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**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

DEPARTMENT OF HEALTH,
BOARD OF MEDICINE,

Petitioner,

DOH Case No.: 2011-11595
DOAH Case No.: 13-004165PL

v.

GILBERT SHAPIRO, M.D.,

Respondent.

_____ /

NOTICE OF FILING

COMES NOW the Respondent, Gilbert Shapiro, M.D., by and through his undersigned counsel, and hereby files this Notice of Filing of the Waiver of Service of Process, dated November 25, 2013.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served as follows:

Original filed electronically via the eALJ system with:

Clerk
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399
Telephone: (850) 488-9675
Telefax: (850) 921-6847

with a copy served via e-mail and U.S. mail, postage paid, to:

John B. Fricke, Jr., Esquire
Assistant General Counsel
Department of Health, Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
Telephone: (850) 245-4444 x8114

Telefax: (850) 245-4684
E-mail: John.Fricke@flhealth.gov

Alicia Adams, Esquire
Assistant General Counsel
Department of Health, Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
Telephone: (850) 245-4444 x8191
Telefax: (850) 245-4684
E-mail: Alicia.Adams@flhealth.gov

this 3rd day of December, 2013.

/s/ Carole C. Schriefer

GEORGE F. INDEST III, ESQUIRE

Certified by The Florida Bar in Health Law

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LANCE O. LEIDER, ESQUIRE

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Primary E-mail: LLeider@TheHealthLawFirm.com

Secondary E-mail: CourtFilings@TheHealthLawFirm.com

THE HEALTH LAW FIRM

1101 Douglas Avenue

Altamonte Springs, Florida 32714

Telephone: (407) 331-6620

Telefax: (407) 331-3030

**COUNSEL FOR THE RESPONDENT,
GILBERT SHAPIRO, M.D.**

Attachment: Waiver of Service of Process

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,
BOARD OF MEDICINE,

Petitioner,

v.

DOH Case No.: 2011-11595

DOAH Case No.: 13-4165PL

GILBERT SHAPIRO, M.D.,

Respondent.

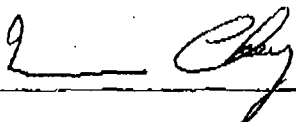
WAIVER OF SERVICE OF PROCESS

To: Carole C. Schriefer, Esquire
The Health Law Firm
1101 Douglas Avenue
Altamonte Springs, Florida 32714

I acknowledge receipt of your request that I waive service of process, on behalf of Kevin Chaltoff, M.D. I have received a copy of the Respondent's Notice of Taking Deposition Duces Tecum, Subpoena Duces Tecum and Attachment 1 directed to Kevin Chaltoff, M.D.

On behalf of myself, Kevin Chaltoff, M.D., I specifically accept service of Respondent's Notice of Taking Deposition Duces Tecum, Subpoena Duces Tecum and Attachment 1, and waive formal service of process under Rules 1.410 and 1.070, Florida Rules of Civil Procedure, and Section 48.031, Florida Statutes.

DATED this 11-25 day of November, 2013.



Kevin Chaltoff, M.D.

STATE OF FLORIDA)
)
COUNTY OF Palm Beach)

NOTARIZATION

SWORN TO AND SUBSCRIBED before me this 25th day of November, 2013, by
the foregoing person who is personally known to me or who did produce the following
identification Kevin A. Chatoff, MD and is the person who signed
above.

- SEAL -



Carol Ann Thomas
NOTARY SIGNATURE

NAME: Carol Ann Thomas
LICENSE NO.: EE 47304
EXPIRATION: 1/30/15

Section 120.569(2)(k), Florida Statutes

(k)1. Any person subject to a subpoena may, before compliance and on timely petition, request the presiding officer having jurisdiction of the dispute to invalidate the subpoena on the ground that it was not lawfully issued, is unreasonably broad in scope, or requires the production of irrelevant material.

2. A party may seek enforcement of a subpoena, order directing discovery, or order imposing sanctions issued under the authority of this chapter by filing a petition for enforcement in the circuit court of the judicial circuit in which the person failing to comply with the subpoena or order resides. A failure to comply with an order of the court shall result in a finding of contempt of court. However, no person shall be in contempt while a subpoena is being challenged under subparagraph 1. The court may award to the prevailing party all or part of the costs and attorney's fees incurred in obtaining the court order whenever the court determines that such an award should be granted under the Florida Rules of Civil Procedure.

3. Any public employee subpoenaed to appear at an agency proceeding shall be entitled to per diem and travel expenses at the same rate as that provided for state employees under s. 112.061 if travel away from such public employee's headquarters is required. All other witnesses appearing pursuant to a subpoena shall be paid such fees and mileage for their attendance as is provided in civil actions in circuit courts of this state. In the case of a public employee, such expenses shall be processed and paid in the manner provided for agency employee travel expense reimbursement, and in the case of a witness who is not a public employee, payment of such fees and expenses shall accompany the subpoena.

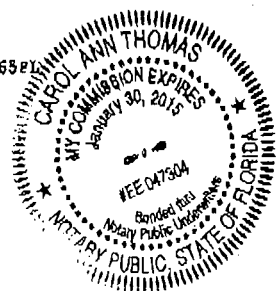
Florida Administrative Code Rule 28-106.212

(1) Upon the request of any party, a presiding officer shall issue subpoenas for the attendance of witnesses for deposition or at the hearing. The requesting party shall specify whether the witness is also requested to bring documents.

(2) A subpoena may be served by any person specified by law to serve process or by any person who is not a party and who is 18 years of age or older. Service shall be made by delivering a copy to the person named in the subpoena. Proof of service shall be made by affidavit of the person making service if not served by a person specified by law to serve process.

(3) Any motion to quash or limit the subpoena shall be filed with the presiding officer and shall state the grounds relied upon.

Specific Authority 120.54(5) FS.
Law Implemented 120.540, 120.57 FS.
History--New 4-1-97.



RECEIVED THIS SUBPOENA ON:

11/25/13, 2013, at 11:16 A.M.

11/25/13, 2013, at 11:16

o'clock, A.m., and served the same on
o'clock, .m., by delivering a true copy thereof (together with the fee for one day's attendance and the mileage allowed by law)

to: _____

A. COMPLETE IF SERVED BY SHERIFF OR APPOINTEE

_____, 20____,
at _____ o'clock, _____.m.

By: _____

Title: _____

B. AFFIDAVIT IF SERVED BY OTHER PERSON

_____, 20____,
By: _____

Sworn and subscribed to before me,
this 11 day of November, 2013, in
Patricia County, Florida.

Type of identification: _____

or (check if) personally known.

Carol Ann Thomas
(notary public)

SEAL:

NOTE: Notarized Affidavit required only if service is made by a person other than a Sheriff, a Deputy Sheriff, or a certified process server. Chapter 48, Florida Statutes.

*Fees and mileage need not be tendered to public employees subject to section 112.061, Florida Statutes.

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