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Agency Appeal

FILED
01 JUL 30 PM 1:03
DIVISION OF
ADMINISTRATIVE
HEARINGS
Tel: (850)224-9343
Fax: (850)224-3083

LAW OFFICES OF
ROBERT C. APGAR

320 Johnston Street
Tallahassee, Florida 32303

July 27, 2001

Clerk of the Court
First District Court of Appeal
301 Martin L. King, Jr., Boulevard
Tallahassee, FL 32399-1850

00-2824

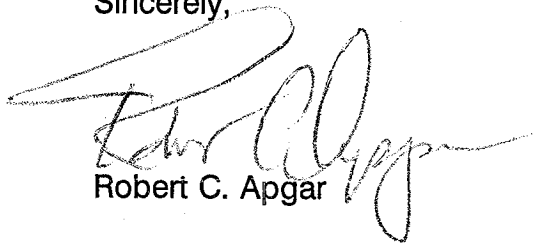
Re: Veronica Harris v. Department of Children and Family Services
Case No. 1D01-2862

To Whom It May Concern:

I have enclosed the Docketing Statement and Notice of Appearance of Counsel regarding the above-referenced case.

If you have any additional requirements, please let me know.

Sincerely,



Robert C. Apgar

RCA/pg
Enclosure

cc: John R. Perry, w/enc.
Josie Tomayo, w/enc.
Ella Jane P. Davis, w/enc.
Thomas Koch, w/enc.

RETURN ORIGINAL ONLY
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IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

FILED
01 JUL 30 PM 1:03
DIVISION OF
ADMINISTRATIVE
HEARINGS

DOCKETING STATEMENT AND
NOTICE OF APPEARANCE OF COUNSEL

APPELLANT/PETITIONER: If this case involves an original writ, is an appeal of a non-final order, or is a "child" case (as defined in paragraph 13 below), this Docketing Statement must be completed and returned immediately. In all other cases, counsel for the appellants or the appellants, if not represented by counsel, must file the Docketing Statement within 20 days from the date of the cover letter accompanying this Docketing Statement.

APPELLEE/RESPONDENT (AND AMICUS CURIAE): Are not required to file a Docketing Statement unless there are amendments, corrections, or additions to the Docketing Statement filed by appellant. Appellees and Amici are only required to file the notice of appearance if counsel's name does not already appear on the certificate of service. Appellee's Docketing Statement and notice of appearance are due no later than the answer brief.

PLEASE PROVIDE THE FOLLOWING INFORMATION (ATTACH ADDITIONAL PAGES IF NECESSARY):

If this is a child case (SEE QUESTION 13), check here _____

1. NAME OF CASE:

Veronica Harris v. Department of Children and Family Services

DCA CASE NUMBER:

1 D01-2862

2. NOTICE OF APPEARANCE OF COUNSEL.

ATTORNEY FOR (LIST CLIENT BY NAME):

Veronica Harris

ATTORNEY'S SIGNATURE:

Robert C. Appari

ATTORNEY'S PRINTED NAME:

Robert C. APPARI

BAR NO.:

0259126

ADDRESS:

320 Johnston Street

Tallahassee, FL 32303

PHONE NO.:

(850) 224-9343

Docketing statement of:

- Appellant/Petitioner
- Appellee/Respondent
- Amicus

All correspondence and orders will be sent to counsel as specified above unless the court allows withdrawal or substitution of counsel.

3. If the appeal is an appeal of a final order or of a partial final judgment, are there any matters still pending in the lower tribunal? If yes, please explain specifically the nature of the order being appealed and what matters remain pending in the lower tribunal.

None

4. TYPE OF CASE: Place a check by the most appropriate type of case.

A. Civil

- 1. Domestic Relations - divorce, child custody, paternity or support
- 2. Child Dependency
- 3. Malpractice - professional malpractice or products liability
- 4. Negligence
- 5. Contract or Indebtedness - not involving property issues
- 6. Foreclosure - mortgage, lien

7. All Others - specify Administrative challenge to Department of Children and Families determination that Petitioner was disqualified from working in a position of special trust based upon an alleged "domestic battery."

B. Criminal

- 1. Direct Appeal - judgment and sentence
- 2. Direct Appeal - sentence only
- 3. Direct Appeal - juvenile
- 4. Collateral Attack (Rule 3.850 or habeas corpus) - judgment and sentence
- 5. Collateral Attack (Rule 3.800, Rule 3.850 or habeas corpus) - sentence only
- 6. Collateral Attack - juvenile
- 7. Inmate Appeal - gain time, rule challenges, disciplinary action
- 8. Appeal by the State
- 9. All Others - specify _____

C. Administrative

- 1. Department of Professional Regulation
- 2. Unemployment Appeals Commission
- 3. Rule Challenge - specify agency _____
- 4. All others - specify see A. 7. above

D. Workers' Compensation

5. **REAL PARTIES IN INTEREST:** List names and addresses of all persons, business entities, and organizations having a direct interest in the outcome of this action.

Veronica Harris, Department of Children and Family Services

6. **RECUSALS:** For the information of the court, list any judge(s) on this court who you believe should not participate in this case, stating your reasons for that belief. (Note: Your listing of such judge(s) in the answer to this question, together with the reason for your belief, will not supplant the need for an appropriate separate pleading if you intend to seek the disqualification of a judge.)

None

7. **JUDGES BELOW:** List the name of all judge(s), deputy commissioner(s), master(s), and hearing officer(s)/examiner(s) who were involved in this action below.

Administrative Law Judge Ella Jane P. Davis

8. **ATTORNEYS:** List the names and addresses of all attorneys who are, or have been, of record in this case and who they represent.

Robert C. AFGAR and Velina Goid for Petitioner/Appellant
John P. Perry, Josie Tomayo for Respondent/Appellee
Thomas Koch for Department of Health

9. **PENDING CASES:**

(a) List the style and docket number of all cases now pending before this court, arising from the same case in the lower tribunal.

None

(b) List the style and docket number of all cases now pending before this court, which involve the same or similar issues. State the issue(s).

None

10. **PRIOR PROCEEDINGS:** List style, docket number or citation of all prior proceedings in this court which involve the same parties or issues which are being addressed in this case.

None

11. **CURRENT AND PRIOR PROCEEDINGS IN OTHER COURTS:** List style, case number, and court of all pending and prior proceedings in other courts related to this action. State briefly how the case is related.

In Re: Harris Family Day Care pending before the Florida Department of Health. This is a proceeding on the Notice of Revocation of License of the Harris Family Day Care, which is operated by Veronica Harris

12. **PROCEEDINGS BELOW:** If you are aware of any cases other than this case pending before a lower tribunal, or about to be filed in this court, which involve the same controversy or parties, or substantially similar issue(s), list each such case by style, case number, and tribunal where filed.

See response to #11

PLEASE READ CAREFULLY

13. CHILD CUSTODY/VISITATION: SUPPORT: PLACEMENT: JUVENILE DEPENDENCY AND DELINQUENCY: Does this appeal directly involve and substantially affect child custody/visitation, support, placement, juvenile dependency, or delinquency? Yes _____ No

Unless good cause to the contrary is shown by any party, the court will follow a policy of expediting appeals which involve or affect custody, support, placement, dependency and delinquency. The basic briefing schedule will be the same as in other appeals. However, no extension of time for briefing will be granted except in extreme emergency; motions will not toll the running of the briefing schedule; and the case will be processed in an expedited manner and decided as early as the interests of justice permit. (NOTE: The court encourages the parties to stipulate to an abbreviated briefing schedule and to arrange with the lower court for the record to be transmitted earlier than the time provided by the Florida Rules of Appellate Procedure.)

CERTIFICATE OF SERVICE

I hereby certify that a completed copy of this Docketing Statement has been mailed first class postage prepaid or has been hand delivered to all parties of record or their counsel on this date, and that the original pink Docketing Statement has been provided to the First District Court of Appeal, and that all of the foregoing statements are true and correct.

Date:

July 29, 2001

By:

John C. [Signature]

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