



General Business Meeting

January 25, 2018

9:00 a.m., ET

Radisson Resort Orlando – Celebration

2900 Parkway Blvd.

Kissimmee, FL 34747

(407) 997-7032

SHELL MEETING MINUTES

CALL TO ORDER

The meeting was called to order by Ms. Havard, Chair, at 9:00 am. Those present for all or part of the meeting included the following:

MEMBERS PRESENT

Robyn Dohn Havard, PLCS, Chair
Victoria Drago, LMT
Sharon Phillips, LMT, AP, DOM
Jennifer Wakeman, LMT
Christopher Brooks, LMT

MEMBERS ABSENT

Lydia Nixon, LMT (*excused*)

BOARD COUNSEL

Lee Ann Gustafson, Esq., Senior Assistant Attorney General

STAFF PRESENT

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

DEPARTMENT PROSECUTING ATTORNEYS

John Wilson, Esq., Assistant General Counsel
Christina Shideler, Esq., Assistant General Counsel

COURT REPORTER

Cindy Green
American Court Reporting
3213 Hargill Dr.
Orlando, FL 32806
(407) 896-1813

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://www.floridasmassage.com/meeting-information/>

I. Board Chair’s Report

Ms. Havard gave opening remarks concerning the role of the Board and her role as the Board Chair.

The issue of fingerprint compliance and criminal history disclosure was addressed holistically. Specifically, Ms. Havard addressed the leniency of the Board in issuing fines for non-disclosure of criminal history, and her view that applicants who do not disclose history should not be granted a license. The Board discussed the issue further:

- Ms. Drago indicated that these issues should still be taken case-by-case, and that the community and schools at large should be educated on how the application question works.
- Ms. Phillips indicated that case-by-case basis should still be taken. She asked questions concerning appeal rights. Ms. Gustafson clarified that the Order issued by the Board always contains appeal rights.
- Ms. Drago discussed the issue of schools completing applications. Ms. Havard indicated the need for correspondence from Board staff to schools concerning the student’s responsibility to sign their application.
- Ms. Phillips proposed including explanatory language concerning “adjudication withheld.”

The Board reached consensus on issues of non-disclosure; Ms. Havard closed the discussion without further comment.

Ms. Havard indicated that the Chair position would have to move throughout the Board the coming year due to her involvement in Probable Cause Panels during the previous year.

II. Appointment of Liaisons

The Board appointed the following Liaisons for 2018:

Budget:	Robyn Dohn Havard
Continuing Education:	Christopher Brooks, Sharon Phillips
Healthiest Weight:	Victoria Drago
Human Trafficking:	Jennifer Wakeman, Lydia Nixon
Legislative:	Sharon Phillips
Public Relations:	Victoria Drago
Rules:	Christopher Brooks
Schools:	Sharon Phillips
Unlicensed Activity:	Victoria Drago
FSMTB Board Delegate:	Jennifer Wakeman, Lydia Nixon

III. Disciplinary Proceedings

A. Informal Hearings

~~##. ACTIVE WELLNESS Case # 2015-09667 PCP: PHILLIPS/DRAGO~~

~~Pulled - Quorum~~

~~##. MICHELE L. VELEZ, LMT Case # 2015-05556 PCP: PHILLIPS/DRAGO~~

~~Pulled - Quorum~~

~~##. YINIZ JIN, LMT Case # 2014-16383 PCP: PHILLIPS/DRAGO~~

~~Pulled - Quorum~~



~~##. TIERA DIANA BAIZE, LMT Case # 2016-28919 PCP: PHILLIPS/DRAGO~~

~~Pulled - Quorum~~

~~##. MAREE YOON, LMT Case # 2015-04638 PCP: PHILLIPS/DRAGO~~

~~Pulled - Quorum~~

~~##. VICTORIA C. MOORE, LMT Case # 2015-15722 PCP: HAVARD/DRAGO~~

~~Pulled - Quorum~~

~~##. JEREMY D. MIRACLE, LMT Case # 2015-12959 PCP: HAVARD/DRAGO~~

~~Pulled - Quorum~~

~~##. HANNAH ADAMS, LMT Case # 2014-22238 PCP: HAVARD/DRAGO~~

~~Pulled - Quorum~~

~~##. BERHANE T. OLIVER, LMT Case # 2015-05770 PCP: HAVARD/DRAGO~~

~~Pulled - Quorum~~

~~##. JOHN ESPOSITO, LMT Case # 2015-12678 PCP: HAVARD/PHILLIPS~~

~~Pulled - Quorum~~

~~##. BRENT STUCKEY, LMT Case # 2017-04331 PCP: HAVARD/BROOKS~~

~~Pulled - Quorum~~

~~##. TAMMYANN MARIE ALLEN, LMT Case # 2015-16462 PCP: BROOKS/WAKEMAN~~

~~Pulled - Quorum~~

~~##. YANFU LI, LMT Case # 2014-21366 PCP: BROOKS/WAKEMAN~~

~~Pulled - Quorum~~

~~##. NA LIN, LMT Case # 2015-20227 PCP: BROOKS/WAKEMAN~~

~~Pulled - Quorum~~

B. Recommended Orders

01. QIAN GAO, LMT Case # 2015-29207 / DOAH # 17-3337PL PCP: DRAGO/WHITRIDGE

Respondent was not present. Mr. Wilson represented the Department and presented the case to the Board.

Action Taken: After discussion, Ms. Havard moved to accept the Findings of Fact in the Recommended Order. Motion seconded by Mr. Brooks, which carried unanimously.

Additional Action Taken: After discussion, Ms. Phillips moved to accept the Conclusions of Law in the Recommended Order. Motion seconded by Mr. Brooks, which carried unanimously.

Additional Action Taken: After discussion, Ms. Havard moved to accept the Penalty as stated in the Recommended Order, and to bifurcate and assess costs in the amount of \$10,192.17. Motion seconded by Mr. Brooks, which carried unanimously.

~~##. JORGE L. PRUNEDA, LMT Case # 2016-20331 / DOAH # 17-2964PL PCP: PHILLIPS/HAVARD~~

~~Pulled - Quorum~~

~~##. NANCY JANE REED, LMT Case # 2017-01561 / DOAH # 17-2459PL PCP: DRAGO/HAVARD~~

~~Pulled - Quorum~~

C. Voluntary Relinquishments

Agenda items 02 – 08 were taken en masse.

Action Taken: After discussion, Ms. Havard moved to accept the voluntary relinquishments. Motion seconded by Ms. Drago, which passed unanimously.

- 02. LIAN YING MA, LMT Case # 2017-10539 PCP: WAIVED
- 03. TOMMY DEAN MURPHY, LMT Case # 2017-14033 PCP: WAIVED
- 04. MING-JIN TAI, LMT Case # 2013-00846 PCP: WAIVED
- 05. AMAZING MEDICAL SERVICES, INC Case # 2015-16937 PCP: WAIVED
- 06. MICHAEL VERNIO, LMT Case # 2017-18771 PCP: WAIVED
- 07. TAMARA ESPONDA, LMT Case # 2015-19732 PCP: WAIVED
- 08. RYAN KEITH GWALTNEY, LMT Case # 2015-24314 PCP: WAIVED

~~##. HONG WANG MILLER, LMT Case # 2015-03165 PCP: PHILLIPS/DRAGO~~
Pulled – Quorum

~~##. ERICK A. PEREZ FERRERO, LMT Case # 2015-22656 PCP: PHILLIPS/DRAGO~~
Pulled – Quorum

~~##. JASON SAPP, LMT Case # 2016-13902 PCP: DRAGO/WAKEMAN~~
Pulled – Quorum

~~##. JASON SAPP, LMT Case # 2016-13443 PCP: DRAGO/WAKEMAN~~
Pulled – Quorum

~~##. DAVID R. NAZARIO, LMT Case # 2017-09262 PCP: DRAGO/WAKEMAN~~
Pulled – Quorum

~~##. CONSTANTINE RITSI, LMT Case # 2015-20708 PCP: BROOKS/HAVARD~~
Pulled – Quorum

~~##. WILFREDO DIAZ FERNANDEZ, LMT Case # 2015-15272 PCP: BROOKS/HAVARD~~
Pulled – Quorum

~~##. JAMES RUSSELL, LMT Case # 2017-05948 PCP: BROOKS/DRAGO~~
Pulled – Quorum

~~##. YUMEI S. LEE, LMT Case # 2015-14212 PCP: BROOKS/WAKEMAN~~
Pulled – Quorum

D. Settlement Agreements

~~09. HAIYAN ZHANG, LMT Case # 2015-18548 PCP: WAKEMAN/WHITRIDGE~~
Pulled at the request of the Department.

10. CARLOS J. HERNANDEZ Case # 2015-05293 PCP: WAKEMAN/WHITRIDGE

Applicant was not present. Ms. Shideler represented the Department and presented the case to the Board.

Action Taken: After discussion, Ms. Havard moved to accept the terms of the proposed settlement agreement and assess costs in the amount of \$1,000.00. Motion seconded by Ms. Phillips, which carried unanimously.

11. KIMBERLY KRISTIN CAIN, LMT Case # 2015-02874 PCP: WAKEMAN/BURKE-WAMMACK

Applicant was not present. Ms. Shideler represented the Department and presented the case to the Board.

Action Taken: After discussion, Ms. Phillips moved to reject the proposed settlement agreement and issue a counteroffer with the following terms:

- Fine (\$1000.00) to be paid within 1 year.
- Costs (\$1,150.88) to be paid within 1 year.
- 10-hour Florida Laws and Rules Course above and beyond the requirements for renewal within 1 year.
- Reprimand

Motion seconded by Ms. Havard, which carried 3/1 with Ms. Drago in opposition.

~~##. HAIR DESIGNERS OF VOLUSIA COUNTY, INC. Case # 2015-01602 PCP: BROOKS/WAKEMAN~~

~~Pulled - Quorum~~

~~##. TIFFANY K. DIXON, LMT Case # 2015-28249 PCP: PHILLIPS/DRAGO~~

~~Pulled - Quorum~~

~~##. HAIZHEN HAN, LMT Case # 2015-01256 PCP: PHILLIPS/DRAGO~~

~~Pulled - Quorum~~

~~##. TAMMY L. KELZ, LMT Case # 2015-02511 PCP: PHILLIPS/DRAGO~~

~~Pulled - Quorum~~

~~##. JAE NA LEE, LMT Case # 2014-21002 PCP: DRAGO/WAKEMAN
(WALKER/DAVIS)~~

~~Pulled - Quorum~~

~~##. MARIA AVALOS, LMT Case # 2014-20565 PCP: DRAGO/WAKEMAN~~

~~Pulled - Quorum~~

~~##. ROBERT S. SANCHEZ PINO, LMT Case # 2015-12564 PCP: DRAGO/WAKEMAN~~

~~Pulled - Quorum~~

E. Determination of Waivers

~~12. LIQUING CAI, LMT Case # 2014-18840 PCP: WALKER/DAVIS~~

~~Pulled at the request of the Department.~~

13. EMILY FIONA GREGG, LMT Case # 2015-14782 PCP: BURKE-WAMMACK/WAKEMAN

Applicant was not present. Mr. Wilson represented the Department and presented the case to the Board.

Action Taken: After discussion, Mr. Brooks moved that the Respondent was properly served and waived their right to appeal, that the investigative report be accepted as evidence, and that the Findings of Fact and Conclusions of Law set forth in the Administrative Complaint be adopted by the Board. Motion seconded by Ms. Phillips, which carried unanimously.

Additional Action Taken: After discussion, Mr. Brooks moved to adopt the following penalty:

- Fine (\$250.00) to be paid within 90 days of the filing of the final order.
- Reprimand

- Suspension until compliant with background screening requirements.
- Motion seconded by Ms. Phillips, which carried unanimously.

Additional Action Taken: After discussion, Ms. Phillips moved to assess costs in the amount of \$174.59 to be paid within 90 days of the filing of the final order. Motion seconded by Ms. Havard, which carried unanimously.

14. FELICIA NICOLE CRUZ, LMT Case # 2015-14797 PCP: BURKE-WAMMACK/WAKEMAN

Applicant was not present. Mr. Wilson represented the Department and presented the case to the Board.

Action Taken: After discussion, Mr. Brooks moved that the Respondent was properly served and waived their right to appeal, that the investigative report be accepted as evidence, and that the Findings of Fact and Conclusions of Law set forth in the Administrative Complaint be adopted by the Board. Motion seconded by Ms. Havard, which carried unanimously.

Additional Action Taken: After discussion, Ms. Havard moved to adopt the following penalty:

- Fine (\$250.00) to be paid within 90 days of the filing of the final order.
- Reprimand

Motion seconded by Mr. Brooks, which carried unanimously.

Additional Action Taken: After discussion, Ms. Havard moved to assess costs in the amount of \$13.44 to be paid within 90 days of the filing of the final order. Motion seconded by Mr. Brooks, which carried unanimously.

15. MAIKEL CONCEPCION, LMT Case # 2015-14768 PCP: BURKE-WAMMACK/WAKEMAN

Applicant was not present. Mr. Wilson represented the Department and presented the case to the Board.

Action Taken: After discussion, Ms. Havard moved that the Respondent was properly served and waived their right to appeal, that the investigative report be accepted as evidence, and that the Findings of Fact and Conclusions of Law set forth in the Administrative Complaint be adopted by the Board. Motion seconded by Ms. Phillips, which carried unanimously.

Additional Action Taken: After discussion, Ms. Havard moved to adopt the following penalty:

- Fine (\$250.00) to be paid within 90 days of the filing of the final order.
- Reprimand
- Suspension until compliant with background screening requirements.

Motion seconded by Ms. Drago, which carried unanimously.

Additional Action Taken: After discussion, Ms. Havard moved to assess costs in the amount of \$1346.35 to be paid within 1 year of the filing of the final order. Motion seconded by Mr. Brooks, which carried unanimously.

16. VILETA OTERO, LMT Case # 2015-29482 PCP: HAVARD/WHITRIDGE

Applicant was not present. Mr. Wilson represented the Department and presented the case to the Board.

Action Taken: After discussion, Mr. Brooks moved that the Respondent was properly served and waived their right to appeal, that the investigative report be accepted as evidence, and that the Findings of Fact and Conclusions of Law set forth in the Administrative Complaint be adopted by the Board. Motion seconded by Ms. Phillips, which carried unanimously.

Additional Action Taken: After discussion, Ms. Havard moved to adopt the following penalty:

- Revocation

Motion seconded by Ms. Drago, which carried unanimously.

Additional Action Taken: After discussion, Mr. Brooks moved to assess costs in the amount of \$584.95 to be paid within 90 days of the filing of the final order. Motion seconded by Ms. Wakeman, which carried unanimously.

17. MEIHUA JIN, LMT

Case # 2015-13239 PCP: HAVARD/WHITRIDGE

Applicant was not present. Ms. Shideler represented the Department and presented the case to the Board.

Action Taken: After discussion, Ms. Drago moved that the Respondent was properly served and waived their right to appeal, that the investigative report be accepted as evidence, and that the Findings of Fact and Conclusions of Law set forth in the Administrative Complaint be adopted by the Board. Motion seconded by Mr. Brooks, which carried unanimously.

Additional Action Taken: After discussion, Ms. Drago moved to adopt the following penalty:

- Fine (\$250.00) to be paid within 90 days of the filing of the final order.
- Reprimand
- Assess costs (\$8.06) to be paid within 90 days of the filing of the final order.

Motion seconded by Ms. Phillips, which carried unanimously.

18. JUSTIN E. HALL, LMT

Case # 2015-05198 PCP: DRAGO/WHITRIDGE

Applicant was present without counsel. Ms. Shideler represented the Department and presented the case to the Board.

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

19. ALEXIS TRUJILLO, LMT

Case # 2014-19947 PCP: BROOKS/WHITRIDGE

Applicant was not present. Ms. Shideler represented the Department and presented the case to the Board.

Action Taken: After discussion, Ms. Phillips moved that the Respondent was properly served and waived their right to appeal, that the investigative report be accepted as evidence, and that the Findings of Fact and Conclusions of Law set forth in the Administrative Complaint be adopted by the Board. Motion seconded by Ms. Havard, which carried unanimously.

Additional Action Taken: After discussion, Ms. Havard moved to adopt the following penalty:

- Fine (\$500.00) to be paid within 90 days of the filing of the final order.
- Assess costs (\$1326.13) to be paid within 90 days of the filing of the final order.
- Revocation.

Motion seconded by Ms. Wakeman, which carried unanimously.

~~##. CHITH XAYAPHET, LMT Case # 2015-08469 PCP: BROOKS/WAKEMAN~~

~~Pulled - Quorum~~

~~##. KEVIN PEREZ, LMT Case # 2015-16564 PCP: BROOKS/WAKEMAN~~

~~Pulled - Quorum~~

~~##. NELSY LUGO CORRALES, LMT Case # 2015-12573 PCP: BROOKS/WAKEMAN~~

~~Pulled - Quorum~~

~~##. KESHUNDRA D. DIXON, LMT Case # 2015-15560 PCP: BROOKS/WAKEMAN~~

~~Pulled - Quorum~~

~~##. PATRICIA A. DION, LMT Case # 2015-16440 PCP: BROOKS/WHITRIDGE~~

Pulled - Quorum

~~##. DAI YING LIU, LMT Case # 2015-05791 PCP: BROOKS/WHITRIDGE~~

Pulled - Quorum

~~##. GIDEON MICHAEL ELLIOTT, LMT Case # 2015-22317 PCP: BROOKS/WHITRIDGE~~

Pulled - Quorum

~~##. RAZIEL PERIU, LMT Case # 2014-14788 PCP: BROOKS/PHILLIPS~~

Pulled - Quorum

~~##. YENI ISBELL, LMT Case # 2015-15040 PCP: BROOKS/PHILLIPS~~

Pulled - Quorum

~~##. JORGE BLANCO, LMT Case # 2015-12894 PCP: BROOKS/PHILLIPS~~

Pulled - Quorum

~~##. KEVIN CARLOS OBREGON, LMT Case # 2015-17733 PCP: BROOKS/PHILLIPS~~

Pulled - Quorum

~~##. KALI C. BAKER, LMT Case # 2016-21564 PCP: BROOKS/HAVARD~~

Pulled - Quorum

~~##. XIAOJING CAO, LMT Case # 2016-21689 PCP: BROOKS/HAVARD~~

Pulled - Quorum

~~##. ANNA MARIE KIRKPATRICK, LMT Case # 2016-00372 PCP: PHILLIPS/HAVARD~~

Pulled - Quorum

~~##. MARYANN ROESLER, LMT Case # 2016-00355 PCP: PHILLIPS/HAVARD~~

Pulled - Quorum

~~##. HECTOR CASTANO JR., LMT Case # 2015-15624 PCP: PHILLIPS/HAVARD~~

Pulled - Quorum

~~##. SHANNON V. MARKIN, LMT Case # 2015-14896 PCP: PHILLIPS/HAVARD~~

Pulled - Quorum

~~##. NOELIO H. HERRERA, LMT Case # 2015-13266 PCP: PHILLIPS/HAVARD~~

Pulled - Quorum

~~##. LINDSEY L. FLANAGAN, LMT Case # 2015-12379 PCP: PHILLIPS/HAVARD~~

Pulled - Quorum

~~##. RAYDEL BIBILONI ACUNA, LMT Case # 2015-13276 PCP: PHILLIPS/HAVARD~~

Pulled - Quorum

~~##. CENTER OF ATTENTION DAY SPA Case # 2016-05672 PCP: PHILLIPS/HAVARD~~

Pulled - Quorum

~~##. YOU AND I BEAUTY LAB CORP Case # 2016-07067 PCP: HAVARD/DRAGO~~

Pulled - Quorum

~~##. WILLIAM CALDERON, LMT Case # 2015-15335 PCP: HAVARD/DRAGO~~

Pulled - Quorum

~~##. MARIA RODRIGUEZ, LMT Case # 2015-13784 PCP: HAVARD/DRAGO~~

~~Pulled – Quorum~~

~~##. TING MASSAGE, INC. Case # 2015-23104 PCP: HAVARD/DRAGO~~

~~Pulled – Quorum~~

~~##. JINZHI LIU PEARCE, LMT Case # 2015-15086 PCP: HAVARD/DRAGO~~

~~Pulled – Quorum~~

~~##. JOANNA M. BAUGH Case # 2015-16370 PCP: DRAGO/WAKEMAN~~

~~Pulled – Quorum~~

IV. REPORTS

A. Prosecutor's Report

Mr. Wilson welcomed Ms. Shideler as the Prosecution Services team lead for Massage Therapy. An account of the cases pending in Prosecution was given, as follows:

- 1,161 open cases in Prosecution Services; reduced significantly from 2017.
- 39 open cases in Emergency Action Unit
- 300 (approx.) cases pending legal review; 260 of which are pending review for Probable Cause
- 414 open cases in which probable cause has been found
- Year and older inventory includes 815 cases – team has been directed to prioritize these cases, and to take cases to the Division of Administrative Hearings

Action Taken: After discussion, Mr. Brooks moved to authorize Prosecution Services to continue to prosecute cases that are one year and older. Motion seconded by Ms. Havard, which carried unanimously.

B. Review and Approval of Minutes

October 19-20, 2017 - General Business Meeting

Action Taken: After discussion, Ms. Phillips moved to accept the minutes as presented. Motion seconded by Ms. Wakeman, which carried unanimously.

December 13, 2017 - Conference Call Minutes

Action Taken: After discussion, Ms. Drago moved to accept the minutes as presented. Motion seconded by Ms. Wakeman, which carried unanimously.

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

Ms. Gustafson gave the following report concerning Notice of Intent to Rescind issued to licensees who reported Margate School of Beauty on initial application where no records indicate that the licensee was in attendance. Ms. Gustafson received 6 responses from noticed licensees, and stated she is having some difficulty in reaching the school administration. 3 licensees are currently represented.

December 2017 Rules Report

January 2017 Rules Report

D. Legislative Liaison Report

Nothing at this time.

E. Public Relations Liaison Report

Ms. Drago would like to represent the Board at the AMTA School Summit.

Action Taken: After discussion, Ms. Havard moved that Ms. Drago should represent the Board during the AMTA School Summit. Motion seconded by Ms. Wakeman, which carried unanimously.

F. Vice Chair Report

Nothing at this time.

G. Rules Liaison Report

Nothing at this time.

H. Budget Liaison Report

Nothing at this time.

I. Executive Director's Report – Kama Monroe

Ratification of Licensure – October 10, 2017 – December 11, 2017

Action Taken: After discussion, Ms. Phillips moved to ratify the licenses presented. Motion seconded by Ms. Havard, which carried unanimously.

Letter – Controlled Substances / Alternative Therapies

Ms. Wakeman provided information from the Multidisciplinary Meeting (who was involved, what the subject of the meeting was, and how alternative healthcare may be a part of the solution), and proposed that education of other Boards and sustained collaborative effort is a vital step in solving the ongoing opioid epidemic.

It was noted that Ms. Wakeman's views on the subject, as presented to the Multidisciplinary Board Fact Finding Workgroup on Controlled Substances, may be unique, as she was the only panel member to expressly work with addiction and recovery in a facility.

Ms. Monroe addressed the purpose of the meeting from the Department/Governor's standpoint She stated that the meeting also addressed how insurance might be a factor when alternative therapies are prescribed, and that Ms. Wakeman will be attending the Multidisciplinary Board Fact Finding Subgroup on Controlled Substances Continuing Education Curriculum, and that other professions stated their desire for education in the area of controlled substances addiction and recovery, and how allied/alternative therapies may contribute to recovery.

Ms. Havard expressed the following concerns:

- Presentations – in the medical field, evidence-based research is important. What do we have?
 - Ms. Wakeman provided the following response: much of the insurance coverage was in rolled back in 2010. Ms. Wakeman cited several sources that might be used in constructing materials for other Boards.
- Ms. Havard suggested something on the order of a grant and indicated that she would like to assist with the grant.
 - Ms. Wakeman provided information about programs in Hillsborough County, where alternative therapies are used in recovery settings. Ms. Wakeman indicated that the CDC is working on providing recommendations, and that their next meeting will involve major insurance companies.
- Ms. Havard suggested working with Plan Design when addressing insurance companies.

22. Durant, David Edward **File # 94864**

Applicant was present without counsel.

Applicant verbally withdrew his application.

23. Keeling, Morgan Lindsay **File # 94711**

Applicant was present without counsel.

Action Taken: After discussion, Ms. Wakeman moved to deny the license for the following reasons:

- Failure to disclose criminal history on application.

Motion seconded by Ms. Phillips, which carried unanimously.

Applicant verbally withdrew her application.

24. Lester, Jennifer Straub **File # 94947**

Applicant was not present.

Action Taken: After discussion, Ms. Havard moved to grant the license unencumbered.

Motion seconded by Ms. Phillips, which carried unanimously.

25. Levin, Herbert **File # 94749**

Applicant was present without counsel.

Action Taken: After discussion, Ms. Havard moved to grant the license unencumbered.

Motion seconded by Mr. Brooks, which carried unanimously.

26. Lin, Edward James **File # 94397**

Applicant was not present.

Action Taken: After discussion, Ms. Havard moved to deny the license for the following reasons:

- Failure to disclose criminal history on application.

Motion seconded by Mr. Brooks, which carried unanimously.

27. Mo, Zhongying **File # 88584**

Applicant was not present.

Action Taken: After discussion, Ms. Havard moved to deny the license for the following reasons:

- Conviction of a crime related to the practice of massage therapy.
- Failure to disclose criminal history on application.

Motion seconded by Ms. Wakeman which carried unanimously.

28. Nieves, Tiffany Erniece **File # 94848**

Applicant was present without counsel.

Action Taken: After discussion, Ms. Havard moved to grant the license unencumbered.

Motion seconded by Ms. Drago, which carried unanimously.

29. Pinagel, Adrian **File # 93612**

Applicant was present without counsel.

Action Taken: After discussion, Ms. Drago moved to grant the license with an amended application.

- Failure to disclose criminal history on application.

Motion seconded by Ms. Havard, which carried unanimously.

30. Reukauf, Maryanne **File # 93885**

Applicant was not present.

Action Taken: After discussion, Ms. Havard moved to deny the license for the following reasons:

- Failure to disclose criminal history on application.

Motion seconded by Mr. Brooks, which carried unanimously.

31. Scroggins, Karla **File # 82602**

Applicant was not present.

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

32. Shoenfelt, Jennifer **File # 94551**

Applicant was present without counsel.

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

33. Smith, Charles Edgar Williams **File # 95140**

Applicant was present without counsel.

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

34. Vogt, Christine Elaine **File # 93638**

Applicant was not present.

Action Taken: After discussion, Ms. Wakeman moved to deny the license for the following reasons:

- Failure to disclose criminal history on application.

Motion seconded by Mr. Brooks, which carried unanimously.

35. Wang, Fei **File # 91407**

Applicant was not present.

Action Taken: After discussion, Ms. Havard moved to deny the license for the following reasons:

- Failure to disclose criminal history on application.

Motion seconded by Ms. Wakeman, which carried unanimously.

36. Williams, Deondre Jerome **File # 94514**

Applicant was not present.

Action Taken: After discussion, Ms. Havard moved to deny the license for the following reasons:

- Failure to disclose criminal history on application.
- Motion seconded by Ms. Wakeman, which carried unanimously.

37. Zhu, Jiping **File # 92299**

Applicant was present without counsel. Mr. Gunther was present.

Action Taken: After discussion, Ms. Wakeman moved to deny the license for the following reasons:

- Conviction of a crime related to the practice of massage therapy
- Previous disciplinary history

Motion seconded by Mr. Brooks, which carried unanimously.

B. Petitions for Variance or Waiver

38. Egan, Colleen Marie **File # 77623**

Applicant was present without counsel.

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

39. Wheeler, Erin M. **File # 94443**

Applicant was present without counsel.

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

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

C. Reconsiderations

Items 40, 41 and 42 were taken en masse.

Action Taken: After discussion, Ms. Havard moved to terminate probation. Motion seconded by Ms. Drago, which carried unanimously.

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|--------------------------------------|---------------------|
| 40. Fahnstock, Michelle Marie | MA66986 |
| 41. Hanson, Christian | MA72260 |
| 42. Lester, Catherine | File # 90186 |

D. Continuing Education Providers

43. Leland W. Funk **50-20601**

Applicant was not present.

Action Taken: After discussion, Ms. Phillips moved to deny the application. Motion seconded by Mr. Brooks, which carried unanimously.

44. IntrinsicConnections 50-20407

Applicant (Ms. Boonestra) was present without counsel.

Action Taken: After discussion, Mr. Phillips moved to deny the application. Motion seconded by Ms. Havard, which carried unanimously.

Applicant verbally withdrew her application.

E. Board-approved Massage Programs

45. Florida Career School of Massage and Bodywork

Action Taken: After discussion, Ms. Phillips moved to deny the application based on inconsistencies as presented in submitted materials. Motion seconded by Ms. Havard, which carried unanimously.

F. Petitions for Declaratory Statement

46. Gournelos, Elena File # 84603; 37271

Action Taken: After discussion, Ms. Wakeman moved to request additional information from the petitioner. Motion seconded by Ms. Phillips, which carried unanimously.

VI. RULES DISCUSSION

64B7-30.004, F.A.C. (Citations)

64B7-30.005, F.A.C. (Mediation)

Action Taken: After discussion, Ms. Havard moved to approve the rule changes as presented. Motion seconded by Mr. Brooks, which carried unanimously.

SERC: After discussion, Ms. Havard moved that the proposed language would not have a negative impact on regulatory cost or small businesses. Motion seconded by Mr. Brooks, which carried unanimously.

Ms. Havard moved that the proposed language is not a minor violation. Motion seconded by Mr. Brooks, which carried unanimously.

VII. GENERAL BUSINESS DISCUSSION

OLD BUSINESS

NEW BUSINESS

Joyce Inderkum represented the FSMTA and provided information to the Board concerning participation in their annual Successful Start program. She indicated that the FSMTA would be changing the format for regulatory agencies, and that they would like the Board to be represented as part of a regulatory panel. This differs from Board participation in previous years, when the Board chair made an independent presentation concerning the licensure process.

Action Taken: After discussion, Mr. Brooks moved to have Ms. Havard and Mr. Nielsen attend. Motion was seconded by Ms. Wakeman which carried unanimously.

VIII. ADJOURN

The meeting adjourned at 2:42 pm.