

**STATE OF FLORIDA  
BOARD OF PSYCHOLOGY**

Final Order No. DOH-10-2639 <sup>FOI</sup>-MQA  
FILED DATE - 12.2.10  
Department of Health  
By: Ango Saunders  
Deputy Agency Clerk

**DEPARTMENT OF HEALTH**

Petitioner,

vs.

Case No: 2009-24973

License No.: PY 5681

**PETER FRANK PINTO, Ph.D.,**

Respondent.

**FINAL ORDER**

THIS CAUSE came before the Board of Psychology (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on October 22, 2010, in Orlando, Florida, for the purpose of considering an Administrative Complaint (attached hereto as Exhibit "A" and incorporated by reference) in the above-styled case. The Department of Health (hereinafter "Petitioner") was represented by Laura Fullerton Lopez, Assistant General Counsel. Peter Frank Pinto, Ph.D., (hereinafter "Respondent") was not present nor represented by counsel.

On May 27, 2010, Petitioner filed an Administrative Complaint against the Respondent alleging violations of Section 490.009(1)(t), Florida Statutes. Service of the Administrative Complaint was made upon the Respondent by certified mail delivery. Respondent has not filed an Election of Rights. Petitioner filed a Motion for Determination of Waiver and Entry of Final Order Following Hearing. Petitioner also filed a Motion to Assess Costs in Accordance with Section 456.072(4), Florida Statutes. Respondent has not filed a response to either motion.

Respondent has not replied to the Administrative Complaint nor contested the factual allegations. 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 or oral evidence and testimony, and any mitigating or aggravating circumstances, the Board makes the following findings and conclusions:

### **FINDINGS OF FACT**

The Board finds that the Respondent failed to timely respond to the Administrative Complaint and waived his right to elect a method of resolution in this matter. Further, 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. The Board also finds there is competent substantial evidence to support its findings and conclusions.

### **CONCLUSIONS OF LAW**

Petitioner's Motion for Determination of Waiver and Entry of Final Order Following Hearing is granted. The conclusions of law alleged and set forth in the Administrative Complaint are approved, adopted, and incorporated herein by reference as the conclusions of law by the Board. Based upon the Findings of Fact, the Board concludes that the licensee violated: Section 490.009(1)(t), Florida Statutes (2009).

The violations set forth warrant disciplinary action by the Board.

**THEREFORE IT IS ORDERED AND ADJUDGED:**

**Suspension.** The Respondent's license to practice psychology in the state of Florida is hereby **SUSPENDED** until the Respondent provides to the Board proof of compliance with payment of the administrative fine of \$1,000.00 and costs of \$1,248.33 as required

by the Final Order DOH-07-2489-S-MQA, filed November 14, 2007, in Case Number 2006-26750; at which time the Respondent may petition the Board for reinstatement.

### **RULING ON MOTION TO ASSESS COSTS**


The Board reviewed the Petitioner's Motion to Assess Costs and imposes the costs associated with the investigation and prosecution of this case in the amount of **\$1,518.09**. Said costs are to be paid within 6 months from reinstatement of his license to practice psychology in the State of Florida.

Payment of all of the fines and costs shall be made to the Board of Psychology and mailed to: Department of Health, Compliance Management Unit, P.O. Box 6320, Tallahassee, FL 32314-6320, Attn: Psychology Compliance Officer.

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

**DONE AND ORDERED** this 1 day of December, 2010.

**BOARD OF PSYCHOLOGY**

  
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Allen Hall, Executive Director  
for Rafael Rivas-Vazquez, Psy.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 Florida 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 has been furnished by **Certified U.S. Mail to Peter Frank Pinto, Ph.D.**, 509 Lexingdale Drive, Orlando, FL 32828; and by interoffice mail to **Donna C. McNulty**, Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; and **Laura Fullerton Lopez**, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin # C-65, Tallahassee, Florida 32399-3265 this 2<sup>nd</sup> day of Dec., 2010.

*Angela Sanders*

**Deputy Agency Clerk**

7009 3410 0001 4581 0919  
PS Form 3800, Jan 2007  
City or P.O. Box  
Street  
State  
Zip  
Post Office  
FBI

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

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**Petitioner,**

**v.**

**CASE NO. 2009-24973**

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**Respondent.**

\_\_\_\_\_ /

**ADMINISTRATIVE COMPLAINT**

COMES NOW the Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Psychology (hereinafter "Board") against Peter Frank Pinto, Ph.D. (hereinafter "Respondent") and alleges:

1. Petitioner is the state department charged with regulating the practice of Psychology pursuant to section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 490, Florida Statutes.
2. Respondent is, and has been at all times material hereto, a licensed psychologist in the State of Florida, having been issued license number PY 5681 on October 7, 1997.
3. Respondent's address of record is 509 Lexingdale Drive Orlando, Florida, 32828.

*Exhibit A*

4. On or about September 13, 2007, Respondent executed a settlement stipulation to resolve case number 2006-26750, Department of Health v. Peter Frank Pinto, Ph.D.

5. Therein, Respondent agreed to pay a \$1,000.00 administrative fine, as well as reimburse the Department for the actual costs associated with the investigation and prosecution of case number 2006-26750 in the amount of \$1,248.33. The total amount Respondent agreed to pay for the fine and costs was \$2,248.33.

6. The settlement stipulation further provides that the fine and costs were to be paid within one (1) year of the filing of the Final Order adopting and incorporating the settlement stipulation, and that the timely payment of the fine and costs is Respondent's legal obligation and responsibility.

7. On or about November 14, 2007, the Board filed Final Order number DOH-07-2489-S-MQA ("Final Order") in the case of DOH v. Frank Peter Pinto, Ph.D., case number 2006-26750.

8. The Final Order adopted and incorporated the settlement stipulation executed by Respondent.

9. As of May 11, 2010, Respondent had not made any payments to the Department for the fine or costs as Respondent had earlier agreed in the settlement stipulation and as required by the Final Order.

10. Section 490.009(1)(t), Florida Statutes (2009), provides that violating a lawful order of the department previously entered in a disciplinary hearing constitutes grounds for disciplinary action by the board.

11. Respondent violated Final Order number DOH-07-2489-S-MQA filed in case number 2006-26750 on November 14, 2007, by failing to pay the \$1,000.00 administrative fine as well as the costs of investigation and prosecution in the amount of \$1,248.33 to the Department, by November 14, 2008, which is one (1) year after the filing of the Final Order.

12. Based on the foregoing, Respondent has violated Section 490.009(1)(t), Florida statutes (2009), by violating a lawful order of the Board previously entered in a disciplinary hearing.

WHEREFORE, Petitioner respectfully requests that the Board enter an order imposing one or more of the following penalties: revocation of Respondent's license, suspension of Respondent's license until such time as Respondent has complied with all terms of the Final Order including the payment of costs due and owing, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, continuing education and/or any other relief that the Board deems appropriate.

SIGNED this 26th day of May, 2010.

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



Ian Brown  
Florida Bar Number 0499048  
Assistant General Counsel  
DOH, Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, Florida 32399-3265  
(850) 245-4640  
(850) 245-4683 (facsimile)

FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK *Angel Sanders*  
DATE **MAY 27 2010**

PCP: May 25, 2010  
PCP Members: Goldstein and orta

# **IMPORTANT NOTICE to RESPONDENT**

## **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.**