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**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

DEPARTMENT OF HEALTH,

**DOAH CASE #: 04-1104PL
DOH Case #: 2001-18171**

WFQ

Petitioner,

v.

SYLVIA MORRIS, R.N.

Respondent.

RESPONDENT'S MOTION TO SUPPRESS

STATEMENTS MADE TO INVESTIGATOR

Comes now, Respondent, Sylvia Morris, by and through her undersigned attorney, and files this her Motion to Suppress Statements Made to Investigator. Pursuant to Chapter 120.57(d)(e) and Florida Constitution Art. I Declaration of Rights. As grounds for this motion, Respondent alleges as follows:

1. She was the subject of a pending investigation regarding her license to practice nursing in the State of Florida.
2. The investigative agency was Agency For Health Care Administration (AHCA).
3. Pursuant to the investigation, the Respondent was sent a letter from AHCA dated November 5, 2001 (attached hereto).

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4. Respondent met and spoke with AHCA investigator and where a final report was made on 01/04/02.
5. At no time prior to Respondent speaking with AHCA investigator was Respondent made aware that statements she made, would or could be used against her in a formal administrative proceeding.
6. Respondent contends that she was mislead by the November 5, 2001 letter "inviting" her participation and where she was assured the matter would be confidential.
7. In the November 5, 2001 letter from AHCA to Respondent, Respondent was thanked for her "cooperation and understanding" in this matter.
8. Despite the November 5, 2001 letter from AHCA to Respondent that she had an election to have an attorney present, Respondent was never told that statements made would be used against her substantial interest.
9. Respondent is currently scheduled for a Final Hearing involving disputed issues of material fact and of which the Department of Health plans to introduce those statements Respondent made to the AHCA investigator.
10. Had Respondent been told by AHCA that any statement(s) she

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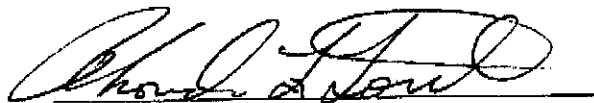
made could or would be used against her in any formal proceeding,

Respondent would have certainly elected to have an attorney present.

WHEREFORE, Respondent feels that her rights and substantial interests have not been honored and the AHCA has woefully mislead her and into making statements which are now to be used against her in this pending action now before this Court.

PRAYETH, Respondent motions this Court to suppress those statements made to AHCA investigator in final report dated 01/04/02.

RESPECTFULLY SUBMITTED,



Rhonda F. Ford, RN, Esq.
FORD LEGAL, P.A.
3226 W. Kennedy Blvd.
Tampa, FL. 33609
Phone: (813) 873-4905
Fax: (813) 873-4092
FL. Bar Number: 0139548
Counsel for Respondent

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been

furnished via fax and U.S. Mail to: Susan B. Kirkland, Administrative Law Judge (850) 921-6847, Division of Administrative Hearings 1230 Apalachee Parkway, Tallahassee,

Florida 32399-3060; and Ellen M. Simon, Asst. General Counsel, Florida Department of Health, 4052 Bald Cypress Way, Bin C-65, Tallahassee Florida 32399-3265; and U.S.

mail to Sylvia Morris 1905 Union Street Tampa Florida 33607; this **30th. Day of June 2004.**



Rhonda F. Ford, RN, Esq.
FORD LEGAL, P.A.
3226 W. Kennedy Blvd.
Tampa, FL. 33609
Phone: (813) 873-4905
Fax: (813) 873-4092
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Counsel for Respondent

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JEB BUSH, GOVERNOR

RHONDA M. MEDOWS, MD, FAAP, SECRETARY

PERSONAL AND CONFIDENTIAL

November 5, 2001

Sylvia Morris, R.N.
1905 Union Street
Tampa FL 33607-4317

RE: AHCA Complaint No. 2001-18171

Dear Ms. Morris:

This letter is notification that there is a pending investigation regarding your license to practice in the State of Florida. The investigation is based upon the enclosed document(s) that was determined to be legally sufficient for the investigation pursuant to Section 456.073 Florida Statutes. You are invited to submit a written response or you may call me to schedule an interview within 20 days of receiving this letter. Your response will be made a part of the file and will be considered by the agency and the probable cause panel in determining whether a formal administrative complaint should be filed in this matter. If you choose to send a response, please use the mailing address listed below and include the AHCA case number in any correspondence you may send concerning this matter.

At this stage, the investigation is confidential. This means that the contents of this investigation cannot be disclosed to you or the general public, nor can it be disclosed to the public the fact that the attached documentation was received, unless probable cause is found or you submit a written waiver of confidentiality.

You are not required to answer any questions or give any statement and you have the right to be represented by counsel. It is not possible to estimate how long it will take to complete this investigation because the circumstances of each investigation differ. Thank you for your cooperation and understanding in this matter.

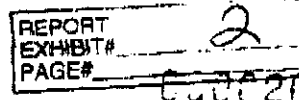
You may call me with any questions, response or a request for an interview: 813-873-4798.

Sincerely,

Babette Smith Agett
Investigation Specialist II

Enclosures: Uniform Complaint Form
Documents

BUREAU OF INVESTIGATIVE SERVICES
6800 N. Dale Mabry Hwy., Suite 220
Tampa, Florida 33614
agettb@fdhc.state.fl.us



Telephone (813) 873-4798
SunCom 512-9141
Fax (813) 871-7421
<http://www.fdhc.state.fl.us>

Exhibit #2
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