



DRAFT MEETING MINUTES

Board of Massage Therapy
General Business Meeting
January 26 – 27, 2017

Renaissance World Golf Village Resort
500 South Legacy Trail
St. Augustine, FL 32092

Call to Order:

The meeting was called to order by Ms. Nixon, Chair, at 9:30 am. Those present for all or part of the meeting included the following:

MEMBERS PRESENT:

Lydia Nixon, LMT, Acting Chair
Sharon Phillips, LMT, AP, DOM
Robyn Dohn Havard, PLCS
Jennifer Wasylina, LMT
Christopher Brooks, LMT
Victoria Drago, LMT

BOARD COUNSEL:

Lee Ann Gustafson, Esq.
Assistant Attorney General

STAFF PRESENT:

Kama Monroe, Executive Director
William E. Spooner, Program Operations Administrator
Gerry Nielsen, Regulatory Specialist II

DEPARTMENT PROSECUTING ATTORNEYS:

Candace Rochester, Esq., Assistant General Counsel
Jaquetta Johnson, Esq., Assistant General Counsel
Oaj Gilani, Esq., Assistant General Counsel

COURT REPORTER:

Volusia Reporting Company
Pam Underwood, RPR (01/26/17)
Paulita E. Kundid, RPR (01/27/17)
(800) 745-3376

Please note the minutes reflect the actual order agenda items were discussed and may differ from the agenda outline. AUDIO from this meeting can be found online: <http://floridasmassagetherapy.gov/meeting-information/past-meetings/>

DISCIPLINARY PROCEEDINGS

Informal Hearings

If the Respondent **was present** the board, as appropriate, accepted unanimously the following motions:

1) The Department asks that you find the Respondent was properly served and that an informal hearing was requested. **2)** The Department asks that you adopt the findings of fact as set forth in the Administrative Complaint; **3)** The Department asks that you adopt the conclusions of law as set forth in the Administrative Complaint; **4)** The Department asks that you accept the case materials and any materials in the addendum into evidence as a part of the record and find that this constitutes a violation of the practice act.

If the Respondent **was not present**, the board, as appropriate, accepted unanimously the following motion:

1) The Department asks that you accept the investigative report into evidence for the purpose of imposing a penalty. **2)** The Department asks you find the Respondent was properly served and an informal hearing was requested. **3)** The Department asks that you adopt the findings of fact and conclusions of law as set forth in the Administrative Complaint, and find that this constitutes a violation of the practice act.

01. Funu Wen, L.M.T.

Case # 2014-17391 PCP: Harrison/Nixon

Respondent was not present. John Mannion, Esq. was present. Candace Rochester represented the Department and presented the case to the board.

Action Taken: Representation for the Respondent moved that the case be continued. This motion was denied.

Additional Action Taken: A motion was made by Ms. Havard to strike paragraphs 7, 8, 9, 10, 11, 24 and 25 from the previously filed final order. Motion seconded by Mr. Brooks, which carried unanimously.

Allegations of the Administrative Complaint:

480.046(1)(o), F.S., through 456.072(1)(c), F.S.

480.046(1)(o), F.S., through 456.072(1)(x), F.S.

Additional Action Taken: After discussion, Ms. Havard moved to revoke the license. Motion seconded by Ms. Phillips, which carried unanimously.

02. Xiaoling Chi, L.M.T.

Case # 2015-14639 PCP: Burke-Wammack/Wasylyna

The Department requested that this item be continued.

03. Edwin Robert Feldman, Jr., L.M.T.

Case # 2015-30969 PCP: Burke-Wammack/Wasylyna

Respondent was not present. Candace Rochester represented the Department and presented the case to the board.

Allegations of the Administrative Complaint:

456.072(1)(p), F.S., through 456.072(1)(x), F.S.
480.046(1)(p), F.S., through 456.072(1)(c), F.S.

Action Taken: After discussion, Ms. Nixon moved to revoke the license. Motion seconded by Mr. Brooks, which carried unanimously.

04. Kimberly Cain, L.M.T.

Case # 2015-02874 PCP: Burke-Wammack/Wasylyna

This item was continued.

05. Jaime Rodgers, L.M.T.

Case # 2014-17768 PCP: Drago/Wasylyna

Respondent was not present. Candace Rochester represented the Department and presented the case to the board.

Allegations of the Administrative Complaint:

480.046(1)(p), F.S., through 456.072(1)(x), F.S.
480.046(1)(p), F.S., through 456.072(1)(c), F.S.

Action Taken: After discussion, Ms. Nixon moved to revoke the license with aggravating factors on the record. Motion seconded by Ms. Phillips which carried unanimously.

06. Shari L. Gidney, L.M.T.

Case # 2015-00922 PCP: Drago/Wasylyna

Respondent was not present. Oaj Gilani represented the Department and presented the case to the board.

Allegations of the Administrative Complaint:

456.072(1)(x), F.S.

Action Taken: After discussion, Ms. Nixon made a motion to impose the following penalty:

- Complete a 10 Hour Florida Laws and Rules course in addition to required continuing education.
- Pay \$500.00 administrative fine within 180 days of the filed final order.
- Pay costs in the amount of \$100.60 within 180 days of the filed final order.

Motion seconded by Mr. Brooks which carried unanimously.

07. Lisa Davis Witzen, L.M.T.

Case # 2015-16682 PCP: Whitridge/Brooks

The department requested this item be pulled.

08. Gricelda Umana, L.M.T.

Case # 2015-03488 PCP: Whitridge/Brooks

Respondent was present without counsel. Ms. Gilani represented the Department and presented the case to the board.

Allegations of the Administrative Complaint:

480.046(1)(p), F.S., through a violation of 480.0485, F.S.

Action Taken: After discussion, Ms. Nixon moved to accept the allegations of the administrative complaint. Motion seconded by Ms. Havard which carried 4/2 with Ms. Wasylyna and Ms. Phillips opposing the motion.

Additional Action Taken: After discussion, Ms. Phillips moved to impose the following penalty:

- Reprimand.
- Pay \$1000.00 administrative fine within 6 months of the filed final order.

Motion seconded by Ms. Havard which carried 4/2 with Ms. Drago and Ms. Wasylyna opposing the motion.

Additional Action Taken: After discussion, Ms. Phillips moved to assess costs in the amount of \$365.25. Motion seconded by Ms. Havard, which carried unanimously.

38. Patricia Smith Finch, L.M.T.

Case # 2014-18296 PCP: Burke-Wammack/Wasylyna

Respondent was present with counsel, Mr. William Furlow, Esq. Candace Rochester represented the Department and presented the case to the board.

Action Taken: After discussion, Ms. Phillips moved to accept the terms set forth in the proposed settlement agreement. Motion seconded by Ms. Havard, which carried unanimously.

Recommended Order

70. Min Zhang, L.M.T.

Case # 2014-05627 / DOAH # 16-3870PL PCP: Smallwood/Phillips

Respondent was not present and was represented by counsel, William Furlow, Esq. Candace Rochester represented the Department and presented the case to the Board.

Allegations of Administrative Complaint:

480.046(1)(p), F.S., though a violation of 480.0485, F.S.

Findings in Recommended Order:

Entry of a final order dismissing the Administrative Complaint against Respondent, Min Zhang, L.M.T.

Action Taken: Ms. Nixon moved to accept the findings of fact and conclusions of law in the Recommended Order, and to adopt the recommended order to dismiss the administrative complaint. Motion seconded by Mr. Brooks, which carries unanimously.

Informal Hearings (cont'd)

65. Margarita Gonzalez, L.M.T.

Case # 2015-04845 PCP: Davis/Walker

Respondent was present without counsel. Candace Rochester represented the Department and presented the case to the Board.

Allegations of Administrative Complaint:

480.046(1)(c), F.S.

480.046(1)(o), F.S., through 456.072(1)(x), F.S.

Action Taken: After discussion, Ms. Nixon moved to impose the following penalty:

- Reprimand.
- Complete a 10 Hour Florida Laws and Rules course in addition to required continuing education within 1 year of the filed final order.
- Pay \$1000.00 administrative fine within 1 year of the filed final order.
- Pay costs in the amount of \$40.30 within 1 year of the filed final order.

Motion seconded by Ms. Phillips, which carried unanimously.

09. Nicole Luethje, L.M.T.

Case # 2014-21790 PCP: Whitridge/Brooks

Respondent was present without counsel. Ms. Gilani represented the Department and presented the case to the board.

Allegations of the Administrative Complaint:

456.072(1)(c), F.S.

456.072(1)(w), F.S.

The Department amended the filed administrative complaint; Count I (alleging a violation of 456.072(1)(c), F.S.) was dropped.

Action Taken: Ms. Wasylyna made a motion to impose the following penalty:

- Complete a 10 Hour Florida Laws and Rules course in addition to required continuing education within 90 days of the filed final order.
- Pay \$500.00 administrative fine within 90 days of the filed final order.
- Pay costs in the amount of \$16.13 costs within 90 days of the filed final order.

Motion seconded by Ms. Phillips, which carried unanimously.

10. Luz M. Silva, L.M.T.

Case # 2015-03289 PCP: Whitridge/Havard

Respondent was not present. Ms. Johnson represented the Department and presented the case to the board.

Allegations of the Administrative Complaint:

480.046(1)(a), F.S.

Action Taken: After discussion, Ms. Nixon moved to revoke the license with aggravating factors on the record. Motion seconded by Mr. Brooks, which carried unanimously.

11. Melissa L. Lorentson, L.M.T.

Case # 2015-00973 PCP: Davis/Walker

Respondent was not present. Ms. Johnson represented the Department and presented the case to the board.

Allegations of the Administrative Complaint:

480.046(1)(o), F.S., through 456.072(1)(x), F.S.

Action Taken: Ms. Nixon moved to impose the following penalty:

- Complete a 10 Hour Florida Laws and Rules course in addition to required continuing education within 90 days of the filed final order.
- Pay \$500.00 administrative fine within 90 days of the filed final order
- Pay costs in the amount of \$31.00 within 90 days of the filed final order.

Motion seconded by Mr. Brooks, which carried unanimously.

12. Aecha Kim. L.M.T.

Case # 2015-04154 PCP: Davis/Walker

Respondent was not present. Ms. Johnson represented the Department and presented the case to the board.

Allegations of the Administrative Complaint:

480.046(1)(o), F.S., through 456.072(1)(c), F.S.

480.046(1)(o), F.S., through 456.072(1)(x), F.S.

Action Taken: After discussion, Ms. Nixon moved to revoke the license. Motion seconded by Ms. Havard, which carried unanimously.

~~**13. Asian Massage**~~

~~**Case # 2010-01536 PCP: Harrison/Stoehs**~~

~~**The Department requested this item be continued.**~~

14. Crystal Rae Warriner, L.M.T.

Case # 2015-04416 PCP: Walker/Davis

Respondent was not present. Ms. Gilani represented the Department and presented the case to the board.

Allegations of the Administrative Complaint:

480.046(1)(a), F.S.

480.046(1)(p), F.S., and 456.072(1)(x), F.S.

Action Taken: After discussion, Ms. Nixon made a motion to impose the following penalty:

- Complete a PRN Evaluation within 90 days of the filed final order.
- Complete a 10 Hour Florida Laws and Rules course in addition to required continuing education within 1 year of the filed final order.
- Pay \$2000 administrative fine within 1 year of the filed final order.

Motion seconded by Ms. Phillips which passed unanimously.

Additional Action Taken: Ms. Havard motioned to assess costs in the amount of \$22.83 within 1 year of the filed final order. Motion seconded by Mr. Brooks, which carried unanimously.

Chair (Ms. Nixon) Call to Recess: 12:25pm

Chair (Ms. Nixon) Call to Reconvene - 1:34pm

Settlement Agreements

16, 22, 26 – Action Taken: Ms. Nixon moved to accept the terms set forth in the proposed settlement agreements for agenda items:

16. Ermin Luis, L.M.T.	(Case 2014-18579)	Cost: \$1500.00
22. Susan D. Quick, L.M.T.	(Case 2015-11015)	Cost: \$1000.00.00
26. Michael V. Jordan, L.M.T.	(Case 2015-03097)	Cost: \$329.68

Motion seconded by Ms. Havard, which carried unanimously.

32. Marcus DeWayne Millen, L.M.T. Case # 2015-18885 PCP: Drago/Wasylyna

Action Taken: Ms. Nixon moved to accept the terms set forth in the proposed settlement agreement and to assess costs in the amount of \$1000.00.00. Motion seconded by Ms. Phillips, which carried unanimously.

39, 41 – Action Taken: Ms. Nixon moved to accept the terms set forth in the proposed settlement agreements for agenda items:

39. Lorenzo Sanso, L.M.T.	(Case 2012-09039)	Cost: \$1000.00.00
41. Salon Su Soleux Medi-Spa	(Case 2011-12479)	Cost: \$2383.36

Motion seconded by Mr. Brooks, which carried unanimously.

15. Asian Massage & Spa of Palm Beach, LLC Case # 2016-12731 PCP: Whitridge/Brooks

Respondent was not present. Ms. Rochester represented the Department and presented the case to the board.

Allegations of the Administrative Complaint:

480.046(1)(o), F.S., and Rule 64B7-26.010(1)(2)(4), F.A.C.
480.046(1)(j), F.S.
480.046(1)(e), F.S.
480.046(1)(o) and 480.047(1)(c), F.S.

Action Taken: After discussion, Ms. Nixon moved to reject the terms set forth in the proposed settlement agreement and to direct the department to amend the administrative complaint. Motion seconded by Ms. Wasylyna, which carried unanimously.

16. Ermin Luis, L.M.T. Case # 2014-18579 PCP: Whitridge/Brooks **Accepted en masse.**

17. Corlissa D. Besteder-Brewer, L.M.T. Case # 2015-28033 PCP: Whitridge/Brooks

Respondent was not present. Ms. Rochester represented the Department and presented the case to the board.

Allegations of the Administrative Complaint:

456.072(1)(s), F.S.

Action Taken: After discussion, Ms. Nixon moved to reject the terms set forth in the proposed settlement agreement and to direct the department to amend the administrative complaint. Motion seconded by Ms. Havard, which carried unanimously.

18. Lauren S. Buchan, L.M.T.

Case # 2015-15601 PCP: Whitridge/Brooks

Respondent was not present. Ms. Rochester represented the Department and presented the case to the board.

Allegations of the Administrative Complaint:

480.046(1)(p), F.S., through 480.041(6), F.S.

Action Taken: After discussion, Ms. Havard moved to accept the terms of the proposed settlement agreement, with the following changes:

- Complete a 10 Hour Florida Laws and Rules course in addition to required continuing education.
- Assess costs in the amount of \$480.17.

Motion seconded by Ms. Wasylyna, which carried unanimously.

19. Robin Tobin, L.M.T.

Case # 2015-16703 PCP: Whitridge/Brooks

Respondent was not present. Ms. Rochester represented the Department and presented the case to the board.

Allegations of the Administrative Complaint:

480.046(1)(p), F.S., through 480.041(6), F.S.

Action Taken: After discussion, Ms. Phillips moved to accept the terms of the proposed settlement agreement and to assess costs in the amount of \$376.15. Motion seconded by Ms. Havard, which carried 5/1 with Ms. Nixon in opposition.

20. Maybis Campoaleger-Carrion, L.M.T.

Case # 2015-13749 PCP: Whitridge/Brooks

Respondent was not present. Ms. Rochester represented the Department and presented the case to the board.

Allegations of the Administrative Complaint:

480.046(1)(p), F.S., through 480.041(6), F.S.

Action Taken: After discussion, Ms. Phillips moved to accept the terms of the proposed settlement agreement and to assess costs in the amount of \$454.93. Motion seconded by Ms. Wasylyna, which carried 5/1 with Ms. Nixon in opposition.

21. Rechelle Deneen Wynn, L.M.T.

Case # 2015-15761 PCP: Whitridge/Brooks

Respondent was present without counsel. Ms. Rochester represented the Department and presented the case to the board.

Allegations of the Administrative Complaint:

456.072(1)(k), F.S.

480.041(6), F.S.

The administrative complaint was not included in the materials presented to the Board. The allegations set forth in the administrative complaint were read into the record. Respondent stated on the record that she was properly served with the administrative complaint, and did not dispute the facts therein.

Action Taken: After discussion, Ms. Havard moved to accept the terms of the proposed settlement agreement and assess costs in the amount of \$388.38. Motion seconded by Ms. Phillips, which carried 5/1 with Ms. Nixon in opposition.

~~22. Susan D. Quick, L.M.T. Case # 2015-11015 PCP: Whitridge/Brooks~~
Accepted en masse.

23, 24, 25 – Action Taken: Ms. Wasylyna moved to accept the terms set forth in the proposed settlement agreements for agenda items:

23. Justin Rand, L.M.T.	(Case 2015-16350)	Cost: \$374.57
24. Angie R. Yerushalmy, L.M.T.	(Case 2015-16166)	Cost: \$ _____
25. Raquel Aleman, L.M.T.	(Case 2015-13249)	Cost: \$243.74

Motion seconded by Ms. Wasylyna, which carried unanimously.

~~23. Justin Rand, L.M.T. Case # 2015-16350 PCP: Whitridge/Brooks~~
Accepted en masse.

~~24. Angie R. Yerushalmy, L.M.T. Case # 2015-16166 PCP: Whitridge/Brooks~~
Accepted en masse.

~~25. Raquel Aleman, L.M.T. Case # 2015-13249 PCP: Whitridge/Brooks~~
Accepted en masse.

~~26. Michael V. Jordan, L.M.T. Case # 2015-03097 PCP: Whitridge/Brooks~~
Accepted en masse.

27. Anne Spa Inc. Case # 2016-09569 PCP: Whitridge/Brooks
Respondent was not present. Ms. Johnson represented the Department and presented the case to the board.

Allegations of the Administrative Complaint:

480.046(1)(p), F.S., through 480.0465, F.S.
456.072(1)(k), F.S.

Action Taken: After discussion, Ms. Nixon moved to reject the terms of the proposed settlement agreement and to direct the department to amend the administrative complaint. Motion seconded by Ms. Havard, which carried unanimously.

28. Ksenia Gonzalez, L.M.T. Case # 2015-14702 PCP: Whitridge/Brooks
Respondent was not present. Ms. Johnson represented the Department and presented the case to the board.

Allegations of the Administrative Complaint:

480.046(1)(p), F.S. through 480.041(6), F.S.

Action Taken: After discussion, Ms. Phillips moved to accept the terms of the proposed settlement agreement and assess costs in the amount of \$367.79. Motion seconded by Ms. Wasylyna, which carried 5/1 with Ms. Nixon in opposition.

29. Franklin Antonio Taveras, L.M.T.

Case # 2015-16244 PCP: Drago/Wasylyna

Respondent was not present. Ms. Johnson represented the Department and presented the case to the board.

Allegations of the Administrative Complaint:

480.046(1)(p), F.S., though 480.041(6), F.S.

Action Taken: After discussion, Ms. Havard moved to accept the terms of the proposed settlement agreement and to assess costs in the amount of \$500.00.00. Motion seconded by Ms. Phillips, which carried 5/1 with Ms. Nixon in opposition.

30. SSMR Enterprises Inc.

Case # 2015-31425 PCP: Drago/Wasylyna

Respondent was not present. Ms. Johnson represented the Department and presented the case to the board.

Allegations of the Administrative Complaint:

480.046(1)(f), F.S.

Action Taken: After discussion, Ms. Nixon moved to reject the terms of the proposed settlement agreement. Motion seconded by Ms. Havard, which carried unanimously.

31. Nicholas Cress, L.M.T.

Case # 2015-15941 PCP: Drago/Wasylyna

Respondent was present. Oaj Gilani represented the Department and presented the case to the board.

Allegations of the Administrative Complaint:

480.046(1)(p) through 480.041(6)

Action Taken: After discussion, Ms. Phillips made a motion to accept the terms of the proposed settlement agreement, and to assess costs in the amount of \$186.68. Motion seconded by Ms. Havard, which carried 5/1 with Ms. Nixon in opposition.

~~**32. Marcus DeWayne Millen, L.M.T.**~~

~~**Case # 2015-18885 PCP: Drago/Wasylyna**~~

~~**Accepted en masse.**~~

33, 34, 36, 37 – Action Taken: Ms. Phillips moved to accept the terms set forth in the proposed settlement agreements for agenda items:

- | | | |
|------------------------------------|--------------------------|-------------------------|
| 33. Kim Exsteen, L.M.T. | (Case 2015-16274) | Cost \$500.00.00 |
| 34. Jamie L. S. Long | (Case 2015-01022) | Cost \$466.96 |
| 36. Naarai Ortiz, L.M.T. | (Case 2015-13214) | Cost \$205.63 |
| 37. Jamie R. Dancer, L.M.T. | (Case 2015-16584) | Cost \$479.38 |

Motion seconded by Ms.Havard, which passed unanimously.

~~**33. Kim Exsteen, L.M.T.**~~

~~**Case # 2015-16274 PCP: Drago/Wasylyna**~~

~~**Accepted en masse.**~~

~~**34. Jamie L. S. Long**~~

~~**Case # 2015-01022 PCP: Drago/Wasylyna**~~

~~**Accepted en masse.**~~

~~35. Erin D. Morcom, L.M.T. Case # 2014-21713 PCP: Drago/Wasylyna~~
~~This item was heard earlier, at the request of Respondent's counsel.~~

~~36. Naarai Ortiz, L.M.T. Case # 2015-13214 PCP: Burke-Wammack/Wasylyna~~
~~Accepted en masse.~~

~~37. Jamie R. Dancer, L.M.T. Case # 2015-16584 PCP: Burke-Wammack/Wasylyna~~
~~Accepted en masse.~~

~~38. Patricia Smith Finch, L.M.T. Case # 2014-18296 PCP: Burke-Wammack/Wasylyna~~
~~This item was heard earlier, at the request of Respondent's counsel.~~

~~39. Lorenzo Sanso, L.M.T. Case # 2012-09039 PCP: Harrison/Burke-Wammack~~
~~Accepted en masse.~~

Motion to Vacate / Reconsider

35. Erin D. Morcom, L.M.T. Case # 2014-21713 PCP: Drago/Wasylyna
Respondent was present without counsel.

Action Taken: Ms. Nixon moved to accept the Motion to Vacate and Reconsider. Motion seconded by Ms. Havard, which carried unanimously.

Ms. Gilani represented the Department and presented the case to the Board.

Additional Action Taken: Ms. Phillips moved to direct the department to amend the administrative complaint. Motion seconded by Ms. Nixon, which carried unanimously.

Settlement Agreements (cont'd)

40. Dr. Ronald LaTronica, L.M.T. Case # 2014-08842 PCP: Harrison/Nixon
Respondent was not present. Ms. Gilani represented the Department and presented the case to the board.

Allegations of the Administrative Complaint:

480.046(1)(p), F.S., through 64B7-26.003(3)(b), F.A.C.

480.046(1)(p), F.S., through 64B7-26.003(4), F.A.C. - *dismissed per agreement*

480.046(1)(p), F.S., through 64B7-26.003(4), F.A.C.

Action Taken: After discussion, Mr. Brooks made a motion to accept the terms set forth in the proposed settlement agreement and assess costs in the amount of \$1632.46. Motion seconded by Ms. Havard, which carried unanimously.

~~41. Salon Su Soleux Medi-Spa Case # 2011-12479 PCP: Harrison/Oliver~~
~~Accepted en masse.~~

Voluntary Relinquishments

42, 43, 44, 45, 46, 47, 48 – Action Taken: Ms. Nixon moved to accept the following voluntary relinquishments:

- | | | |
|--|-------------------|-----------------------|
| 42. Jillian Thrasher, L.M.T. | Case # 2015-13259 | PCP: Whitridge/Brooks |
| 43. Sarah Burgos, L.M.T. | Case # 2015-16216 | PCP: Whitridge/Brooks |
| 44. Marta MacKowski, L.M.T. | Case # 2015-14662 | PCP: Whitridge/Brooks |
| 45. Jeannine L. Findley, L.M.T. | Case # 2015-16665 | PCP: Whitridge/Brooks |
| 46. Charles Richard Hasselbach, L.M.T. | Case # 2015-16184 | PCP: Whitridge/Brooks |
| 47. Vickie Lynn Barrington, L.M.T. | Case # 2015-16389 | PCP: Whitridge/Brooks |
| 48. Marlene Archer, L.M.T. | Case # 2015-16517 | PCP: Whitridge/Brooks |

Motion seconded by Ms. Phillips, which carried unanimously.

56. Anthony Allen, L.M.T.

Case # 2014-20495 PCP: Harrison/Nixon

Applicant was not present. Ms. Rochester represented the department and presented the case to the Board

Action Taken: After discussion, Ms. Havard moved to accept the voluntary relinquishment. Motion seconded by Mr. Brooks, which carried unanimously.

49, 57, 58, 59 – Action Taken: Ms. Nixon moved to accept the following voluntary relinquishments:

- | | | |
|----------------------------|-------------------|-----------------------|
| 49. Wenrong Wang, L.M.T. | Case # 2015-11810 | PCP: Whitridge/Havard |
| 57. Kaichen Zhang, L.M.T. | Case # 2016-26029 | PCP: Waived |
| 58. Frederick Dost, L.M.T. | Case # 2015-10523 | PCP: Whitridge/Havard |
| 59. Frederick Dost, L.M.T. | Case # 2016-10310 | PCP: Whitridge/Havard |

Motion seconded by Ms. Phillips, which carried unanimously.

50, 51, 52, 53, 54 – Action Taken: Ms. Nixon moved to accept the following voluntary relinquishments:

- | | | |
|-----------------------------------|-------------------|-----------------------------|
| 50. Alexandra Rosa Hueber, L.M.T. | Case # 2015-14724 | PCP: Burke-Wammack/Wasylyna |
| 51. Vladimir Kamenko, L.M.T. | Case # 2015-16658 | PCP: Burke-Wammack/Wasylyna |
| 52. Julia Winter, L.M.T. | Case # 2015-14637 | PCP: Burke-Wammack/Wasylyna |
| 53. Matthew Guerra, L.M.T. | Case # 2015-03016 | PCP: Burke-Wammack/Wasylyna |
| 54. Michael A. Arnsperger, L.M.T. | Case # 2016-22740 | PCP: Burke-Wammack/Wasylyna |

Motion seconded by Ms. Phillips, which carried unanimously.

55. Juan A. Baro Grey, L.M.T.

Case # 2016-24203 PCP: Drago/Wasylyna

Applicant was not present.

Action Taken: After discussion, Ms. Nixon moved to accept the voluntary relinquishment. Motion seconded by Ms. Phillips, which carried unanimously.

Determination of Waivers

If the Respondent **was present**, the board, as appropriate, accepted unanimously the following motions:

1) The Department asks that you accept the investigative report into evidence for the purpose of imposing a penalty. **2)** The Department asks you find the Respondent was properly served and waived the right to a formal hearing (either by failing to respond at all or timely). **3)** The Department asks you adopt the findings of fact as set forth in the Administrative Complaint. **4)** The Department asks you adopt the conclusions of law as set forth in the Administrative Complaint, and find that this constitutes a violation of the practice act.

If the Respondent **was not present**, the board, as appropriate, accepted unanimously the following motions: **1)**

The Department asks that you accept the investigative report into evidence for the purpose of imposing a penalty. **2)** The Department asks you find the Respondent was properly served and waived the right to a formal hearing (either by failing to respond at all or timely). **3)** The Department asks you adopt the findings of fact and conclusions of law as set forth in the Administrative Complaint, and find that this constitutes a violation of the practice act.

60. Veronica R. Callum, L.M.T.

Case # 2015-16736 PCP: Drago/Wasylyna

Respondent was not present. Ms. Johnson represented the Department and presented the case to the Board.

Allegations of the Administrative Complaint:

480.046(1)(p), F.S., through 480.041(6), F.S.

Action Taken: After discussion, Ms. Nixon moved to impose the following penalty:

- Pay \$250 administrative fine within 1 year of the filed final order.
- Pay costs in the amount of \$1.34 within 1 year of the filed final order.

Motion seconded by Ms. Phillips, which carried unanimously.

61. Gazelle G. Baumgard, L.M.T.

Case # 2015-16711 PCP: Drago/Wasylyna

Respondent was not present. Ms. Johnson represented the Department and presented the case to the Board.

Allegations of the Administrative Complaint:

480.046(1)(p), F.S., through 480.041(6), F.S.

Action Taken: After discussion, Ms. Nixon moved to impose the following penalty:

- Pay \$250 fine within 1 year of the filed final order.
- *Pay \$1.34 costs within 1 year of the filed final order.
- Suspension of license until licensee is compliant with background screening requirements.

Motion seconded by Mr. Brooks, which carried unanimously.

62. Elio A. Arnanda, L.M.T.

Case # 2016-13542 PCP: Drago/Wasylyna

Respondent was not present. Ms. Rochester represented the Department and presented the case to the Board.

Allegations of the Administrative Complaint:

480.046(1)(p), F.S., through 480.0485, F.S. and/or 64B7-26.010, F.A.C.

Action Taken: After discussion, Ms. Nixon moved to revoke the license. Motion seconded by Mr. Brooks, which carried unanimously.

63. Eric Perez Marshall, Jr., L.M.T.

Case # 2016-16516 PCP: Drago/Wasylyna

This item was taken up concurrently with 65.

64. Eric Perez Marshall, Jr., L.M.T.

Case # 2015-11103 PCP: Drago/Wasylyna

Respondent was not present. Ms. Rochester represented the Department and presented the case to the Board.

Allegations of the Administrative Complaint:

480.046(1)(p), F.S., through 480.0485, F.S. and/or 64B7-26.010, F.A.C.

Action Taken: After discussion, Mr. Brooks moved to revoke the license. Motion seconded by Ms. Nixon, which carried unanimously.

~~**65. Margarita Gonzalez, L.M.T.**~~

~~**Case # 2015-04845 PCP: Davis/Walker**~~

~~**This item was heard earlier, at the request of Respondent's counsel.**~~

~~**66. Gesler Garcia, L.M.T.**~~

~~**Case # 2015-28220 PCP: Nixon/Walker**~~

~~**This item was heard later, at the request of the Board chair.**~~

67. Oreste R. Chavez, L.M.T.

Case # 2013-07924 PCP: Smallwood/Phillips

Respondent was not present. Ms. Gilani represented the Department and presented the case to the Board.

Allegations of the Administrative Complaint:

480.046(1)(c), F.S.

456.072(1)(ff), F.S.

Action Taken: After discussion, Mr. Brooks moved to revoke the license with aggravating factors on the record. Motion seconded by Ms. Nixon, which carried unanimously.

68. Luis E. Diaz, L.M.T.

Case # 2015-01855 PCP: Phillips/Brooks

Respondent was not present. Ms. Gilani represented the Department and presented the case to the Board.

Allegations of the Administrative Complaint:

480.046(1)(p) through 456.072(1)(x)

Action Taken: After discussion, Ms. Nixon moved to impose the following penalty:

- Complete a 10 Hour Florida Laws and Rules course in addition to required continuing education within 90 days of the filed final order.
- Pay \$500.00 fine within 90 days of the filed final order.
- Pay costs in the amount of \$438.93 within 90 days of filed final order.

Motion seconded by Ms. Phillips, which carried unanimously.

69. Gabriel Mata, L.M.T.

Case # 2014-19758 PCP: Havard/Burke-Wammack

Respondent was not present. Ms. Gilani represented the Department and presented the case to the Board.

Allegations of the Administrative Complaint:

480.046(1)(p), F.S., through 480.0485, F.S.

480.046(1)(p), F.S., through 480.0485, F.S.

Action Taken: After discussion, Ms. Nixon moved to revoke the license. Motion seconded by Ms. Phillips, which carried unanimously.

66. Gesler Garcia, L.M.T.

Case # 2015-28220 PCP: Nixon/Walker

Respondent was not present. Ms. Gilani represented the Department and presented the case to the Board.

Allegations of the Administrative Complaint:

480.046(1)(p), F.S., through 480.0485, F.S.

Action Taken: After discussion, Ms. Havard moved to revoke the license. Motion seconded by Mr. Brooks, which carried unanimously.

Recommended Orders

~~70. Min Zhang, L.M.T. Case # 2014-05627 / DOAH # 16-3870PL PCP: Smallwood/Phillips~~

~~This item was heard earlier, at the request of Respondent's counsel.~~

Motion to Vacate / Reconsider

35. Erin D. Morcom, L.M.T.

Case # 2014-21713 PCP: Drago/Wasylyna

This item was heard earlier, at the request of the department.

PROSECUTOR'S REPORT

Fingerprinting cases have been reduced significantly (~3500 - ~1400), in part due to efforts from Consumer Services to bring licensees into compliance.

Currently, there are 1698 cases open in Prosecution Services, of which:

- 38 cases are with the ERO unit
- 508 are under legal review
- 505 cases are ready to be presented to a Probable Cause Panel

Cases in which probable cause has been found have been identified as the 'slow-down' in the process; Prosecution Services is working to streamline the service process by assigning one specific attorney.

Additionally, the following cases are in progress:

- 4 cases are before the Division of Administrative Hearings (DOAH)
- 110 cases are scheduled for Board appearance (including those heard in this meeting)
- 1 case is on appeal
- 718 cases are over 1 year old, 600 of which are fingerprint compliance

Action Taken: Ms. Nixon moved to accept the prosecutors report and authorized Prosecution Services to continue to try cases that are one year old or older. Motion seconded by Ms. Wasylyna, which carried unanimously.

***REVIEW AND APPROVAL OF MINUTES**

71. December 14, 2016 Conference Call – Meeting Minutes

Action Taken: Ms. Nixon moved to approve the minutes as they appear in the record. Motion seconded by Ms. Havard, which carried unanimously.

DRAFT

*REPORTS

Chair Report – Lydia Nixon

Nothing at this time.

Legislative Liaison Report – Lydia Nixon

Nothing at this time.

Unlicensed Activity Report – Lydia Nixon

Nothing at this time.

Vice Chair Report – Robyn Havard

Nothing at this time.

Budget Liaison Report – Robyn Havard

Nothing at this time.

Board Counsel's Report – Lee Ann Gustafson, Esq.

72. January 2017 Rules Report

Executive Director's Report – Kama Monroe, Executive Director

73. Ratification of Licensure - Massage Therapists 09/27/2016 – 01/03/2017

Action Taken: Ms. Phillips moved to ratify the massage therapist licenses. Motion seconded by Mr. Brooks, which carried unanimously.

74. Delegation of Authority – Service of Process

Action Taken: Ms. Nixon moved to amend the delegation of authority to allow the Executive Director to accept service on behalf of the Board. Motion seconded by Mr. Brooks, which carried unanimously.

75. Antitrust Update

This item is informational

Rules Liaison Report – Sharon Phillips, Chris Brooks

Nothing at this time.

School Liaison Report – Sharon Phillips

76. Massage Therapy Program Approval – 09/27/2016 – 01/03/2017

Action Taken: Ms. Havard moved to ratify the Board approved massage school. Motion seconded by Mr. Brooks, which carried unanimously.

Continuing Education Liaison Report – Christopher Brooks

77. Approved Pro Bono Requests - 09/27/2016 – 01/03/2017

78. Approved CE Providers - 09/27/2016 – 01/03/2017

Action Taken: Ms. Nixon moved to ratify the approved Pro Bono Requests for Continuing Education and Continuing Education Providers. Motion seconded by Ms. Phillips, which carried unanimously.

Public Relations Liaison Report – Victoria Drago

Nothing at this time

Healthy Weight Liaison Report – Victoria Drago

Nothing at this time

***RULES DISCUSSION**

79. 64B7-28.009 - Continuing Education

Mr. Brooks posed that continuing education courses that are 12 hours in length, taught on a single day may pose ethical/educational concerns. He cited issues with breaks, instructors compressing the course, and instructors allowing students to leave courses of this length early as potential issues.

Ms. Wasylyna and Ms. Phillips indicated that this issue has been broached on other occasions.

Board Counsel advised that additional information about the issue at hand, complaints, and impact to small business should be addressed.

***GENERAL BUSINESS DISCUSSION**

Ms. Haynes, (Director of Continuing Education, FSMTB) commented on the REACH program, and provided other general information about upcoming programs and services, and offered some commentary about continuing education in addition to the Board's discussion.

The upcoming AMTA annual meeting details are to-be-announced. The Board will address sending a representative once details have been clarified.

Donna Sarvello (NCBTMB) invited a representative of the Board to a School Summit to be held Feb. 25th, 2017, to address Continuing Education.

Alex Spasoff (Chair, FSMTA) invited the Board Chair to their annual convention June 25th.

***INFORMATIONAL**

Chair (Ms. Nixon) Call to Recess: 4:50pm

Chair (Ms. Nixon) Call to Reconvene – 9:01 am

OPEN RULE FOR DISCUSSION

Ms. Nixon moved to open rule 64B7-26.002, F.A.C., for future discussion. Motion seconded by Mr. Brooks, which carried unanimously.

GENERAL BUSINESS (CONTINUED)

Ms. Sarvello (*NCBTMB*) presented additional information concerning 12-hour courses nationwide, and informed the Board of *NCBTMB*'s complaint process.

Ms. Nixon moved that Mr. Brooks attend their School Summit in February as Continuing Education liaison. Motion seconded by Ms. Havard, which carried unanimously.

ADMINISTRATIVE PROCEEDINGS

Request for Informal Hearing

80. Cui, Fenxian (F# 65275)

Applicant was not present. Luke Fynn, Esq. was present.

Action Taken: After discussion, Ms. Nixon moved to not reconsider the licensee. Motion seconded by Ms. Wasylyna, which carried unanimously.

Applicants with History

81. Bloom, Rose (F# 90395)

Applicant was present without counsel.

Action Taken: After discussion, Ms. Nixon moved to grant the license unencumbered. Motion seconded by Ms. Havard, which carried unanimously.

82. Brooks, April (F# 90384)

Applicant was not present.

Action Taken: After discussion, Ms. Nixon moved to grant the license with the following conditions:

- Pay \$500.00 administrative fine within 180 days of the final order.
- Complete a 10 Hour Florida Laws and Rules course in addition to required continuing education within 180 days of the final order.

Motion seconded by Ms. Havard, which carried unanimously.

83. Cho, Sun Ah (F# 89781)

Applicant was not present.

Action Taken: After discussion, Ms. Wasylyna moved to deny the license based on previous criminal history. Motion seconded by Ms. Nixon, which carried unanimously.

84. Conley, Marissa (F# 90338)

Applicant was present without counsel.

Action Taken: After discussion, Mr. Brooks moved to grant the license unencumbered. Motion seconded by Ms. Havard, which passed unanimously.

85. Gilliam, Ryan Mycal (F# 90816)

Applicant was present without counsel.

Action Taken: After discussion, Ms. Havard moved to grant the license unencumbered. Motion seconded by Ms. Wasylyna, which carried unanimously.

86. Grogan, Mark (F# 89969)

Applicant was present without counsel.

Action Taken: After discussion, Ms. Havard moved to grant the license with the following conditions:

- Pay \$500.00 administrative fine within 180 days of the filing of the final order.
- Complete a 10 Hour Florida Laws and Rules course in addition to required continuing education within 180 days of the final order.

Motion seconded by Ms. Nixon, which carried unanimously.

87. Hare, Erika Michelle (F# 88118)

Applicant was present without counsel.

Action Taken: After discussion, Mr. Brooks moved to grant the license unencumbered. Motion seconded by Ms. Nixon, which carried unanimously.

88. Hernandez, Jonathan (F# 87176)

Applicant was not present.

Action Taken: After discussion, Ms. Nixon moved to grant the license with the following conditions:

- PRN Evaluation to be completed within 90 days of the filing of the final order.

Motion seconded by Ms. Wasylyna, which carried 5/1, with Ms. Havard opposing the motion.

89. Hodorowski, Emily (F# 90560)

Applicant was present without counsel.

Action Taken: After discussion, Mr. Brooks moved to grant the license unencumbered. Motion seconded by Ms. Havard, which carried 5/1 with Ms. Nixon opposing the motion.

90. Holmes, Sheri (F# 90074)

Applicant was present without counsel.

Action Taken: After discussion, Ms. Phillips moved to grant the license unencumbered. Motion seconded by Ms. Nixon, which carried unanimously.

91. Kultunik, Dariia (F# 90667)

Applicant was not present.

Action Taken: After discussion, Ms. Nixon moved to grant the license unencumbered. Motion seconded by Ms. Wasylyna, which carried unanimously.

92. Liu, Guochao (F# 90262)

Applicant was not present.

Action Taken: After discussion, Ms. Havard moved to grant the license with the following conditions:

- Pay a \$500.00 administrative fine within 180 days of the filing of the final order.
- Complete a 10 Hour Florida Laws and Rules course in addition to required continuing education within 180 days of the final order.

Motion seconded by Mr. Brooks, which carried unanimously.

93. Mao, Zhihua (F# 82909)

Applicant was not present.

Action Taken: After discussion, Ms. Nixon moved to grant the license with the following conditions:

- Pay a \$500.00 administrative fine within 180 days of the filing of the final order.
- Complete a 10 Hour Florida Laws and Rules course in addition to required continuing education within 180 days of the final order.

Motion seconded by RH which passed unanimously.

94. McCabe, Yun Song (F# 89271)

Applicant was not present.

Action Taken: After discussion, Ms. Havard moved to deny the license based on previous criminal history. Motion seconded by Ms. Wasylyna, which carried unanimously.

95. Meng, Xiangmei (F# 89799)

Applicant was not present.

Action Taken: After discussion, Ms. Nixon moved to deny the license based on previous criminal history. Motion seconded by Ms. Wasylyna, which carried unanimously.

96. Nieves, Mary (F# 89710)

Applicant was not present.

Action Taken: After discussion, Ms. Nixon moved to deny the license based on previous criminal history which makes the applicant ineligible for licensure. Motion seconded by Ms. Wasylyna, which passed unanimously.

97. Smith, David Lamar

(F# 90487)

Applicant was present without counsel.

Action Taken: After discussion, LN moved to grant the license with the following conditions:

- PRN Evaluation to be completed within 90 days of the filing of the final order.

Motion seconded by Ms. Wasylyna, which carried 4/2 with Ms. Havard and Mr. Brooks opposing the motion.

98. Stewart, Elijah Nahova

(F# 90756)

Applicant was not present.

Action Taken: After discussion, Ms. Nixon moved to grant the license with the following conditions:

- Pay a \$500.00 administrative fine within 180 days of the filing of the final order.
- Complete a 10 Hour Florida Laws and Rules course in addition to required continuing education within 180 days of the final order.

Motion seconded by Mr. Brooks, which carried unanimously.

Applicants with Foreign Education

99. Kalicanin, Nenad

(F# 89925)

Applicant was not present.

Action Taken: After discussion, Ms. Phillips moved to grant the license unencumbered. Motion seconded by Ms. Nixon, which carried unanimously.

100. Miranda Hernandez, Julio Cesar

(F# 90956)

Applicant was not present.

Action Taken: After discussion, Ms. Havard moved to grant the license unencumbered. Motion seconded by Ms. Phillips, which carried unanimously.

101. Rado, Anisa Dara

(F# 88806)

Applicant was not present.

Action Taken: After discussion, Ms. Havard moved to grant the license unencumbered. Motion seconded by Mr. Brooks, which carried unanimously.

Petitions for Variance or Waiver

102. Worth, Pamela Patricia

(F# 89905)

Applicant was not present.

Action Taken: Ms. Phillips moved to deny the petition. Motion seconded by Mr. Brooks, which passed unanimously.

*OLD BUSINESS

*NEW BUSINESS

Ms. Phillips requested that discussion of 64B7-26.002, F.A.C. occur in a future Board meeting, to address the possibility of adding rule language to have the establishment owner be responsible for taking a 10 hour Florida Laws/Rules course.

Alex Spassoff (Chair, FSMTA) provided dates for FSMTA June 20-25 at Wyndham on International Dr., and requested that a Board member serve as representative during the Successful Start Program on June 22nd.

Action Taken: Ms. Havard moved to have Ms. Nixon, Chair, and Board staff attend. Motion seconded by Ms. Wasylyna, which carried unanimously.

Alex Spassoff (Chair, FSMTA) voiced concerns about establishment inspections in various regions. Board staff provided details concerning how these issues were addressed by the Department.

Ms. Wasylyna stated concerns about the potential for future unlicensed activity due to exemption from massage establishment licensure for offices of MDs, DOs, and DCs who employ massage therapists.

INFORMATIONAL

FSMTB Initiates Litigation

*ELECTIONS

2017 Chair and Vice-Chair Elections

Action Taken: Ms. Phillips moved to elect Ms. Nixon as Chair. Motion seconded by Ms. Havard, which carried unanimously.

Action Taken: Mr. Brooks moved to elect Ms. Havard as Vice-Chair. Motion seconded by Ms. Phillips, which carried unanimously.

ADJOURN 10:26am