

DEPARTMENT OF HEALTH  
DIVISION OF MEDICAL QUALITY ASSURANCE  
BOARD OF MASSAGE THERAPY

MINUTES  
GENERAL BUSINESS MEETING  
January 26-27, 2012

Holiday Inn & Suites- Sawgrass Mills  
3003 N. University Dr.  
Sunrise, FL 33332  
(954) 748-7000

1 **Thursday, January 26, 2012**

2 The meeting was called to order by Ms. Karen Ford, LMT, Chair, approximately 9:00 a.m. Those present for  
3 all or part of the meeting included the following:

**MEMBERS PRESENT:**

Karen Ford, LMT, Chair  
Bridget Burke-Wammack, LMT, V-Chair  
Lydia Nixon, LMT  
Robert Smallwood, LMT  
Lisa Oliver, Consumer Member  
William Stoehs, Consumer Member

**STAFF PRESENT:**

Anthony Jusevitch, Executive Director  
Paula Mask, Program Operations Administrator  
Alexandra Alday, Regulatory Specialist II

**BOARD COUNSEL:**

Lee Ann Gustafson, Esquire  
Assistant Attorney General

**COURT REPORTER:**

Official Reporting Services  
Apex Reporting Group  
Maritza Monroe  
Telephone: 954.467.8204  
Fax: 954.467.8214

**DEPARTMENT PROSECUTING ATTORNEY:**

S. J. DiConcilio, Esquire  
Assistant General Counsel

4 *Please note that the meeting minutes reflect the actual order agenda items were discussed during*  
5 *the meeting and may differ from the agenda outline.*

6 **MESSAGE THERAPY EXAMINATION INFORMATION**

- 7 **Tab 57 Rule 64B7-25.0025 Security and Monitoring Procedures for Licensure Examinations**  
8 **Tab 58 Contents Outline**  
9 **Tab 59 October 2007 Exam Certification Report – NCBTMB**  
10 **Tab 60 January 2011 Exam Certification Report and Vendor Questionnaire – NCBTMB**  
11 **Tab 61 March 2008 Exam Certification Report – FSMTB**  
12 **Tab 62 February 2011 Exam Certification Report and Vendor Questionnaire – FSMTB**  
13 **Tab 63 2009 - 2011 Examination Agreement – NCBTMB**  
14 **Tab 64 2011 - 2013 Examination Agreement – NCBTMB**  
15 **Tab 65 2009 - 2011 Examination Agreement – FSMTB**  
16 **Tab 66 2011 - 2013 Examination Agreement – FSMTB**  
17 **Tab 67 Board of Massage Meeting Minutes: April 23, 2009**  
18 **Tab 68 DOAH Petition/Amended Petition: NCBTMB vs. Board of Massage, Case No.: 2008-2604 RP**  
19 **Tab 69 June 2008 Email - from Rosanne Barker, Content Differences (of Examinations)**

- 1 **Tab 70 December 2008 Email - from Zohre Bahrayni, Rule Challenge**
- 2 **Tab 71 Draft Settlement Agreement**
- 3 **Tab 72 Massage Examination Candidate count/pass rate comparison**

4 Tabs 57-72 were discussed en masse.

5 Ms. Bahrayni, Psychometrician with Practitioner Reporting & Examination Services, was present on behalf of  
6 the Department. Ms. Bahrayni advised the Board of her role with the Department and responded to  
7 questions.

8 **Action Taken:** Ms. Burke-Wammack moved to request that an updated Exam Certification Report Analysis  
9 be provided to the Board well in advance of the renewal of the contracts for both exams ending on June 30,  
10 2013. The analysis should include the weighting and percentages of what will be tested. Ms. Nixon seconded  
11 the motion, which passed unanimously.

12 Ms. Burke-Wammack also inquired if a Board member could observe one of the examinations and report  
13 back to the Board. Mr. Jusevitch will verify with examination services if Board members are eligible to  
14 observe the testing and let the Board know at its next meeting.

## 15 **DISCIPLINARY PROCEEDINGS**

Prior to commencing the informal hearings Ms. Gustafson, Board Counsel, advised the Board of a recent  
ruling in Case No. 2D10-4734, Fedeline Georges, C.N.A. v. Department of Health, Board of Nursing, in the  
Second District Court of Appeal of Florida.

16 **Action Taken:** Based on discussion by Ms. Gustafson, Ms. Ford moved that only the attorney's fees in the  
17 cases before the board would not be collected based on the ruling in the District Court of Appeal until the law  
18 is settled on this matter. Mr. Smallwood seconded the motion, which carried unanimously.

19 Ms. DiConcilio advised the attorney costs are less than the affidavits specified on the waiver and informal  
20 cases. Settlement agreement costs will remain as is since the agreements were agreed upon by the  
21 respondents and will be imposed.

## 22 **Informal Hearings**

23 **Tab 1 INGRID IBETH GONZALEZ, LMT, CASE # 2010-19563** **PCP: Harrison & Stoehs**

24 Respondent was present without counsel and was duly sworn in by the court reporter. Counsel of record is  
25 Aldo Beltrano, Esq. Ms. DiConcilio represented the Department and presented the case to the Board. Mr.  
26 Stoehs was recused due to participation on the probable cause panel.

27 The Department filed an administrative complaint alleging violation of sections 480.046(1)(n), 480.046(1)(o),  
28 486.047(1)(b), and 480.043(1), F.S.

29 Mr. Smallwood moved to adopt the material facts as alleged in the Administrative Complaint are not in  
30 dispute and to adopt the allegations of fact in the administrative complaint as the Board's conclusions of fact  
31 in this proceeding. Ms. Nixon seconded the motion, which carried unanimously.

32 Respondent addressed the Board and gave an account of the events surrounding the material facts of the  
33 complaint.

1 Ms. Burke-Wammack moved to adopt the allegations of law in the administrative complaint as the Board's  
2 conclusions of law in this proceeding, and to adopt the case materials and any materials in the addendum  
3 into evidence as a part of the record in this proceeding. Ms. Nixon seconded the motion, which carried  
4 unanimously.

5 **Action Taken:** After lengthy discussion, Ms. Burke-Wammack moved to IMPOSE the following penalty:

- 6 • Pay \$1,000 fine within 1 year of the filed final order
- 7 • Pay \$1,141.92 costs within 1 year of the filed final order
- 8 • Reprimand

9 Ms. Ford seconded the motion, which passed 3/2 with Ms. Nixon and Mr. Smallwood opposing.

10 **Tab 4 DONNA MARIE SMITH, LMT, CASE # 2010-22374**

**PCP: Harrison & Stoehs**

11 Respondent was present and was duly sworn in by the court reporter. Respondent was represented by  
12 counsel, Johanna Saxton Shields, Esq. Ms. DiConcilio represented the Department and presented the case  
13 to the Board. Mr. Stoehs was recused due to participation on the probable cause panel.

14 The Department filed an administrative complaint alleging a violation of section 480.046(1)(n), F.S.

15 Ms. Oliver moved to adopt the material facts as alleged in the Administrative Complaint are not in dispute  
16 and to adopt the allegations of fact in the administrative complaint as the Board's conclusions of fact in this  
17 proceeding. Ms. Nixon seconded the motion which carried unanimously.

18 Respondent and counsel addressed the Board and gave an account of the events surrounding the material  
19 facts of the complaint.

20 Mr. Smallwood moved to adopt the allegations of law in the administrative complaint as the Board's  
21 conclusions of law in this proceeding, and to adopt the case materials and any materials in the addendum  
22 into evidence as a part of the record in this proceeding. Ms. Nixon seconded the motion which passed  
23 unanimously.

24 **Action Taken:** After lengthy discussion, Ms. Burke-Wammack moved to IMPOSE the following penalty:

- 25 • Pay \$1,000 within 1 year of the filed final order
- 26 • Pay \$1,156.49 costs within 1 year of the filed final order
- 27 • Reprimand

28 Mr. Smallwood seconded the motion. After further discussion Ms. Burke-Wammack amended her motion to  
29 reflect a fine of \$700 to pay within 1 year, costs of \$1156.49 to pay within 1 year, and a reprimand. Mr.  
30 Smallwood seconded the motion, which passed 3/2 with Ms. Ford and Ms. Nixon opposing.

31 *(Break)*

32  
33 **Tab 5 JOHN PAUL LAPIERRE, LMT, CASE # 2010-14123**

**PCP: Haynes & Stoehs**

34 Respondent was present and was duly sworn in by the court reporter. Respondent was not represented by  
35 counsel. Ms. DiConcilio represented the Department and presented the case to the Board. Mr. Stoehs was  
36 recused due to participation on the probable cause panel.

37 The Department filed an administrative complaint alleging a violation of section 480.046(1)(o) and  
38 456.065(2)(d)3., F.S.

1 Ms. Burke-Wammack moved to adopt the material facts as alleged in the Administrative Complaint are not in  
2 dispute and to adopt the allegations of fact in the administrative complaint as the Board's conclusions of fact  
3 in this proceeding. Ms. Oliver seconded the motion, which carried unanimously.

4 Respondent addressed the Board and gave an account of the events surrounding the material facts of the  
5 complaint.

6 Ms. Nixon moved to adopt the allegations of law in the administrative complaint as the Board's conclusions  
7 of law in this proceeding, and to adopt the case materials and any materials in the addendum into evidence  
8 as a part of the record in this proceeding. Mr. Smallwood seconded the motion which passed unanimously.

9 **Action Taken:** After lengthy discussion, Mr. Smallwood moved to IMPOSE the following penalty:

- 10 • Pay \$100 fine within 180 days of the filed final order
- 11 • Pay \$454.33 (less attorney's fees) costs within 180 days of the filed final order
- 12 • Reprimand

13 Ms. Burke-Wammack seconded the motion which passed 4/1 with Ms. Nixon in opposition.

#### 14 **Settlement Agreements**

#### 15 **Tab 18 ANNA J. SNIDER, LMT, CASE # 2011-13839**

**PCP: Harrison & Stoehs**

16 Respondent was present along with a friend, Kurt Smerko. Both were sworn in by the court reporter. Ms.  
17 DiConcilio presented the case to the board.

18 After testimony by the respondent and Mr. Smerko and discussion by the board, the following action was  
19 taken:

20 **Action taken:** Ms. Ford moved to accept the settlement agreement imposing the following penalty:

- 21 • Letter of Concern and Suspension until respondent contacts PRN and accepts a  
22 contract with PRN
- 23 • Pay \$500 fine within 180 days of the filed final order
- 24 • Pay \$3,788.30 costs within 365 days of the filed final order

25 Mr. Smallwood seconded the motion. After further discussion, Ms. Ford **amended her motion** to remove the  
26 \$500 fine. Mr. Smallwood seconded the motion, which carried unanimously.

#### 27 **Tab 28 JOHN VINCENT TERRUSA, LMT, CASE # 2011-06663**

**PCP: Harrison & Stoehs**

28 Respondent, John Vincent Terrusa, was present along with his counsel, A. Kenneth Levine, Esq. Both were  
29 sworn in by the court reporter. Ms. DiConcilio presented the case to the board.

30 After testimony by the respondent and counsel and discussion by the board, the following action was taken:

31 **Action Taken:** Mr. Smallwood moved to accept the settlement agreement.

- 32 • Reprimand
- 33 • Pay \$1,050 fine within 365 days of the filed final order
- 34 • Pay \$765.21 costs within 365 days of the filed final order

35 Ms. Nixon seconded the motion, which carried 4/1 with Ms. Burke-Wammack opposing.

1 **Voluntary Relinquishments**

2 **Tab 42 SOUTHSIDE SPA & TAN, LLC, CASE # 2009-19276** **PCP: Waived**

3 Respondent was not present nor represented by counsel. Mr. Dan Porter spoke on behalf of Southside Spa  
4 and the current owner. He was sworn in by Ms. Ford.

5 After testimony by Mr. Porter and discussion by the board, the following action was taken:

6 **Action Taken:** Ms. Ford moved to accept the voluntary relinquishment of the license. Ms. Nixon seconded  
7 the motion, which carried unanimously.

8 **Motion for Reconsideration of Stipulation**

9 **Tab 55 ENRIQUE VELA-LOPEZ, LMT, CASE # 2007-10284** **PCP: Harrison & Stoehs**

10 Respondent was present and sworn in by the court reporter. Respondent was represented by Ron Toward,  
11 Esq. who represents his underlying criminal case. Respondent's attorney of record is Wilson Jerry Foster,  
12 Esq. Mr. Stoehs was recused due to participation on the probable cause panel.

13 The Respondent, through his attorney, filed a motion to reconsider the Settlement Agreement.

14 **Action Taken:** After discussion, Ms. Burke-Wammack moved to reconsider the previous decision and to  
15 discuss the case. Mr. Smallwood seconded the motion, which passed unanimously.

16 **Additional Action Taken:** After lengthy discussion, Ms. Burke-Wammack moved to accept the settlement  
17 agreement penalty which includes:

- 18
- 19 • Reprimand
  - 20 • \$1500 fine to be paid within 90 days from date of filed final order
  - 21 • \$3,760.97 costs to be paid within 90 days from date of filed final order
  - One (1) year probation with indirect supervision

Motion was seconded by Mr. Smallwood and carried unanimously.

22 *(Break)*

23 *(Returned to Informal Hearings)*

24 **Tab 2 ELIZABETH R. RUDEEN, LMT, CASE # 2010-18520** **PCP: Harrison & Stoehs**

25 Respondent was not present nor represented by counsel. Ms. DiConcilio represented the Department and  
26 presented the case to the Board. Mr. Stoehs was recused due to participation on the probable cause panel.

27 The Department filed an administrative complaint alleging a violation of sections 480.046(1)(o) and  
28 456.072(1)(q), F.S.

29 Mr. Smallwood moved to adopt the material facts as alleged in the Administrative Complaint are not in  
30 dispute and to adopt the allegations of fact in the administrative complaint as the Board's conclusions of fact  
31 in this proceeding; and to adopt the allegations of law in the administrative complaint as the Board's  
32 conclusions of law in this proceeding, and to adopt the case materials and any materials in the addendum

1 into evidence as a part of the record in this proceeding. Ms. Nixon seconded the motion, which carried  
2 unanimously.

3 **Action Taken:** After lengthy discussion, Ms. Burke-Wammack moved to IMPOSE the following penalty:  
4 • Pay \$250 fine within 1 year of the filed final order  
5 • Pay \$127.27 costs within 1 year of the filed final order  
6 • Reprimand

7 Mr. Smallwood seconded the motion, which passed unanimously

8 **Tab 3 CATHERINE MARY GRUSENMEYER, LMT, CASE # 2010-16785 PCP: Harrison & Stoehs**

9 Respondent was not present nor represented by counsel. Ms. DiConcilio represented the Department and  
10 presented the case to the Board. Mr. Stoehs was recused due to participation on the probable cause panel.

11 The Department filed an administrative complaint alleging a violation of sections 480.046(1)(o),  
12 456.065(2)(d)3. and 480.046(1)(n),F.S.

13 Ms. Oliver moved to adopt the material facts as alleged in the Administrative Complaint are not in dispute  
14 and to adopt the allegations of fact in the administrative complaint as the Board's conclusions of fact in this  
15 proceeding; and to adopt the allegations of law in the administrative complaint as the Board's conclusions of  
16 law in this proceeding, and to adopt the case materials and any materials in the addendum into evidence as  
17 a part of the record in this proceeding. Ms. Burke-Wammack seconded the motion, which carried  
18 unanimously.

19 **Action Taken:** After lengthy discussion, Ms. Burke-Wammack moved to IMPOSE the following penalty:  
20 • Pay \$1,700.00 fine within 1 year of the filed final order  
21 • Pay \$661.51 costs within 30 days of the filed final order  
22 • Reprimand

23 Ms. Nixon seconded the motion. After further discussion, Ms. Burke-Wammack **amended** her motion for  
24 respondent to pay \$661.51 costs within 1 year of the filed final order. Ms. Nixon seconded the motion, which  
25 passed unanimously.

26 ***(Returned to Voluntary Relinquishments)***

27 Voluntary Relinquishment cases, tabs 43 through 47 and 54 listed below, were voted on en masse.

28 Respondents were not present nor represented by counsel. Ms. DiConcilio represented the Department.

29 **Tab 43 WHITFIELD MANAGEMENT CENTER, INC., CASE # 2011-08175 PCP: Waived**  
30 **Tab 44 HALLANDALE MEDICAL ASSOCIATES, CASE # 2011-03446 PCP: Waived**  
31 **Tab 45 ELHAM KHARABI-MOGHADDAM, LMT, CASE # 2011-15957 PCP: Waived**  
32 **Tab 46 NICOLE M. RUNFOLA, LMT, CASE # 2011-01610 PCP: Waived**  
33 **Tab 47 VINCENT EMMANUEL TRISTRAM, LMT, CASE # 2011-17587 PCP: Waived**  
34 **Tab 54 FAMILY CHIROPRACTIC CENTER, INC., CASE # 2011-03399 PCP: Waived**

35 **Action Taken:** Mr. Stoehs moved to accept the voluntary relinquishment of licensure for the above listed  
36 cases. Ms. Ford seconded the motion, which passed unanimously.

37 Voluntary Relinquishment cases, tabs 17and 48 through 53 listed below, were voted on en masse.

1 Respondents were not present nor represented by counsel. Ms. DiConcilio represented the Department. Mr.  
2 Stoehs was recused due to participation on the probable cause panel.

3 **Tab 17 XIANG DAN JIN, LMT, CASE # 2008-27456** PCP: Harrison & Stoehs  
4 **Tab 48 SOKRATIS JOHN PAPAGEORGIU, LMT, CASE # 2011-04154** PCP: Harrison & Stoehs  
5 **Tab 49 SHELLY GROGAN BLUNT, LMT, CASE # 2010-20342** PCP: Haynes & Stoehs  
6 **Tab 50 MASSAGE ELITE, CASE # 2010-23065** PCP: Harrison & Stoehs  
7 **Tab 51 XIANGLAN CUI, LMT, CASE # 2011-06715** PCP: Harrison & Stoehs  
8 **Tab 52 THE HAIR GALLERY SALON & SPA OF TAMPA, CASE # 2010-19176** PCP: Harrison & Stoehs  
9 **Tab 53 ANDREY V. SHCHEGOLEV, LMT, CASE # 2011-03161 & 2011-03266** PCP: Harrison & Stoehs

10 **Action Taken:** Mr. Smallwood moved to accept the voluntary relinquishment of licensure for the above listed  
11 tabs. Ms. Oliver seconded the motion, which passed unanimously.

12 *(Break for lunch)*

13 *(Returned to Settlement Agreements)*

#### 14 **Settlement Agreements**

15 Settlement agreement cases, tabs 19-20, 23-27, 31-33, 37, and 39 listed below, were voted on en masse.

16 The respondents were not present nor represented by counsel unless noted under the appropriate tab. Ms.  
17 DiConcilio represented the Department and presented the cases to the Board, clarifying actual costs in each  
18 of the cases. Mr. Stoehs was recused due to participation on the probable cause panel.

19 **Tab 19 CRISTIN A. MURPHY, LMT, CASE # 2011-00771** PCP: Harrison & Stoehs  
20 

- Reprimand
- Pay \$100 fine within 90 days of the filed final order
- Pay \$773.11 costs within 90 days of the filed final order

23 **Tab 20 CYNTHIA BUTLER JOHNSON, LMT, CASE # 2010-22139** PCP: Harrison & Stoehs  
24 

- Reprimand
- Pay \$900 fine within 365 days of the filed final order
- Pay \$501.35 costs within 365 days of the filed final order

27 **Tab 23 MELISSA JOY CRAIG, LMT, CASE # 2010-13100** PCP: Harrison & Stoehs  
28 **Attorney of record: Elizabeth P. Perez**  
29 

- Letter of Concern
- Pay \$200 fine within 180 days of the filed final order
- Pay \$1,369.93 costs within 180 days of the filed final order

32 **Tab 24 BRANDON L. ROBERTS, LMT, CASE # 2010-24317** PCP: Harrison & Stoehs  
33 

- Reprimand
- Pay \$900 fine within 365 days of the filed final order
- Pay \$383.04 costs within 365 days of the filed final order

36 **Tab 25 LEONA T. ROBERTS, LMT, CASE # 2010-24316** PCP: Harrison & Stoehs  
37 

- Reprimand
- Pay \$900 fine within 365 days of the filed final order
- Pay \$327.98 costs within 365 days of the filed final order

- 1 **Tab 26 VILLAGE CHIROPRACTIC CENTER OF FLORIDA, LLC, CASE # 2011-07041** **PCP: Harrison & Stoehs**  
2  
3 • Reprimand  
4 • Pay \$500 fine within 365 days of the filed final order  
5 • Pay \$275.63 costs within 365 days of the filed final order
- 6 **Tab 27 SHAYLA BLALOCK, LMT, CASE # 2011-03964** **PCP: Harrison & Stoehs**  
7 • Reprimand  
8 • Pay \$350 fine within 18 months of the filed final order  
9 • Pay \$831.12 costs within 18 months of the filed final order
- 10 **Tab 31 BRANDY M. POTTER, LMT, CASE # 2011-00770** **PCP: Harrison & Stoehs**  
11 • Reprimand  
12 • Pay \$100 fine within 90 days of the filed final order  
13 • Pay \$453.17 costs within 90 days of the filed final order
- 14 **Tab 32 BRIAN R. EITNIEAR, LMT, CASE # 2011-02102** **PCP: Harrison & Stoehs**  
15 **Attorney of record: Michel Krause**  
16 • Reprimand  
17 • Pay \$150 fine within 365 days of the filed final order  
18 • Pay \$1,108.8 costs within 365 days of the filed final order
- 19 **Tab 33 XIAOHE ZHAO, LMT, CASE # 2010-17800** **PCP: Harrison & Stoehs**  
20 • Reprimand  
21 • Pay \$150 fine within 90 days of the filed final order  
22 • Pay \$1,231.76 costs within 90 days of the filed final order
- 23 **Tab 37 RAMON A. LOPEZ, LMT, CASE # 2010-17057** **PCP: Haynes & Stoehs**  
24 • Reprimand  
25 • Pay \$1,850 fine within 30 days of the filed final order  
26 • Pay \$695.76 costs within 30 days of the filed final order
- 27 **Tab 39 CHIU SHIN HUANG, LMT, CASE # 2010-20456** **PCP: Harrison & Stoehs**  
28 **Attorney of record: Thomas D. Sommerville**  
29 • Reprimand  
30 • Pay \$900 fine within 30 days of the filed final order  
31 • Pay \$925.67 costs within 30 days of the filed final order

32 **Action Taken:** Mr. Smallwood moved to accept the Settlement Agreements as presented for the above  
33 listed tabs. Ms. Nixon seconded the motion, which passed unanimously.

- 34 **Tab 21 JOHNATHAN A. ROSERO, LMT, CASE # 2010-09136** **PCP: Harrison & Stoehs**  
35 Respondent was not present nor represented by counsel. Ms. DiConcilio represented the department. Mr.  
36 Stoehs was recused due to participation on the probable cause panel.
- 37 The department filed an administrative complaint alleging a violation of sections 480.046(1)(o), 480.046(1)(f),  
38 456/072(1)(m), 456.072(1)(n), 456.072(1)(l), and 456.072(1)(ff), F.S.

- 1 Ms. DiConcilio presented the recommended settlement agreement:  
2       • Reprimand  
3       • Pay \$2,250 fine within 365 days of the filed final order  
4       • Pay \$3,676.06 costs within 365 days of the filed final order  
5       • Probation – 1 year  
6           ○ Indirect supervision

7 **Action Taken:** Ms. Burke-Wammack moved to approve the Settlement Agreement as presented. Mr.  
8 Smallwood seconded the motion, which passed unanimously.

9 **Tab 22 AUDRA NICOLE STEDING, LMT, CASE # 2010-24374** **PCP: Harrison & Stoehs**

10 Respondent was not present nor represented by counsel; however, attorney of record is Suzanne Barto Hill,  
11 Esq. Ms. DiConcilio represented the department. Mr. Stoehs was recused due to participation on the  
12 probable cause panel.

13 The department filed an administrative complaint alleging a violation of section 480.046(1)(n), F.S.

- 14 Ms. DiConcilio presented the recommended settlement agreement:  
15       • Reprimand  
16       • Pay \$400 fine within 365 days of the filed final order  
17       • Pay \$1,310.94 costs within 365 days of the filed final order

18 **Action Taken:** Ms. Ford moved to approve the Settlement Agreement as presented. Mr. Smallwood  
19 seconded the motion, which passed unanimously.

20 **Tab 29 HAN FANG ORIENTAL REFLEXOLOGY MASSAGE, CASE # 2010-11355** **PCP: Harrison & Stoehs**  
21

22 Respondent was not present nor represented by counsel. Ms. DiConcilio represented the department. Mr.  
23 Stoehs was recused due to participation on the probable cause panel.

24 The department filed an administrative complaint alleging a violation of sections 480.046(1)(o),  
25 480.047(1)(c), 480.046(1)(e), 480.046(1)(j), F.S. and rule 64B7-33.001, F.A.C.

- 26 Ms. DiConcilio presented the recommended settlement agreement:  
27       • Reprimand  
28       • Pay \$1,500 fine within 90 days of the filed final order  
29       • Pay \$3,042.46 costs within 90 days of the filed final order  
30       • Probation – 1 year  
31           ○ DOH make 4 unannounced inspections, once each quarter and pay \$100 for  
32           each quarterly probation inspection

33 **Action Taken:** Mr. Smallwood moved to accept the scriveners' error for correct costs. Ms. Burke-Wammack  
34 seconded the motion, which passed unanimously.  
35

36 **Additional Action Taken:** Mr. Smallwood moved to approve the Settlement Agreement as presented. Ms.  
37 Nixon seconded the motion, which passed unanimously.

38 **Tab 30 DAVID A. NIYAZOV, LMT, CASE # 2010-22908** **PCP: Haynes & Stoehs**

39 Respondent was not present nor represented by counsel. Ms. DiConcilio represented the department. Mr.  
40 Stoehs was recused due to participation on the probable cause panel.

1 The department filed an administrative complaint alleging a violation of sections 480.046(1)(o) and  
2 456.072(q), F.S.

3 Ms. DiConcilio presented the recommended settlement agreement:

- 4 • Reprimand; Suspension until payment of \$750 fine and \$122 costs in case # 2010-  
5 09091
- 6 • Pay \$250 fine within 90 days of the filed final order
- 7 • Pay \$550.14 costs within 90 days of the filed final order

8 **Action Taken:** Ms. Ford moved to approve the Settlement Agreement as presented. Mr. Smallwood  
9 seconded the motion, which passed unanimously.

10 **Tab 34 COMPASS HEALTH & FITNESS, CASE # 2010-18405** **PCP: Harrison & Stoehs**

11 Respondent was not present nor represented by counsel. Ms. DiConcilio represented the department. Mr.  
12 Stoehs was recused due to participation on the probable cause panel.

13 The department filed an administrative complaint alleging a violation of sections 480.046(1)(o) and 480.0465,  
14 F.S. and rule 64B7-33.001 (1), (2), and (3), F.A.C.

15 Ms. DiConcilio presented the recommended settlement agreement:

- 16 • Reprimand
- 17 • Pay \$250 fine within 30 days of the filed final order
- 18 • Pay \$406.42 costs within 30 days of the filed final order

19 **Action Taken:** Ms. Ford moved to approve the Settlement Agreement as presented. Mr. Smallwood  
20 seconded the motion, which passed unanimously.

21 **Tab 35 A PERSONAL TOUCH MASSAGE & SPA, INC., CASE # 2011-03568** **PCP: Harrison & Stoehs**

22 Respondent was not present nor was his attorney of record, William M. Furlow, Esq. Ms. DiConcilio  
23 represented the department. Mr. Stoehs was recused due to participation on the probable cause panel.

24 The department filed an administrative complaint alleging a violation of sections 480.046(1)(o),  
25 480.047(1)(c), 480.046(1)(j), and 480.046(1)(e), F.S.

26 Ms. DiConcilio presented the recommended settlement agreement:

- 27 • Reprimand
- 28 • Pay \$2,250 fine within 365 days of the filed final order
- 29 • Pay \$1,353.01 costs within 365 days of the filed final order

30 **Action Taken:** Ms. Ford moved to approve the Settlement Agreement as presented. Ms. Nixon seconded  
31 the motion, which passed unanimously.

32 **Tab 36 LUCINEIVA SILVA SOUSA, LMT, CASE # 2011-00701** **PCP: Harrison & Stoehs**

33 Respondent was not present nor represented by counsel. Ms. DiConcilio represented the department. Mr.  
34 Stoehs was recused due to participation on the probable cause panel.

35 The department filed an administrative complaint alleging a violation of section 480.046(1)(n), F.S.

- 1 Ms. DiConcilio presented the recommended settlement agreement:  
2       • Reprimand  
3       • Pay \$250 fine within 365 days of the filed final order  
4       • Pay \$1,050.92 costs within 365 days of the filed final order

5 **Action Taken:** Ms. Ford moved to approve the Settlement Agreement as presented. Ms. Oliver seconded  
6 the motion, which passed unanimously.

7 **Tab 38 ARMANDO TERRELONGE, LMT, CASE # 2010-08888** **PCP: Harrison & Stoehs**

8 Respondent was not present. Attorney of record is Jose A. Barreiro, Esq. Ms. DiConcilio represented the  
9 department. Mr. Stoehs was recused due to participation on the probable cause panel.

10 The department filed an administrative complaint alleging a violation of sections 480.046(1)(o), and  
11 480.047(1)(b), F.S.

- 12 Ms. DiConcilio presented the recommended settlement agreement:  
13       • Reprimand  
14       • Pay \$350 fine within 365 days of the filed final order  
15       • Pay \$1,443.79 costs within 365 days of the filed final order

16 **Action Taken:** Ms. Ford moved to approve the Settlement Agreement as presented. Mr. Smallwood  
17 seconded the motion, which passed unanimously.

18 **Tab 40 HAN SUK KIM, LMT, CASE # 2007-23992** **PCP: Harrison & Stoehs**

19 Respondent was not present nor the attorney of record, Robert Sauerheber, Esq. Ms. DiConcilio  
20 represented the department. Mr. Stoehs was recused due to participation on the probable cause panel.

21 The department filed an administrative complaint alleging a violation of sections 480.046(1)(o), F.S. and rule  
22 64B7-26.010 (1), (2), (3), and (4), F.A.C.

- 23 Ms. DiConcilio presented the recommended settlement agreement:  
24       • Reprimand  
25       • Pay \$2,500 fine within 90 days of the filed final order  
26       • Pay \$1,818.62 costs within 365 days of the filed final order  
27       • Probation – one (1) year  
28           o Indirect supervision

29 **Action Taken:** Ms. Burke-Wammack moved to reject the Settlement Agreement due to aggravating factors.  
30 Ms. Ford seconded the motion, which failed 2/2 with Mr. Smallwood and Ms. Oliver opposing. Ms. Ford was  
31 out of the room during the vote.

32 **Additional Action Taken:** After further discussion, Mr. Smallwood moved to accept the Settlement  
33 Agreement. Ms. Oliver seconded the motion, which failed 2/2 with Ms. Burke-Wammack and Ms. Nixon  
34 opposing. Ms. Ford was out of the room during the vote.  
35

This matter was tabled until Ms. Ford returned to the room.

1 **Tab 41 NORGE A. AGUILA, LMT, CASE # 2009-18693** **PCP: Haynes & Stoehs**

2 Respondent was not present nor represented by counsel. Ms. DiConcilio represented the department. Mr.  
3 Stoehs was recused due to participation on the probable cause panel.

4 The department filed an administrative complaint alleging a violation of section 480.046(1)(n), F.S.

5 Ms. DiConcilio presented the recommended settlement agreement:

- 6 • Reprimand
- 7 • Pay \$1,325 fine within 365 days of the filed final order
- 8 • Pay \$1,188.33 costs within 365 days of the filed final order

9 **Action Taken:** Mr. Smallwood moved to accept the scriveners' error changing the number of days from 3650  
10 days to 365 days in paragraph three (3) of the Settlement Agreement. Ms. Nixon seconded the motion, which  
11 passed unanimously.

12 **Additional Action Taken:** Mr. Smallwood moved to approve the Settlement Agreement as presented. Ms.  
13 Burke-Wammack seconded the motion, which passed unanimously.

14 **Determination of Waivers**

15 **Tab 6 JAYNELL BRISTOL, LMT, CASE # 2007-39615** **PCP: Harrison & Stoehs**

16 Respondent was not present nor represented by counsel. Ms. DiConcilio represented the department and  
17 presented the case to the Board and advised the respondent had waived the right to a formal hearing. Mr.  
18 Stoehs was recused due to participation on the probable cause panel.

19 The department filed an amended administrative complaint alleging a violation of sections 480.046(1)(o),  
20 480.047(1)(b), 456.072 and 456.037(1), F.S.

21 Mr. Smallwood moved to find that the respondent was properly served and waived their rights to a hearing as  
22 to the material issues of fact by not filing a response. Ms. Burke-Wammack seconded the motion, which  
23 carried unanimously.

24 Mr. Smallwood moved to adopt the material facts as alleged in the amended administrative complaint are not  
25 in dispute and to adopt the allegations of fact and law in the amended administrative complaint as the  
26 Board's conclusions of fact and law in this proceeding; and to adopt the materials and any addendum  
27 materials into evidence in this proceeding. Ms. Oliver seconded the motion which carried unanimously.

28 **Action Taken:** After discussion Mr. Smallwood moved to IMPOSE the following penalty:

- 29 • Reprimand
- 30 • Pay \$300 fine within 30 days of the filed final order
- 31 • Pay \$867.01 costs within 30 days of the filed final order

32  
33 Ms. Nixon seconded the motion, which passed unanimously.

34 **Tab 7 ALICE S. BENNETT, LMT, CASE # 2010-18510** **PCP: Harrison & Stoehs**

35 Respondent was not present nor represented by counsel. Ms. DiConcilio represented the department and  
36 presented the case to the Board and advised the respondent had waived the right to a formal hearing. Mr.  
37 Stoehs was recused due to participation on the probable cause panel.

1 The Department filed an administrative complaint alleging a violation of section 480.046(1)(k), F.S.

2 Mr. Smallwood moved to find that the respondent was properly served and waived their rights to a hearing as  
3 to the material issues of fact by not filing a response. Ms. Nixon seconded the motion which carried  
4 unanimously.

5 Ms. Oliver moved to adopt the material facts as alleged in the administrative complaint are not in dispute and  
6 to adopt the allegations of fact and law in the administrative complaint as the Board's conclusions of fact and  
7 law in this proceeding; and to adopt the materials and any addendum materials into evidence in this  
8 proceeding. Ms. Nixon seconded the motion which carried unanimously.

9 **Action Taken:** After lengthy discussion, Mr. Smallwood moved to IMPOSE the following penalty:

- 10 • Reprimand and Revocation of license based on the following aggravating factors: 1)  
11 Respondent has two previous Final Orders; 2) Respondent has made no effort to  
12 comply with the previous orders or to demonstrate rehabilitation; 3) the previous Final  
13 Orders had no deterrent effect; 4) Respondent had actual knowledge of the terms of the  
14 previous orders; and 5) Respondent's license is null and void.

15 Ms. Ford seconded the motion, which passed unanimously.

16 **Additional Action Taken:** Ms. Ford moved to IMPOSE the following costs:

- 17 • Pay \$329.53 costs within 30 days of the filed final order

18 Ms. Burke-Wammack seconded the motion, which passed unanimously.

19 *(Break)*

20 *(Returned to Tab 40)*

21 **Tab 40 HAN SUK KIM, LMT, CASE # 2007-23992**

**PCP: Harrison & Stoehs**

22 **Additional Action Taken:** When Ms. Ford returned to the room, Mr. Smallwood moved to accept the  
23 Settlement Agreement. Ms. Oliver seconded the motion which carried 3/2 with Ms. Nixon and Ms. Burke-  
24 Wammack opposing the motion.

25 *(Returned to Determination of Waivers)*

26 **Tab 8 ALL DADE MEDICAL SERVICES, INC., CASE # 2010-19731**

**PCP: Haynes & Stoehs**

27 Respondent was not present nor represented by counsel. Ms. DiConcilio represented the department and  
28 presented the case to the Board and advised the respondent had waived the right to a formal hearing. Mr.  
29 Stoehs was recused due to participation on the probable cause panel.

30 The Department filed an administrative complaint alleging a violation of sections 480.046(1)(o) and  
31 456.072(1)(q), F.S.

32 Ms. Burke-Wammack moved to adopt the material facts as alleged in the Administrative Complaint are not in  
33 dispute and to adopt the allegations of fact in the administrative complaint as the Board's conclusions of fact  
34 in this proceeding; and to adopt the allegations of law in the administrative complaint as the Board's  
35 conclusions of law in this proceeding, and to adopt the case materials and any materials in the addendum  
36 into evidence as a part of the record in this proceeding. Mr. Smallwood seconded the motion, which carried  
37 unanimously.

38 **Action Taken:** After discussion, Ms. Burke-Wammack moved to IMPOSE the following penalty:

- 1                   • Reprimand and revocation due to the following aggravating factors: 1) the length of time  
2 since the previous Final Order was entered; 2) the length of time since the previous  
3 Final Order was entered; 3) the lack of effort by the Respondent to comply with the  
4 previous Final Order or to correct the violation; Respondent's actual notice of the terms  
5 of the previous Final Oder; and 4) the lack of deterrence in the previous Final order.  
6                   • Pay \$250.00 fine

7 Ms. Ford seconded the motion, which passed unanimously.

8 **Additional Action Taken:** Ms. Burke-Wammack moved to require Respondent to pay \$612.96 costs. Ms.  
9 Ford seconded the motion which carried unanimously.

10 **Additional Action Taken:** After further discussion, Mr. Smallwood made a motion to remove the \$250.00  
11 fine from original motion. Ms. Oliver seconded the motion, which passed 4/1 with Ms. Burke-Wammack  
12 opposing.

13 **Tab 9 MELODIE MASON WOHLFIEL, LMT, CASE # 2010-18843**                   **PCP: Harrison & Stoehs**

14 Respondent was not present, nor represented by counsel. Ms. DiConcilio represented the department and  
15 presented the case to the Board and advised the respondent had waived the right to a formal hearing. Mr.  
16 Stoehs was recused due to participation on the probable cause panel.

17 The Department filed an administrative complaint alleging a violation of sections 480.046(1)(o) and  
18 456.072(1)(q), F.S.

19 Ms. Nixon moved to adopt the material facts as alleged in the Administrative Complaint are not in dispute  
20 and to adopt the allegations of fact in the administrative complaint as the Board's conclusions of fact in this  
21 proceeding; and to adopt the allegations of law in the administrative complaint as the Board's conclusions of  
22 law in this proceeding, and to adopt the case materials and any materials in the addendum into evidence as  
23 a part of the record in this proceeding. Ms. Burke-Wammack seconded the motion, which carried  
24 unanimously.

25 **Action Taken:** After discussion, Ms. Ford moved to IMPOSE the following penalty:

- 26                   • Reprimand and Suspension until licensee complies with all obligations of this order and  
27 previous order in case # 2010-06168  
28                   • Pay \$250.00 fine  
29                   • Pay \$80.66 costs

30 Ms. Nixon seconded the motion, which passed unanimously.

31  
32 **Additional Action Taken:** After discussion, Mr. Smallwood moved to assess costs in the amount of \$80.66.  
33 Ms. Burke-Wammack seconded the motion, which passed unanimously.

34 **Tab 10 MERY E. GUIITERREZ, LMT, CASE # 2010-18851**                   **PCP: Harrison & Stoehs**

35 Respondent was not present, nor represented by counsel. Ms. DiConcilio represented the department and  
36 presented the case to the Board and advised the respondent had waived the right to a formal hearing. Mr.  
37 Stoehs was recused due to participation on the probable cause panel.

38 The Department filed an administrative complaint alleging a violation of section 480.046(1)(k), F.S.

39 Mr. Smallwood moved to adopt the material facts as alleged in the Administrative Complaint are not in  
40 dispute and to adopt the allegations of fact in the administrative complaint as the Board's conclusions of fact

1 in this proceeding; and to adopt the allegations of law in the administrative complaint as the Board's  
2 conclusions of law in this proceeding, and to adopt the case materials and any materials in the addendum  
3 into evidence as a part of the record in this proceeding. Ms. Oliver seconded the motion, which carried  
4 unanimously.

5 **Action Taken:** After discussion, Mr. Smallwood moved to IMPOSE the following penalty:

- 6 • Reprimand and revocation of license due to the following aggravating factors: 1) the  
7 length of time since the entry of the previous final order; 2) the lack of effort by  
8 Respondent to comply with the previous Final order; and 2) the current status of the  
9 license is null.

10 Ms. Burke-Wammack seconded the motion, which passed unanimously.

11 **Additional Action Taken:** Motion made, seconded and passed unanimously to require respondent to pay  
12 \$766.57 costs within 30 days of the filed final order.

13 **Tab 11 JODI MARIA MILLER, LMT, CASE # 2010-18635** **PCP: Harrison & Stoehs**

14 Respondent was not present nor represented by counsel. Ms. DiConcilio represented the department and  
15 presented the case to the Board and advised the respondent had waived the right to a formal hearing. Mr.  
16 Stoehs was recused due to participation on the probable cause panel.

17 The Department filed an administrative complaint alleging a violation of section 480.046(1)(k), F.S.

18 Ms. Burke-Wammack moved to adopt the material facts as alleged in the Administrative Complaint are not in  
19 dispute and to adopt the allegations of fact in the administrative complaint as the Board's conclusions of fact  
20 in this proceeding; and to adopt the allegations of law in the administrative complaint as the Board's  
21 conclusions of law in this proceeding, and to adopt the case materials and any materials in the addendum  
22 into evidence as a part of the record in this proceeding. Ms. Oliver seconded the motion, which carried  
23 unanimously.

24 **Action Taken:** After discussion Ms. Burke-Wammack moved to IMPOSE the following penalty:

- 25 • Reprimand and Suspension until licensee complies with all obligations of this order and  
26 previous order in case # 2008-10703
- 27 • Pay \$250.00 fine
- 28 • Pay \$557.47 costs

29 Mr. Smallwood seconded the motion, which passed unanimously.

30 **Tab 12 JOY L. GRASSI, LMT, CASE # 2010-18105** **PCP: Harrison & Stoehs**

31 Respondent was not present nor represented by counsel. Ms. DiConcilio represented the department and  
32 presented the case to the Board and advised the respondent had waived the right to a formal hearing. Mr.  
33 Stoehs was recused due to participation on the probable cause panel.

34 The Department filed an administrative complaint alleging a violation of sections 480.046(1)(n),  
35 480.046(1)(o), 480.043(1), 480.047(1)(b), 456.072(1)(h), 456.072(1)(m), 456.072(1)(w), and 480.047(1)(f),  
36 F.S.

37 Ms. Ford moved to find that the respondent was properly served and waived their rights to a hearing as to  
38 the material issues of fact by not filing a response; to adopt the material facts as alleged in the Administrative  
39 Complaint are not in dispute and to adopt the allegations of fact in the administrative complaint as the  
40 Board's conclusions of fact in this proceeding; and to adopt the allegations of law in the administrative

1 complaint as the Board's conclusions of law in this proceeding, and to adopt the case materials and any  
2 materials in the addendum into evidence as a part of the record in this proceeding. Ms. Burke-Wammack  
3 seconded the motion, which carried unanimously.

4 **Action Taken:** After discussion Ms. Ford moved to IMPOSE the following penalty:

- 5 • Revocation of license due to the following aggravating factor: operated an unlicensed  
6 establishment for 16 months prior.
- 7 • Pay \$1,046.78 costs within 30 days of the filed final order

8 Ms. Burke-Wammack seconded the motion, which passed unanimously.

9 **Tab 13 TERESITA J. LEAL, LMT, CASE # 2009-24631**

**PCP: Harrison & Stoehs**

10 Respondent was not present nor represented by counsel. Ms. DiConcilio represented the department and  
11 presented the case to the Board and advised the respondent had waived the right to a formal hearing. Mr.  
12 Stoehs was recused due to participation on the probable cause panel.

13 The Department filed an administrative complaint alleging a violation of sections 480.046(1)(o), 456.072(1)(II)  
14 and 456.072(1)(x), F.S.

15 Mr. Smallwood moved to find that the respondent was properly served and waived their rights to a hearing as  
16 to the material issues of fact by not filing a response; to adopt the material facts as alleged in the  
17 Administrative Complaint are not in dispute and to adopt the allegations of fact in the administrative  
18 complaint as the Board's conclusions of fact in this proceeding; and to adopt the allegations of law in the  
19 administrative complaint as the Board's conclusions of law in this proceeding, and to adopt the case  
20 materials and any materials in the addendum into evidence as a part of the record in this proceeding. Ms.  
21 Burke-Wammack seconded the motion, which carried unanimously.

22 **Action Taken:** After discussion Ms. Burke-Wammack moved to IMPOSE the following penalty:

- 23 • Revocation of license due to health care fraud
- 24 • Pay \$502.65 costs

25 Ms. Ford seconded the motion, which passed unanimously.

26 **Tab 14 THE FITNESS SPA, CASE # 2010-12128**

**PCP: Harrison & Stoehs**

27 Respondent was not present nor represented by counsel. Ms. DiConcilio represented the department and  
28 presented the case to the Board and advised the respondent had waived the right to a formal hearing. Mr.  
29 Stoehs was recused due to participation on the probable cause panel.

30 The Department filed an administrative complaint alleging a violation of sections 480.046(1)(o) and  
31 480.047(1)(c), F.S.

32 Ms. Burke-Wammack moved to find that the respondent was properly served and waived their rights to a  
33 hearing as to the material issues of fact by not filing a response; to adopt the material facts as alleged in the  
34 Administrative Complaint are not in dispute and to adopt the allegations of fact in the administrative  
35 complaint as the Board's conclusions of fact in this proceeding; and to adopt the allegations of law in the  
36 administrative complaint as the Board's conclusions of law in this proceeding, and to adopt the case  
37 materials and any materials in the addendum into evidence as a part of the record in this proceeding. Ms.  
38 Ford seconded the motion, which carried unanimously.

39 **Action Taken:** After discussion Ms. Ford moved to IMPOSE the following penalty:

- 40 • Reprimand

- 1                   • Pay \$1,000 fine within 30 days of the filed final order  
2                   • Pay \$1,330 costs within 30 days of the filed final order

3 Mr. Smallwood seconded the motion, which passed unanimously.

4 **Tab 15 RAYMOND MICHAEL CHOPKI, LMT, CASE # 2010-16440**                   **PCP: Harrison & Stoehs**

5 Respondent was not present, nor represented by counsel. Ms. DiConcilio represented the department and  
6 presented the case to the Board and advised the respondent had waived the right to a formal hearing. Mr.  
7 Stoehs was recused due to participation on the probable cause panel.

8 The Department filed an administrative complaint alleging a violation of section 480.046(1)(k), F.S.

9 Ms. Burke-Wammack moved to find that the respondent was properly served and waived their rights to a  
10 hearing as to the material issues of fact by not filing a response; to adopt the material facts as alleged in the  
11 Administrative Complaint are not in dispute and to adopt the allegations of fact in the administrative  
12 complaint as the Board's conclusions of fact in this proceeding; and to adopt the allegations of law in the  
13 administrative complaint as the Board's conclusions of law in this proceeding, and to adopt the case  
14 materials and any materials in the addendum into evidence as a part of the record in this proceeding. Ms.  
15 Ford seconded the motion, which carried unanimously.

16 **Action Taken:** After discussion, Ms. Burke-Wammack moved to IMPOSE the following penalty:

- 17                   • Revocation of license due to the following aggravating factors: 1) Respondent ignored  
18 the previous Final Order and has made no attempt to correct the violation in the more  
19 than six months since the Final Order was entered; and 2) the previous Final Order did  
20 not create a deterrence.  
21                   • Pay \$1,122.13 costs

22 Ms. Ford seconded the motion, which passed unanimously.

23 **Tab 16 TAVIA D. HINES, LMT, CASE # 2010-01971**                   **PCP: Harrison & Stoehs**

24 Respondent was not present, nor represented by counsel. Ms. DiConcilio represented the department and  
25 presented the case to the Board and advised the respondent had waived the right to a formal hearing. Mr.  
26 Stoehs was recused due to participation on the probable cause panel.

27 The Department filed an administrative complaint alleging a violation of sections 480.046(1)(o) and  
28 456.072(1)(x), F.S.

29 Mr. Smallwood moved to find that the respondent was properly served and waived their rights to a hearing as  
30 to the material issues of fact by not filing a response; adopt the material facts as alleged in the Administrative  
31 Complaint are not in dispute and to adopt the allegations of fact in the administrative complaint as the  
32 Board's conclusions of fact in this proceeding; and to adopt the allegations of law in the administrative  
33 complaint as the Board's conclusions of law in this proceeding, and to adopt the case materials and any  
34 materials in the addendum into evidence as a part of the record in this proceeding. Ms. Burke-Wammack  
35 seconded the motion, which carried unanimously.

36 **Action Taken:** After discussion Ms. Ford moved to IMPOSE the following penalty:

- 37                   • Reprimand  
38                   • Pay \$500.00 fine within 30 days of the filed final order  
39                   • Pay \$375.73 costs within 30 days of the filed final order

1 Mr. Smallwood seconded the motion, which passed 3/2 with Ms. Burke-Wammack and Ms. Nixon opposing  
2 the motion.

3 *(Break)*

4 **EDUCATOR'S FORUM**

5 **Florida Board Approved Schools in Attendance:**

6 Florida School of Massage – Dar Mikula  
7 Everest University – John Romano  
8 Acupuncture and Massage College – Dr. Lana Monchek  
9 Florida College of Natural Health – Pompano – Paris Zupancic, Greg Pattoukian, and Stefanie Gordon  
10 Florida College of Natural Health – Miami – Debra Starr Cohen, Lourdes Escobar, Leticia Nelson, Desiree  
11 Collazo  
12 Steiner Education Group (Florida College of Natural Health Hallandale)  
13 American Institute School of Wellness & Beauty – James “Rob” Block, Arynne Neal, and Gail Naas  
14 Miami Dade College – Donna Fishkin and David Gonzalez  
15 Arlington School of Massage – Teresa Matthews and Neal Delaporte  
16 Florida Career College – Pembroke Pines – Kelly Morgan  
17 Space Coast Health Institute – Jody Stork  
18 Everest University – Bill Cherney  
19 Educating Hands – Iris Burman

20 **Board of Massage Online Systems/Services Presentation – Allison Stachnik, DOH/MQA**

21 Ms. Stachnik gave a brief presentation of the massage therapy online application and other payer code  
22 option.

23 **Tab 96 Letter to Massage School Directors from Executive Director**

24 Mr. Jusevitch advised he had sent a letter to all Florida board approved schools updating the schools  
25 regarding different processes of the board office.

26 **Tab 97 Letter to Massage School Directors from Karen Goff Ford, M.S., LMT, Chair, Florida Board of**  
27 **Massage Therapy**

28 Ms. Ford informed the board approved schools of the impact of graduates applying for licensure in Florida  
29 when they have section 456.0635, F.S., violations and are not eligible for licensure.

30 The board recessed approximately 6:00 p.m. to reconvene on Friday.

1 **FRIDAY, January 27, 2011**

2 The meeting was called to order by Ms. Karen Ford, LMT, Chair, approximately 9:00 a.m. Those present for  
3 all or part of the meeting included the following:

**MEMBERS PRESENT:**

Karen Ford, LMT, Chair  
Bridget Burke-Wammack, LMT, V-Chair  
Lydia Nixon, LMT  
Robert Smallwood, LMT  
Lisa Oliver, Consumer Member  
William Stoehs, Consumer Member

**STAFF PRESENT:**

Anthony Jusevitch, Executive Director  
Paula Mask, Program Operations Administrator  
Alexandra Alday, Regulatory Specialist II

**BOARD COUNSEL:**

Lee Ann Gustafson, Esquire  
Assistant Attorney General

**COURT REPORTER:**

Official Reporting Services  
Apex Reporting Group  
Maritza Monroe  
Telephone: 954.467.8204  
Fax: 954.467.8214

**DEPARTMENT PROSECUTING ATTORNEY:**

S. J. DiConcilio, Esquire  
Assistant General Counsel

4 *Please note that the meeting minutes reflect the actual order agenda items were discussed during*  
5 *the meeting and may differ from the agenda outline.*

6 **ADMINISTRATIVE PROCEEDINGS**

7 **Massage Therapist Applicants**

8 **Tab 73 Jason Badour-Williams - exam**

9 Applicant was present without counsel.

10 **Action Taken:** After discussion, Ms. Burke-Wammack moved to grant the license unencumbered. Ms. Oliver  
11 seconded the motion, which passed unanimously.

12 **Tab 98 Stormy T. Corbitt – exam**

13 Applicant was not present nor represented by counsel.

14 **Action Taken:** After discussion, Mr. Smallwood moved to grant the license with the following conditions: 1)  
15 applicant submits written documentation her court-ordered probation has been terminated within 90 days of  
16 the filed final order; and 2) delegated authority to the Executive Director to issue her license upon receipt of  
17 the documentation. Motion seconded by Mr. Stoehs and passed unanimously.

18 **Section 456.0635, F.S. Applicants**

19 **Tab 74 Erica Harvey - exam**

20 The Board office received applicant's request to withdraw application on January 24, 2012.

1 **Tab 75 Jose Martinez, Jr. - exam**

2 **Tab 76 Manuel Posada - exam**

3 Tab 75 and 76 were voted on en masse. Applicants were not present nor represented by counsel.

4 **ACTION TAKEN:** After discussion, Ms. Ford moved to deny the application as applicants are ineligible for  
5 licensure pursuant to s. 456.0635, F.S., based on a felony conviction under Chapter 893, F.S., and to allow  
6 withdrawal of the application within 30 days of the filed final order. Mr. Smallwood seconded the motion,  
7 which passed unanimously.

8 **Compliance and Probation Review**

9 **Tab 77 Aja Health Spa**

10 Respondent, Barry Atkins, owner, was present. His attorney of record, William Rusty Huseman, Esq., was  
11 not present.

12 Mr. Atkins' presence was required based on the requirement from his settlement agreement that he appear  
13 before the board at the first board meeting after probation commences. Mr. Atkins' final order was filed  
14 November 9, 2011. One of the four (4) inspections was completed January 12, 2012.

15 After discussion, the Board found him in compliance with his settlement agreement.

16 **Tab 78 Celia Dayami Sori Mier**

17 Respondent was present. Respondent's attorney of record, Jorge Alonso, Esq., was not present.  
18 Respondent's monitor, Yaime Martinez, was present.

19 Respondent's presence was required based on the requirement from her settlement agreement that she  
20 appear with her monitor before the board at the first board meeting after probation commences.  
21 Respondent's final order was filed August 16, 2011. Respondent and her monitor were unable to attend the  
22 October 2011 board meeting due to travel arrangements. Respondent paid fines and costs November 9,  
23 2011.

24 After discussion, the Board found her in compliance with her settlement agreement.

25 **Tab 79 Mi S. Nangle**

26 Respondent was not present. Respondent's attorney of record, Alison Mitchell, Esq., was not present.

27 Respondent's presence was required based on the requirement from her settlement agreement that she  
28 appear after probation commences. Respondent's final order was filed May 26, 2011. Respondent paid fines  
29 and costs June 27, 2011. Inspection report provided August 5, 2011 revealed Ms. Nangle was not working at  
30 VIP Therapy. A letter was received July 25, 2011 from Ms. Nangle advising she was working at another  
31 facility.

32 After discussion, the Board found her non-compliant with her settlement agreement.

1 **Tab 80 Hong Wang – Additional Information - Q4 monitor report**

2 Respondent was present. Respondent's monitor, Bob Yerke, was present.

3 Ms. Wang's appearance was required based on the board order requiring her to appear before the board  
4 prior to termination of probation. Ms. Wang's Notice of Intent to Approve License with Conditions was filed  
5 August 31, 2010. All quarterly reports were submitted.

6 Ms. Wang and Mr. Yerke addressed the Board and gave an account of the events surrounding her probation.  
7

8 **Action Taken:** After discussion, Mr. Smallwood moved to terminate her probation. Mr. Stoehs seconded the  
9 motion, which passed unanimously.

10 **Application for Exemption**

11 **Tab 81 Victor Rivera, MA 63926**

12 Mr. Rivera was not present nor represented by counsel.

13 Ms. Gustafson advised Mr. Rivera does not have a disqualifying offense pursuant to Section 435.04(2),  
14 Florida Statutes, and Section 408.809(4), Florida Statutes, and therefore he is eligible for employment. Board  
15 staff will notify Mr. Rivera.

16 **Applicant Informal Hearings**

17 **Tab 82 Julio Pelayo**

At the request of Mr. Pelayo's attorney, this hearing was continued until the April board meeting.

18 **Tab 83 Nydia Triana**

19 Ms. Triana was present with daughter, Nadia Perez, who was acting as the interpreter.

20 Ms. Triana submitted a request for the board to reconsider her case.

21 **Action Taken:** Ms. Burke-Wammack moved to accept Ms. Triana's verbal withdrawal of her application and  
22 to vacate the notice of hearing. Motion seconded by Mr. Stoehs, which passed unanimously.

23 **REVIEW AND APPROVAL OF MINUTES**

24 **Tab 84 October 19, 2011, Rules Workshop**

25  
26 Mr. Smallwood made a motion to approve the minutes. Ms. Burke-Wammack seconded the motion, which  
27 carried unanimously.

1 **Tab 85 October 19, 2011, General Business Meeting**

2  
3 Mr. Smallwood made a motion to approve the minutes. Ms. Ford seconded the motion, which carried  
4 unanimously.

5 **Tab 86 October 20-21, 2011, General Business Meeting**

6 Ms. Burke-Wammack made a motion to approve the minutes with the following corrections:

- 7  Page 15, tab 51, line 28: Correct to remove "sworn in."
- 8  Page 15, tab 54, line 19: Correct to read Ms. DiConcilio represented the Department.
- 9  Page 15, tab 54, line 25: Correct spelling of Ms. Burke-Wammack's name.
- 10  Page 16, tab 55, line 24: Correct to remove "or 1 year."

11 Mr. Smallwood seconded the motion, which carried unanimously.

12 **Tab 99 December 30, 2011, General Business Conference Call**

13 Mr. Smallwood made a motion to approve the minutes. Ms. Burke-Wammack seconded the motion, which  
14 carried unanimously.

The Chair, Karen Ford, recognized Bill Stoehs, Consumer Member, for his dedication and public service to the citizens of Florida.

15 **REPORTS**

16 **Board Chair Report – Karen Ford**

17 **Public Relations Report – Karen Ford**

18 Ms. Ford visited two approved massage schools: Miami-Dade College and Florida College of Natural Health  
19 at Pompano Beach.

20 **Legislative Liaison Report – Karen Ford**

21 **Tab 100 SB 1258 & HB 4163 - Continuing Education for Athletic Trainers and Massage**  
22 **Therapists**

23 Ms. Ford stated that these bills seek to remove the HIV/AIDS continuing education course requirement for  
24 renewal of a Massage Therapists license.

25 **Tab 101 SB 208 and HB 653 - Health Care Fraud**

26 Informational.

27 **Tab 102 SB 80 and PCB JDC 12-01 - Human Trafficking**

28 Ms. DiConcilio advised the Board concerning a recent training she attended regarding Human Trafficking.  
29 She advised that investigators were being trained to look for signs of human trafficking.

1 **Tab 103 SB 1860, SB 254, HB 119, and HB 523 - Motor Vehicle PIP Insurance – New Item**

2 Mr. Scott Hartsfield gave an update on the status of these bills to the Board.

3 **Vice Chair Report – Bridget K. Burke-Wammack**

4 No report.

5 **Rules Liaison Report – Bridget Burke-Wammack**

6 No report.

7 **Board Counsel's Report – Lee Ann Gustafson**

8 **Tab 89 Rules Identified for Repeal**

9 Ms. Gustafson explained the reasoning for repeal of these noted rules.

- 10 64B7-25.006 Expiration of Incomplete Applications
- 11 64B7-28.001 Biennial Renewal of Massage Therapist's License
- 12 64B7-28.003 Biennial Period, Year Defined
- 13 64B7-32.004 Standards for Transfer of Credit

14 **Action Taken:** Ms. Ford moved to repeal rule 64B7-25.006. Ms. Burke-Wammack seconded, which passed  
15 unanimously.

16 **Action Taken:** Ms. Burke-Wammack moved to delete subsections (2) and (3) of rule 64B7-28.001. Ms Ford  
17 seconded the motion, which carried unanimously. After further discussion, Ms. Nixon moved to amend  
18 section 1 to reference the Department of Health rule for biennium dates. Ms. Ford seconded the motion,  
19 which passed 5/1 with Ms. Burke-Wammack opposing.

20 **Action Taken:** Ms. Ford moved to repeal rule 64B7-28.003. Ms. Nixon seconded the motion, which passed  
21 unanimously.

22 **Action Taken:** Mr. Smallwood moved to repeal rule 64B7-32.004. Ms. Nixon seconded the motion, which  
23 passed unanimously.

24 Mr. Smallwood reminded Ms. Gustafson to repeal rule 64B7-25.0025 Security and Monitoring Procedures for  
25 Licensure Examination as previously voted on by the Board.

26 **Tab 104 Letter from Joint Administrative Procedures Committee concerning Rule 64B7-25.004, F.A.C.**

27 Ms. Gustafson advised the tentative adoption of this rule is February 1, 2012.

28 **Action Taken:** Ms. Burke-Wammack made a motion to delete "Is currently licensed" to read "active" as  
29 stated in statute and make this change after rule is adopted. Ms. Nixon seconded the motion which carried  
30 unanimously.

1 The following Notices of Proposed Rulemaking were published in the 12/22/11 Florida Administrative  
2 Weekly.

3 **Tab 105 Rule 64B7-26.002 – Licensure of Massage Establishments**

4 **Tab 106 Rule 64B7-24.017 – Board Business**

5 **Tab 107 Rule 64B7-25.004 – Endorsements**

6 **Tab 108 Rule 64B7-26.001 – Definitions**

7 **Tab 109 Rule 64B7-27.100 – Fees**

8 **Tab 110 Rule 64B7-28.008 – Display of Licenses**

9 **Tab 111 Rule 64B7-28.0095 – Continuing Education for Pro Bono Services**

10 Mr. Smallwood advised Board counsel Rule 64B7-28.0095 as noticed was not the language approved by the  
11 Board at the October 2011 meeting. Subsections (5) and (6) were not included in the rule. Ms. Gustafson will  
12 correct and also amend the word “affidavit” in subsection (5).

13 **Tab 112 Rule 64B7-29.001 – Definitions**

14 **Tab 113 Rule 64B7-32.001 – Definitions**

15 **Tab 114 Rule 64B7-32.002 – Proof of Graduation**

16 **Executive Director's Report – Anthony Jusevitch**

17

18 **Tab 90 Ratification of Licensure - Massage Therapists 9/23/2001 to 12/30/2011**

19 **Action taken:** Mr. Smallwood moved to ratify the approved massage therapist licensure list. Ms. Burke-  
20 Wammack seconded the motion, which carried unanimously.

21 ***(Returned to Repealed Rules)***

22 Ms. Gustafson asked the board the following questions regarding repeal of rules 64B7-25.006, 28.003 and  
23 32.004 and amendments to 64B7-25.004 and 64B7-28.0095:

24 1. Will the proposed rule repeals and amendments have an adverse impact on small businesses or will the  
25 proposed rule amendments be likely to directly or indirectly increase regulatory costs to any entity including  
26 government in excess of \$200,000 in the aggregate in Florida within one year after implementation of the  
27 rules?

28 **Action Taken:** Mr. Smallwood moved that the proposed rule amendment will not have the above stated  
29 impact. Ms. Nixon seconded the motion, which passed unanimously.

30 2. Will the rule repeals and amendments increase regulatory costs in the amount of \$1M or more in the first  
31 five years of implementation and which would result in the requirement of legislative ratification of the rules?

32 **Action Taken:** Ms. Burke-Wammack moved that the proposed rule amendment will not have the above  
33 stated impact. Ms. Nixon seconded the motion, which passed unanimously.

34 3. Are there any documents or other information relied on by the board in making these determinations other  
35 than the board's expertise and wisdom of board's counsel in the practice and regulation of massage  
36 therapy?

37 **Action Taken:** Ms. Ford moved there were no further documents relied on in making this determination  
38 regarding the rule repeals and the amendments are technical and to not change the substance of the rule.  
39 Ms. Burke-Wammack seconded the motion, which passed unanimously.

1 Ms. Gustafson presented a handout from the Office of the Attorney General regarding Chapter 112, Part III  
2 on the Code of Ethics for Public Officers and Employees.

3 **Continuing Education Liaison Report – Bob Smallwood**

4 **Tab 91 Approved CE Providers 9/23/2001 to 12/30/2011**

5 **Action taken:** Ms. Burke-Wammack moved to ratify the continuing education providers. Ms. Nixon seconded  
6 the motion, which carried unanimously. Ms. Ford was out of the room during the vote.

7 **Tab 92 Approved Pro Bono Requests 9/23/2001 to 12/30/2011**

8 **Action Taken:** Ms. Oliver moved to ratify the pro bono requests. Ms. Nixon seconded the motion which  
9 carried unanimously. Ms. Ford was out of the room during the vote.

10 **School Liaison Report - Bob Smallwood**

11 **Tab 93 Approved Schools 9/23/2001 to 12/30/2011**

12 **Action Taken:** Ms. Nixon made a motion to ratify the list of approved schools as presented. Mr. Stoehs  
13 seconded the motion, which carried unanimously. Ms. Ford was out of the room during the vote.

14 **Tab 115 Question regarding Massage School Approval posed for the Board's consideration**

15  
16 Mr. Smallwood asked the following question: Can an out of state school that is approved to operate by their  
17 Department of Education become a Florida approved massage school if their state has NO massage laws  
18 governing the profession?

19 After discussion, the consensus of the Board was yes.

20 **Budget Liaison Report – Lisa Oliver**

21 **Tab 94 Board of Massage Therapy Expenditures for Period Ending 9/30/2011**

22 Ms. Oliver referred the Board to the material in the agenda.

23 Mr. Jusevitch advised there will be a budget liaisons' meeting in Tallahassee on February 20, 2012. Ms.  
24 Oliver will be unable to attend this meeting. Ms. Burke-Wammack also advised she would be unable to  
25 attend. Mr. Jusevitch will email Board members with information to determine if any Board member can  
26 attend. Mr. Jusevitch stated he is planning on attending this meeting.

27 **Probable Cause Panel Report – William Stoehs**

28 **Tab 116 Probable Cause Panel Report**

29 Mr. Stoehs gave the following report:

30 The Probable Cause Panel met on January 12, 2012  
31 Reconsiderations - 4 cases – Reconsiderations were dismissed

- 1 Administrative complaints – 26 cases – probable cause was found
- 2 Closing Orders – 23 cases dismissed
- 3 Letters of Guidance – 6 cases dismissed with letter of guidance

4 **Unlicensed Activity Report – Lydia Nixon**

5 No report.

6 Mr. Jusevitch advised the Board of the Unlicensed Activity Deficit and the recent inspector’s conference call.

7 **PROSECUTOR’S REPORT**

8 **Tab 56 Year Old Case Report as of December 28, 2011**

9 <u>YEAR</u>	<u>NO. OF CASES</u>
10 2007	3
11 2008	6
12 2009	7
13 2010	59
14 2011	5

Ms. Ford moved to accept the report. Ms. Nixon seconded which passed unanimously. Ms. Burke-Wammack acknowledged to Ms. DiConcilio the amount of cases that have been handled.

15 **RULES DISCUSSION**

16 **Tab 87 Rule 64B7-32.003 Minimum requirements for Board Approved Massage Schools**  
17 **(Revised 10/26/11 Ms. Gustafson)**

18 **Action Taken:** Mr. Smallwood moved to withdraw rule and open for development to correct the sequencing  
19 of the subsections and certain paragraphs. Motion failed for lack of second.

20 After discussion, the Board reached a consensus for Ms. Gustafson to proceed with the filing of the rule as  
21 noticed and then notice a rule development with the appropriate formatting. Ms. Gustafson will submit draft  
22 for the March conference call.

23 **Tab 88 Rule 64B7-28.001 Biennial Renewal of Massage Therapist’s License**  
24 **Rule 64B7-28.009 Continuing Education – Revised 1/2/12 – Mr. Robert Smallwood**

25 Please see Tab 89 for information on rule 64B7-28.001.

26 **Action Taken:** After discussion, Ms. Ford moved to approve final revised language dated 1/2/12 for rule  
27 64B7-28.009 and move forward with rule promulgation. Mr. Smallwood seconded the motion, which passed  
28 unanimously.

1 **Tab 117 64B7-28.010 Requirements for Board Approval of Continuing Education Programs**

2 After discussion, Ms. Ford suggested Ms. Gustafson redraft this rule using Mr. Smallwood's and Ms. Burke-  
3 Wammack's draft language. Ms Gustafson will submit amended language for the March conference call.

4 **Tab 118 64B7-30.002 Disciplinary Guidelines**

5 Ms. Gustafson advised the Board of her recommended changes. Mr. Smallwood suggested the Board review  
6 the draft for discussion at the April 2012 meeting. The Board agreed.  
7

8 **Tab 119 64B7-28.002 Biennial Renewal of Massage Establishment License**

9 Ms. Burke-Wammack will update this draft and bring to the April 2012 Board meeting.

10 **OLD BUSINESS**

11 **Tab 95 Correspondence between Dana Richardson and Board Counsel, Lee Ann Gustafson, Esq.**

12 Informational.

13 Ms. Burke-Wammack stated that at the last meeting Ms. Ford requested suggestions regarding monitors.  
14 Ms. Burke-Wammack advised perhaps a letter could be sent to schools inquiring if faculty would consider  
15 being a monitor. Additionally, the Board could consider extending the mileage for monitors on a case by case  
16 basis.

17 Mr. Jusevitch will correspond with the schools.

18 **NEW BUSINESS**

19 **Board Elections and Board Liaison Appointments**

20 Mr. Smallwood nominated Ms. Ford as Board Chair. Ms. Burke-Wammack seconded the motion which  
21 passed 6/0. Ms. Ford accepted the Board's nomination and expressed her honor to continue serving in the  
22 capacity of Board Chair.

23 Ms. Ford nominated Ms. Burke-Wammack as Board Vice-Chair. Mr. Smallwood seconded the motion which  
24 carried 6/0. Ms. Burke-Wammack accepted the Board's nomination.

25 **Liaison Appointments**

26 Budget Liaison – Ms. Oliver  
27 Colon Hydrotherapy Liaison - Vacant  
28 Continuing Education Liaison – Mr. Smallwood  
29 History Liaison - Vacant  
30 Legislative Liaison – Ms. Ford  
31 Public Relations Liaison – Ms. Ford  
32 Rules Liaison – Ms. Burke-Wammack  
33 School Liaison – Mr. Smallwood

1 Unlicensed Activity – Ms. Nixon

2 **Probable Cause Panel:**

3 Currently Karen Harrison serves as a past board member.

4 Ms. Oliver, Ms. Nixon, Mr. Smallwood, and Ms. Burke-Wammack will share the responsibility of serving on  
5 the Probable Cause Panel until this appointment is filled.

6 Ms. Mask will email Board members to create a schedule that suits everyone.

7 **Tab 120 Letter from Bridget K. Burke-Wammack, LMT, CLT, Vice-Chair, Board of Massage,**  
8 **concerning Probable Cause Liaison Appointments**

9 Informational.

10

11

12 **Tab 121 Delegated Authority, January 2012 – New Item**

13 Ms. Ford moved to accept the delegated authority designations as described and add delegation of authority  
14 to the chair to approve monitors. Mr. Smallwood seconded the motion, which carried unanimously.

15 The meeting adjourned approximately 12:30 p.m.