

RM

FILED DATE - **JUL 23 2014**
Department of Health

By: *Angel Sudek*
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF ATHLETIC TRAINING

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2013-18843

License No.: 3087

ANDREW P. FLAVELL,

Respondent.

_____ /

FINAL ORDER

THIS CAUSE came before the BOARD OF ATHLETIC TRAINING (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on July 18, 2014, in Kissimmee, Florida for consideration of Respondent's voluntary relinquishment (attached hereto as Exhibit A).

Respondent was not present due to his incarceration.

Upon consideration of the voluntary relinquishment, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED that the voluntary relinquishment is accepted as a resolution of this case.

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

DONE AND ORDERED this 23 day of July, 2014.

BOARD OF ATHLETIC TRAINING

Sue Foster

Sue Foster, Executive Director for
Nicholas Pappas, ATC, LAT, Chair

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 ANDREW P. FLAVELL, 500 West Airport Blvd., Apt. 1304, Sanford, FL 32773 and/or Putnam Correctional Institute, 129 Yelvington Rd., East Palatka, FL 32131; and by interoffice delivery to Rachel W. Clark, Assistant Attorney General, Department of Legal Affairs, PL-01 The Capitol, Tallahassee FL 32399-1050, and Department of Health, 4052 Bald Cypress Way, Bin C-65, Tallahassee, Florida 32399-3265 this 23rd day of July, 2014.

Angel Sanders

Deputy Agency Clerk

FILED

DEPARTMENT OF HEALTH
DEPUTY CLERK

STATE OF FLORIDA
BOARD OF ATHLETIC TRAINING

CLERK: *Orlando Sanders*

DATE: MAR 14 2014

DEPARTMENT OF HEALTH,
Petitioner,

v.

DOH Case No. 2013-18843

ANDREW FLAVELL, A.T.,
Respondent.

VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent Andrew Flavell, A.T., license No. 3087, hereby voluntarily relinquishes Respondent's license to practice Athletic Training in the State of Florida and states as follows:

1. Respondent's purpose in executing this Voluntary Relinquishment is to avoid further administrative action with respect to this cause. Respondent understands that acceptance by the Board of Athletic Training (hereinafter the Board) of this Voluntary Relinquishment shall be construed as action against Respondent's license pursuant to Section 456.072(1)(f), Florida Statutes.

2. Respondent agrees to never reapply for licensure as an athletic trainer in the State of Florida.

3. Respondent agrees to voluntarily cease practicing athletic training immediately upon executing this Voluntary Relinquishment. Respondent further agrees to refrain from the practice of athletic training until such time as this Voluntary Relinquishment is presented to the Board and the Board issues a written final order in this matter.

4. In order to expedite consideration and resolution of this action by the Board in a public meeting, Respondent, being fully advised of the consequences of so doing, hereby

EXHIBIT A

waives the statutory privilege of confidentiality of Section 456.073(10), Florida Statutes, and waives a determination of probable cause, by the Probable Cause Panel, or the Department when appropriate, pursuant to Section 456.073(4), Florida Statutes, regarding the complaint, the investigative report of the Department of Health, and all other information obtained pursuant to the Department's investigation in the above-styled action. By signing this waiver, Respondent understands that the record and complaint become public record and remain public record and that information is immediately accessible to the public. Section 456.073(10) Florida Statutes

5. Upon the Board's acceptance of this Voluntary Relinquishment, Respondent agrees to waive all rights to seek judicial review of, or to otherwise challenge or contest the validity of, this Voluntary Relinquishment and of the Final Order of the Board incorporating this Voluntary Relinquishment.

6. Petitioner and Respondent hereby agree that upon the Board's acceptance of this Voluntary Relinquishment, each party shall bear its own attorney's fees and costs related to the prosecution or defense of this matter.

7. Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent in connection with the Board's consideration of this Voluntary Relinquishment. Respondent agrees that consideration of this Voluntary Relinquishment and other related materials by the Board shall not prejudice or preclude the Board, or any of its members, from further participation, consideration, or resolution of these proceedings if the terms of this Voluntary Relinquishment are not accepted by the Board.

DATED this 25th day of February, 2014.

Andrew Flavell
Andrew Flavell, A.T.

STATE OF FLORIDA
COUNTY OF: PUTNAM

Before me, personally appeared Andrew Flavell, whose identity is known to me by Dept. of Corrections ID #X83268 (type of identification) and who, under oath, acknowledges that his signature appears above. Sworn to and subscribed before me this 25th day of February, 2014.

Robert C. Butler
NOTARY PUBLIC

My Commission Expires:



STATE OF FLORIDA
DEPARTMENT OF HEALTH

RECEIVED-LEGAL
14 FEB 28 AM 7:11

INVESTIGATIVE REPORT

Office: Orlando		Date of Case: 12/13/13		Case Number: AT2013-18843	
Subject: ANDREW P. FLAVELL 500 West Airport Blvd., Apt. #1304 Sanford, Florida 32773* (570) 855-5553			Source: FLORIDA DEPARTMENT OF HEALTH Consumer Services Unit		
Prefix: AT	License #: 3087	Profession: Athletic Trainer	Board: Athletic Training	Report Date: 02/25/14	
Period of Investigation: 12/23/13 to 02/25/14			Type of Report: FINAL REPORT		
Alleged Violation: 456.072(1)(c)(k)(x)(dd), 458.331(1)(c)(nn) and 468.715, F.S. Violate Statute/Rule; sexual misconduct; fail to perform legal obligations; conviction of a crime; failing to report conviction					
Synopsis: This investigation is predicated upon receipt of a complaint from the FLORIDA DEPARTMENT OF HEALTH, Consumer Services Unit, alleging that ANDREW P. FLAVELL was convicted on 09/19/13 in Orange County Circuit Court of two counts of Lewd or Lascivious Battery (F.S. 800.04.4). It is alleged that FLAVELL had sex with one of his students. It is further alleged that FLAVELL failed to report this conviction within 30 days (Exhibit #1).					
FLAVELL was notified of the investigation by letter, dated 01/02/14 (Exhibit #2) and was provided a copy of the CASE SUMMARY.					
A check of the Department computer records revealed FLAVELL is currently licensed as an Athletic Trainer since 07/11/11 and has a delinquent, active license.					
The Minor/Child/Patient involved in this investigation was not identified thus, patient notification was not required.					
FLAVELL is not known to be represented by an attorney in reference to the Florida Department of Health investigation.					
FLAVELL admitted to the allegations in a statement dated 01/06/14 (Exhibit #3).					
*FLAVELL currently resides at: Putnam Correctional Institute, 129 Yelvington Road, East Palatka, Florida 32131.					
Related Cases: None					
Investigator/Date: <i>Robert C. Butler</i> 02/25/14 Robert C. Butler, Medical Quality Assurance Investigator, OI-126			Approved By/Date: <i>Kimberly T. Haley</i> 2/26/14 Kimberly T. Haley, Investigation Manager, OI-125		
Distribution: HQ/ISU					

Received
Investigative Services

FEB 27 2014

DOH/MQA
Tallahassee HQ