

IN THE CIRCUIT COURT OF THE  
NINTH JUDICIAL CIRCUIT, IN AND  
FOR ORANGE COUNTY, FLORIDA

CASE NO.: 2010-CA-4610  
WRIT NO.: 10-09

**NICOLE MARIE BEALL,**  
Petitioner,

vs.

**STATE OF FLORIDA,  
DEPARTMENT OF HIGHWAY  
SAFETY AND MOTOR VEHICLES,**  
Respondent.

\_\_\_\_\_ /

Petition for Writ of Certiorari  
from the Florida Department of  
Highway Safety and Motor Vehicles,  
Donna Petty, Hearing Officer.

F. Wesley Blankner, Jr., Esq.,  
for Petitioner.

Kimberly A. Gibbs, Assistant General Counsel,  
for Respondent.

Before POWELL, LUBET, and THORPE, J.J.

**FINAL ORDER DENYING PETITION FOR WRIT OF CERTIORARI**

Petitioner seeks certiorari review of a decision of an administrative hearing officer sustaining the suspension of her driver's license after a formal review hearing. After carefully reviewing the petition, the Department's response, the record, the certified transcript of the hearing and the controlling law, we deny her petition.

There is no requirement in the statutes, administrative rules or case law that the Department copy and mail to Beall's attorney upon his request prior to a formal review hearing copies of all documents relating to the suspension of her driver's license. The Department did

not comply with Beall's request. Beall declined the hearing officer's offer of a continuance to copy the documents and subpoena witnesses and evidence. Contrary to Beall's argument, we find no violation of due process occurred here.

Accordingly, it is hereby **ORDERED AND ADJUDGED** that the Petition for Writ of Certiorari is **DENIED**.

**DONE AND ORDERED** at Orlando, Florida this \_\_12th\_\_ day of \_\_May\_\_\_\_, 2011.

\_\_\_\_\_  
/S/  
**ROM W. POWELL**  
Senior Judge

\_\_\_\_\_  
/S/  
**MARC L. LUBET**  
Circuit Judge

\_\_\_\_\_  
/S/  
**JANET C. THORPE**  
Circuit Judge

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a copy of the foregoing order was furnished to **F. Wesley Blankner, Jr., Esq.**, 217 E. Ivanhoe Blvd. N., Orlando, Florida 32804; and **Kimberly A. Gibbs, Assistant General Counsel**, P.O. Box 570066, Orlando, Florida 32857, by mail, this \_\_12th\_\_ day of \_\_May\_\_\_\_, 2011.

\_\_\_\_\_  
/S/  
Judicial Assistant