EtG in urine of an individual provides strong evidence that the person recently consumed alcohol, even if the alcohol itself is no longer detectable in the specimen. This compound is regarded as a biomarker of alcohol consumption and, potentially, relapses of alcohol use by an individual who is under restriction.

17. On or about March 29, 2005, Respondent entered inpatient treatment at Shands at Vista facility for treatment of his alcohol dependence.

18. Respondent admitted to medical and counseling providers at Shands at Vista that he had sexual encounters with three different female patients at his home in 2004.

19. On or about July 21, 2005, pursuant to a referral by Kenneth Thompson, M.D., medical director of the Florida Recovery Center, Respondent was evaluated by Barbara Stein, M.D., a Department-approved evaluator.

20. Dr. Stein diagnosed Respondent with alcohol dependence, depressive disorder NOS, depression, social phobia, sexual disorder NOS, and avoidant personality disorder.

~~21. Dr. Stein prepared a report which states in pertinent part~~

- (a) [Respondent's] Alcohol Dependence is evidenced by his recurrent maladaptive pattern of alcohol use that is currently being aggressively treated;
- (b) [H]e is in the early phases of recovery from recurrent Alcohol Dependence which severely affected his judgment;
- (c) He reported that he had sexual encounters with three different female patients at his home in 2004. He said he was actively treating only one of the patients. However, he had not formally

terminated two of the patients at the time of their sexual relationship.

- (d) Respondent's willingness and capacity to deceive PRN by drinking only on weekends and by intentionally not disclosing his sexual boundary issues to [his psychiatrist] ... also increases his risk.... He vocalizes a sound relapse prevention plan but he is not currently capable of implementing it.

22. Dr. Stein opined that Respondent was not safe to practice medicine based on the fact that he had sexual relations with three current or former patients and the problems that led to these boundary violations had not been resolved.

23. On or about August 16, 2005, Respondent entered into another five year monitoring and treatment contract with PRN. Under the terms of this contract, Respondent agreed to abstain from the use of alcohol.

24. On or about October 6, 2005, Respondent submitted an EtG screening test that was positive for alcohol.

25. As of March 17, 2006, Respondent has not received further PRN-monitored treatment for his alcohol dependence and concomitant boundary violations.

COUNT ONE

26. Petitioner realleges and incorporates paragraphs one (1) through twenty-five (25) as if fully set forth herein.

27. Section 458.331(1)(s), Florida Statutes (2001)-(2005) provides in pertinent part that being unable to practice medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition constitutes grounds for disciplinary action by the Board of Medicine.

28. Respondent has violated Section 458.331(1)(s) in one or more of the following ways:

- (a) By developing a pattern of failed treatment and relapse following a long-established, diagnosed dependence upon alcohol;
- (b) By entering into five separate contracts with PRN beginning

in December 2001 and repeatedly returning to drinking alcohol;

- (c) By engaging in sexual relations with current and/or former patients at his home while he was impaired by use of alcohol where the problems (alcohol dependence, depressive disorder NOS, depression, social phobia, sexual disorder NOS, and avoidant personality disorder) that led to these boundary violations have not been resolved.

29. Based on the foregoing, Respondent has violated Section ~~458.331(1)(s), Florida Statutes, by being unable to practice medicine with~~ reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition.

COUNT TWO

30. Petitioner realleges and incorporates paragraphs one (1) through twenty-five (25) as if fully set forth herein.

31. Section 458.331(1)(gg), Florida Statutes (2005), provides in pertinent part that a physician is subject to discipline for being terminated

from a treatment program for impaired practitioners, for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into, or for not successfully completing any drug treatment or alcohol treatment program.

32. Respondent failed to comply with the terms of the monitoring or treatment contract entered into on August 15, 2005, and was terminated by PRN.

33. Based on the foregoing, Respondent has violated Section ~~458.331(1)(gg)~~ ^{456.072(1)(99)}, Florida Statutes (2005), by being terminated from a treatment ~~program for impaired practitioners, for failure to comply, without good cause,~~ with the terms of the monitoring or treatment contract entered into.

WHEREFORE, the Petitioner respectfully requests that the Board of 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 24 day of March, 2006.

M. Rony François, M.D., M.S.P.H., Ph.D.
Secretary, Department of Health

Maura M. Bolivar

Maura M. Bolivar
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
Florida Bar No. 0295840
(850) 245-4640 (telephone)
(850) 245-4581 (facsimile)

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Theresa McLean*
DATE 3-27-06

MMB/jes

PCP: March 24, 2006
PCP Members: El-Bahri and Tucker

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.

STATE OF FLORIDA
DEPARTMENT OF HEALTH

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Jessica McKinn*
DATE 4-26-06

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH CASE NO. 2005-70618

JOHN E. MCCARTHY, M.D.,

Respondent.

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

COMES NOW the Department of Health, by and through the undersigned counsel, and moves the Board of Medicine for the entry of a Final Order assessing costs against Respondent, John E. McCarthy, M.D., for the investigation and prosecution of this case in accordance with Section 456.072(4), Florida Statutes (2004). As grounds therefore, Petitioner states the following:

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

2. Section 456.072(4), Florida Statutes (2004),¹ states as follows:

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

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.

no 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 \$4,799.72. Therefore, Petitioner seeks an assessment of costs against Respondent in the amount of \$4,799.72, as evidenced in the attached affidavit. (Exhibit A).

4. Should 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, Petitioner requests that the Board determine the amount of costs to be assessed based upon its consideration of the affidavit attached as Exhibit A and any timely-filed written objections.

5. Petitioner requests that the Board grant this motion and assess costs in the amount of \$4,799.72 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 (2004).

WHEREFORE, the Department of Health requests that the Board of Medicine enter a Final Order assessing costs against Respondent in the amount of \$4,799.72.

DATED this 25 day of April 2006.

Respectfully submitted,

Maura M Bolívar

Maura M. Bolívar
Assistant General Counsel
Florida Bar No. 0295840
Department of Health
Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
(850) 245-4640 (telephone)
(850) 245-4681 (facsimile)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via overnight mail to John E. McCarthy, M.D., 970 Spanish Wells Drive, Melbourne, Florida 32940 on this 25 day of April 2006.

Maura M Bolívar

Maura M. Bolívar
Assistant General Counsel

MMB:jes

AFFIDAVIT OF FEES AND COSTS EXPENDED

STATE OF FLORIDA
COUNTY OF LEON:

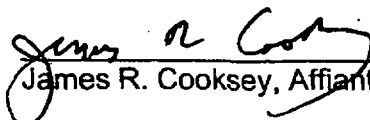
BEFORE ME, the undersigned authority, personally appeared **JAMES R. COOKSEY**, who was sworn and states as follows:

- 1) My name is James R. Cooksey.
- 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 Operations Management Consultant for the Consumer Services Unit for DOH. The Consumer Services Unit is 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 Operations Management Consultant, 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 2005-70618 (Department of Health v. John E. McCarthy, M.D.) are four thousand and seven hundred and ninety-nine dollars and seventy-two cents (**\$4,799.72**).
- 6) The costs for DOH case number 2005-70618 (Department of Health v. John E. McCarthy, M.D.) are summarized in Exhibit 1 (Cost Summary Report), which is attached to this document.
- 7) The itemized costs and expenses for DOH case number 2005-70618 (Department of Health v. John E. McCarthy, M.D.) 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)

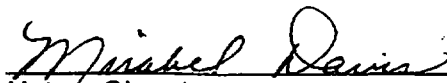
- 9) James R. Cooksey, first being duly sworn, states that he has read the foregoing Affidavit and its attachments and the statements contained therein are true and correct to the best of his knowledge and belief.

FURTHER AFFIANT SAYETH NOT.


James R. Cooksey, Affiant

State of Florida
County of Leon

Sworn to and subscribed before me this 21 day of April, 2006,
by James R. Cooksey, who is personally known to me.


Notary Signature

MIRABEL DAVIS

Name of Notary Printed

Stamp Commissioned Name of Notary Public:



Mirabel Davis
MY COMMISSION # DD221102 EXPIRES
September 7, 2007
BONDED THRU TROY FAIR INSURANCE, INC

Complaint Cost Summary

Complaint Number:200570618

Complainant's Name: PROFESSIONALS RESOURCE
 Subject's Name: JOHN MC CARTHY

| ***** Cost to Date ***** | | |
|-----------------------------|-------|------------|
| | Hours | Costs |
| Complaint: | 1.30 | \$66.56 |
| Investigation: | 12.40 | \$697.43 |
| Legal: | 32.10 | \$4,035.73 |
| | ***** | ***** |
| Sub Total: | 45.80 | \$4,799.72 |
| Expenses to Date: | | \$0.00 |
| Prior Amount: | | \$0.00 |
| Total Costs to Date: | | \$4,799.72 |



Time Tracking Report

Itemized Cost by Complaint

Complaint 200570618

Report Date: 04/21/2006

Activity Description

Activity Code

Activity Date

Cost

Staff Rate

Activity Hours

Staff Code

BUREAU OF CONSUMER COMPLAINTS

| Staff Code | Activity Hours | Staff Rate | Cost | Activity Date | Activity Code | Activity Description |
|------------------|----------------|------------|-----------------|---------------|---------------|--|
| HA38 | 0.50 | \$51.19 | \$25.60 | 12/23/2005 | 78 | INITIAL REVIEW AND ANALYSIS OF COMPLAINT |
| HA38 | 0.20 | \$51.19 | \$10.24 | 12/23/2005 | 70 | CONFERENCES WITH LAWYERS |
| HA38 | 0.30 | \$51.19 | \$15.36 | 12/28/2005 | 36 | PREPARATION OR REVISION OF LETTER |
| HA38 | 0.50 | \$51.19 | \$25.60 | 12/28/2005 | 4 | ROUTINE INVESTIGATIVE WORK |
| HA38 | 3.90 | \$51.19 | \$199.64 | 12/28/2005 | 77 | PREPARATION OF DESK INVESTIGATION SYNOPSIS |
| HA38 | 0.30 | \$51.19 | \$15.36 | 01/25/2006 | 70 | CONFERENCES WITH LAWYERS |
| HA38 | 0.30 | \$51.19 | \$15.36 | 02/08/2006 | 6 | SUPPLEMENTAL INVESTIGATION |
| HA38 | 0.50 | \$51.19 | \$25.60 | 04/05/2006 | 6 | SUPPLEMENTAL INVESTIGATION |
| Sub Total | 6.50 | | \$332.76 | | | |

BUREAU OF INVESTIGATIVE SERVICES

| | | | | | | |
|------------------|-------------|---------|-----------------|------------|----|----------------------------|
| O169 | 1.00 | \$61.06 | \$61.06 | 02/03/2006 | 6 | SUPPLEMENTAL INVESTIGATION |
| O169 | 1.00 | \$61.06 | \$61.06 | 02/06/2006 | 6 | SUPPLEMENTAL INVESTIGATION |
| O199 | 2.50 | \$60.74 | \$151.85 | 02/14/2006 | 58 | TRAVEL TIME |
| O169 | 0.20 | \$61.06 | \$12.21 | 02/15/2006 | 6 | SUPPLEMENTAL INVESTIGATION |
| O169 | 1.00 | \$61.06 | \$61.06 | 02/16/2006 | 6 | SUPPLEMENTAL INVESTIGATION |
| O196 | 0.50 | \$55.99 | \$28.00 | 03/17/2006 | 6 | SUPPLEMENTAL INVESTIGATION |
| O196 | 1.00 | \$55.99 | \$55.99 | 03/20/2006 | 6 | SUPPLEMENTAL INVESTIGATION |
| Sub Total | 7.20 | | \$431.23 | | | |

BUREAU OF LEGAL SERVICES

| | | | | | | |
|--------|------|----------|----------|------------|----|------------------|
| HLL26B | 2.80 | \$124.73 | \$349.24 | 01/02/2006 | 81 | ESO/ERO |
| HL70A | 0.10 | \$137.48 | \$13.75 | 01/04/2006 | 25 | REVIEW CASE FILE |

9559



Time Tracking Report
 Itemized Cost by Complaint
 Complaint 200570618

Report Date: 04/21/2006

| Staff Code | Activity Hours | Staff Rate | Cost | Activity Date | Activity Code | Activity Description |
|------------|----------------|------------|----------|---------------|---------------|--|
| HLL26B | 0.10 | \$124.73 | \$12.47 | 01/09/2006 | 36 | PREPARATION OR REVISION OF LETTER |
| HLL24B | 0.30 | \$127.93 | \$38.38 | 01/24/2006 | 70 | CONFERENCES WITH LAWYERS |
| HLL26B | 0.20 | \$124.73 | \$24.95 | 01/24/2006 | 36 | PREPARATION OR REVISION OF LETTER |
| HLL26B | 0.30 | \$124.73 | \$37.42 | 01/24/2006 | 70 | CONFERENCES WITH LAWYERS |
| HLL26B | 1.00 | \$124.73 | \$124.73 | 01/24/2006 | 25 | REVIEW CASE FILE |
| HLL26B | 0.10 | \$124.73 | \$12.47 | 01/24/2006 | 70 | CONFERENCES WITH LAWYERS |
| HLL26B | 0.30 | \$124.73 | \$37.42 | 01/25/2006 | 114 | CONTACT WITH EXPERTS |
| HLL26B | 0.20 | \$124.73 | \$24.95 | 01/25/2006 | 70 | CONFERENCES WITH LAWYERS |
| HLL26B | 4.00 | \$124.73 | \$498.92 | 01/25/2006 | 25 | REVIEW CASE FILE |
| HLL26B | 0.80 | \$124.73 | \$99.78 | 01/25/2006 | 26 | PREPARE OR REVISE MEMORANDUM |
| HL58B | 0.30 | \$141.12 | \$42.34 | 01/25/2006 | 70 | CONFERENCES WITH LAWYERS |
| HLL26B | 2.00 | \$124.73 | \$249.46 | 02/01/2006 | 81 | ESO/ERO |
| HLL26B | 2.80 | \$124.73 | \$349.24 | 02/02/2006 | 81 | ESO/ERO |
| HLL26B | 0.80 | \$124.73 | \$99.78 | 02/03/2006 | 81 | ESO/ERO |
| HLL26B | 0.20 | \$124.73 | \$24.95 | 02/28/2006 | 81 | ESO/ERO |
| HLL26B | 3.00 | \$124.73 | \$374.19 | 03/01/2006 | 81 | ESO/ERO |
| HLL26B | 0.20 | \$124.73 | \$24.95 | 03/01/2006 | 35 | TELEPHONE CALLS |
| HLL20B | 1.00 | \$128.63 | \$128.63 | 03/02/2006 | 81 | ESO/ERO |
| HLL26B | 0.10 | \$124.73 | \$12.47 | 03/03/2006 | 35 | TELEPHONE CALLS |
| HLL26B | 0.10 | \$124.73 | \$12.47 | 03/03/2006 | 36 | PREPARATION OR REVISION OF LETTER |
| HLL20B | 2.50 | \$128.63 | \$321.58 | 03/03/2006 | 81 | ESO/ERO |
| HLL26B | 0.80 | \$124.73 | \$99.78 | 03/06/2006 | 81 | ESO/ERO |
| HLL26B | 1.50 | \$124.73 | \$187.10 | 03/07/2006 | 28 | PREPARE OR REVISE ADMINISTRATIVE COMPLAINT |
| HLL26B | 0.10 | \$124.73 | \$12.47 | 03/10/2006 | 81 | ESO/ERO |
| HLL5B | 0.30 | \$137.48 | \$41.24 | 03/13/2006 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF |
| HLL26B | 0.30 | \$124.73 | \$37.42 | 03/13/2006 | 70 | CONFERENCES WITH LAWYERS |
| HLL26B | 0.10 | \$124.73 | \$12.47 | 03/14/2006 | 103 | REVIEW SUPPLEMENTAL REPORT |

9560



Time Tracking Report
Itemized Cost by Complaint
 Complaint 200570618

Report Date: 04/21/2006

| Staff Code | Activity Hours | Staff Rate | Cost | Activity Date | Activity Code | Activity Description |
|------------------|----------------|------------|-------------------|---------------|---------------|---|
| HLL26B | 0.10 | \$124.73 | \$12.47 | 03/20/2006 | 70 | CONFERENCES WITH LAWYERS |
| HLL26B | 2.60 | \$124.73 | \$324.30 | 03/20/2006 | 28 | PREPARE OR REVISE ADMINISTRATIVE COMPLAINT |
| HLL26B | 1.80 | \$124.73 | \$224.51 | 03/20/2006 | 47 | TRIAL PREPARATION |
| HLL5B | 0.30 | \$137.48 | \$41.24 | 03/20/2006 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFFI |
| HLL18A | 0.30 | \$124.64 | \$37.39 | 03/20/2006 | 70 | CONFERENCES WITH LAWYERS |
| HLL10A | 0.30 | \$136.37 | \$40.91 | 03/20/2006 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFFI |
| HLL26B | 0.30 | \$124.73 | \$37.42 | 03/24/2006 | 89 | PROBABLE CAUSE PREPARATION |
| HLL26B | 0.10 | \$124.73 | \$12.47 | 04/06/2006 | 35 | TELEPHONE CALLS |
| Sub Total | 32.10 | | \$4,035.73 | | | |

| | | |
|-------------------|--------------|-------------------|
| Total Cost | 45.80 | \$4,799.72 |
|-------------------|--------------|-------------------|

9561



9562

Time Tracking Report
Itemized Expense by Complaint
Complaint

Report Date: 04/21/2006

| Staff Code | Expense Date | Expense Amount | Expense Code | Expense Code Description |
|------------|--------------|----------------|--------------|--------------------------|
|------------|--------------|----------------|--------------|--------------------------|

SubTotal
Total Expenses