



General Business Meeting

Conference Call

March 8, 2017

9:00 a.m., ET

Meet Me # (888) 670-3525

Participation Code: 259-770-9961

MEETING MINUTES

CALL TO ORDER

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

MEMBERS PRESENT

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

BOARD COUNSEL

Lee Ann Gustafson, Esq., *Assistant Attorney General*

STAFF PRESENT

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

DEPARTMENT PROSECUTING ATTORNEYS

Cecilie Dale Sykes, Esq.
Carrie B. McNamara, Esq.
Louise St. Laurent, Esq.

COURT REPORTER

American Court Reporting
Cindy R. Green
(407) 896-1813

AUDIO/VISUAL

Vanguard Audio Visual
Patrick Langan
(941)448-3183

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.floridasmassagetherapy.gov/meeting-information/>

DISCIPLINARY PROCEEDINGS

Informal Hearings

01. ROBERT P. BAILEY, L.M.T.

Case # 2016-17000

PCP: HAVARD/DRAGO

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

Allegations of the Administrative Complaint:

- Section 480.046(1)(o), Florida Statutes (2010) through a violation of Section 456.027(1)(x), Florida Statutes (2010)
- Section 480.046(1)(o), Florida Statutes (2012) through a violation of Section 456.072(1)(x), Florida Statutes (2012)

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

- Complete a 10 Hour Florida Laws and Rules course within 1 year of the filing of the final order.
- Pay costs in the amount of \$1235.27 within 1 year of the filing of the final order.

Motion seconded by Ms. Wasylyna, which carried unanimously.

02. SAUL MARTINEZ, L.M.T.

Case # 2015-18392

PCP: HAVARD/DRAGO

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

Allegations of the Administrative Complaint:

- Section 456.072(1)(x), Florida Statutes (2015)

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

- Pay an administrative fine of \$500 within 1 year of the filing of the final order.
- Complete a 10 Hour Florida Laws and Rules course within 1 year of the filing of the final order.
- PRN Evaluation within 90 days of the filing of the final order.
- Pay costs in the amount of \$120.15 within 1 year of the filing of the final order.

Motion seconded by Mr. Brooks, which carried unanimously.

03. TAMI J. KEEFE, L.M.T.

Case # 2015-03226

PCP: HAVARD/DRAGO

Respondent was present without counsel. Ms. McNamara represented the Department and presented the case to the Board.

Allegations of the Administrative Complaint:

- Section 456.072(1)(x), Florida Statutes (2014)

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

- Pay an administrative fine of \$500 within 1 year of the filing of the final order.
- Complete a 10 Hour Florida Laws and Rules course within 1 year of the filing of the final order.
- Pay costs in the amount of \$29.55 within 1 year of the filing of the final order.

Motion seconded by Mr. Brooks, which carried unanimously.

04. MEGAN H. MAREK, L.M.T.**Case # 2015-00702****PCP: HAVARD/DRAGO**

Respondent was present without counsel. Ms. McNamara represented the Department and presented the case to the Board.

Allegations of the Administrative Complaint:

- Section 456.072(1)(x), Florida Statutes (2009)
- Section 456.072(1)(x), Florida Statutes (2009)

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

- Pay an administrative fine of \$1000 within 1 year of the filing of the final order.
- Complete a 10 Hour Florida Laws and Rules course within 1 year of the filing of the final order.
- Pay costs in the amount of \$28.20 within 1 year of the filing of the final order.

Motion seconded by Ms. Wasylyna, which carried unanimously.

05. TODD R. MILLSAP, L.M.T.**Case # 2014-18371****PCP: HAVARD/DRAGO**

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

Allegations of the Administrative Complaint:

- Section 456.072(1)(x), Florida Statutes (2006)

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

- Pay an administrative fine of \$500 within 1 year of the filing of the final order.
- Complete a 10 Hour Florida Laws and Rules course within 1 year of the filing of the final order.
- Pay costs in the amount of \$103.84 within 1 year of the filing of the final order.

Motion seconded by Ms. Nixon, which carried unanimously.

06. STEPHANIE DIAZ**Case # 2015-14404****PCP: HAVARD/DRAGO**

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

Allegations of the Administrative Complaint:

- Section 480.046(1)(p), Florida Statutes (2014)
through a violation of Section 480.041(6), Florida Statutes (2014)

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

- Pay an administrative fine in the amount of \$500.00 within 1 year of the filing of the final order.
- Pay costs in the amount of \$1.34 within 1 year of the filing of the final order.
- Suspension until compliance with background screening requirements.

Motion seconded by Ms. Nixon, which carried unanimously.

07. DENNIS JOSEF ROESHINK, L.M.T.**Case # 2015-07527****PCP: HAVARD/DRAGO**

****PULLED – QUORUM**

08. COREY BLAKE OSGOOD, L.M.T. Case # 2015-03278 PCP: HAVARD/DRAGO

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

Allegations of the Administrative Complaint:

- Section 456.072(1)(x), Florida Statutes (2013)

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

- Pay an administrative fine of \$500 within 1 year of the filing of the final order.
- Complete a 10 Hour Florida Laws and Rules course within 1 year of the filing of the final order.
- Pay costs in the amount of \$20.15 within 1 year of the filing of the final order.

Motion seconded by Mr. Brooks, which carried unanimously.

09. LAUREL A. GRAHAM, L.M.T. Case # 2015-00509 PCP: HAVARD/DRAGO

****MOVED / SETTLEMENT AGREEMENTS**

10. CADACE L. BURKLEW, L.M.T. Case # 2014-21015 PCP: WHITRIDGE/HAVARD

Respondent was present without counsel. Ms. Sykes represented the Department and presented the case to the Board.

Allegations of the Administrative Complaint:

- Section 480.046(1)(p), Florida Statutes (2013) through a violation of Section 456.072(1)(x), Florida Statutes (2013)

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

- Pay an administrative fine in the amount of \$500.00 within 1 year of the filing of the final order.
- Complete a 10 Hour Florida Laws and Rules course within 1 year of the filing of the final order.
- Pay costs in the amount of \$17.46 within 1 year of the filing of the final order.

Motion seconded by Ms. Nixon, which carried unanimously.

11. RANDI N. RYAN, L.M.T. Case # 2015-05190 PCP: WHITRIDGE/HAVARD

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

Allegations of the Administrative Complaint:

- 480.046(1)(p) and 456.072(1)(x), Florida Statutes (2013)

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

- Pay an administrative fine in the amount of \$500.00 within 1 year of the filing of the final order.
- Complete a 10 Hour Florida Laws and Rules course within 1 year of the filing of the final order.
- Pay costs in the amount of \$61.79 within 1 year of the filing of the final order.

Motion seconded by Ms. Wasylyna, which carried unanimously.

12. JESSICA LYN LUNTZ, L.M.T. Case # 2015-12582 PCP: WHITRIDGE/HAVARD

****MOVED / SETTLEMENT AGREEMENTS**

13. YADIRA GALERA OSORIO, L.M.T. Case # 2015-00999

PCP: WHITRIDGE/BROOKS

Respondent was present without counsel. Ms. Velasquez served as translator. Ms. St Laurent represented the Department and presented the case to the Board.

Allegations of the Administrative Complaint:

- 456.072(1)(c), Florida Statutes (2011)
- 456.072(1)(x), Florida Statutes (2011)

Action Taken: After discussion, Ms. Nixon moved to impose the following penalty with aggravating factors on the record:

- Pay an administrative fine of \$2500.00 fine within 2 years of the filing of the final order.
- Respondent may not work in facilities which file insurance.
- Pay costs in the amount of \$414.36 within 2 years of the filing of the final order.

Motion seconded by Ms. Wasylyna, which carried unanimously.

14. MARIO N. SCOMA, L.M.T.

Case # 2015-01395

**PCP: BURKE-WAMMACK
/WASYLYNA**

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

Allegations of the Administrative Complaint:

- 455.624(1)(w), Florida Statutes (1999)
- 456.072(1)(x), Florida Statutes (2006)

Action Taken: After discussion, Ms. Nixon moved to impose the following penalty with aggravating factors on the record:

- Pay an administrative fine of \$1000.00 within 1 year of the filing of the final order.
- Complete a 10 Hour Florida Laws and Rules course within 1 year of the filing of the final order.
- Pay costs in the amount of \$28.20 within 1 year of the filing of the final order.

Motion seconded by Ms. Phillips, which carried unanimously.

15. WILLIAM PEREZ, L.M.T.

Case # 2015-14704

**PCP: BURKE-WAMMACK
/WASYLYNA**

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

Allegations of the Administrative Complaint:

- Section 480.046(1)(p), Florida Statutes (2014)
through a violation of Section 480.041(6), Florida Statutes (2014)

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

- Pay an administrative fine in the amount of \$250.00 within 90 days of the filing of the final order.
- Pay costs in the amount of \$10.07 within 90 days of the filing of the final order.
- Suspension until compliance with background screening requirements.

Motion seconded by Mr. Brooks, which carried unanimously.

Settlement Agreements

TAB ITEMS 16 and 17 were taken en masse.

16. BRANDI M. MOORE, L.M.T. Case # 2014-20777
17. GENEVIEVE N. BEAUDET, L.M.T. Case # 2015-14719

PCP: BURKE-WAMMACK
/WASYLYNA
PCP: BURKE-WAMMACK
/WASYLYNA

Action Taken: After discussion, Ms. Nixon moved to accept the settlement agreements and assess costs in the amounts specified below.

Motion seconded by Mr. Brooks, which carried unanimously.

16 Cost: \$323.03
17 Cost: \$249.91

TAB ITEMS 18, 20, 21, 22, 23 were taken en masse.

18. KARA S. RATHBUN, L.M.T. Case # 2015-12434
20. BAUJUAN SHI, L.M.T. Case # 2015-14559
21. MERCEDES RODRIGUEZ NIEVES, L.M.T. Case # 2015-14410
22. YUDERKA ZAPATA CONCEPCION, L.M.T. Case # 2015-14235
23. DALE E. ERTER, L.M.T. Case # 2014-21879

PCP: HAVARD/DRAGO
PCP: HAVARD/DRAGO
PCP: HAVARD/DRAGO
PCP: HAVARD/DRAGO
PCP: HAVARD/DRAGO

Action Taken: After discussion, Ms. Nixon moved to accept the settlement agreements and assess costs in the amounts specified below.

Motion seconded by Mr. Brooks, which carried unanimously.

18 Cost: \$130.66
20 Cost: \$334.25
21 Cost: \$298.24
22 Cost: \$288.81
23 Cost: \$350.21

TAB ITEMS 26, 27, 28, 31, 32, 33, 12 were taken en masse.

26. WILKADYZ NAVARRO, L.M.T. Case # 2015-12339
27. DENISE MICHELLE LEFEBVRE, L.M.T. Case # 2014-20727
28. LISA DAVIS WITZEN, L.M.T. Case # 2015-16682
31. MEREDITH BARR, L.M.T. Case # 2015-14386
32.. XIANGLING GUO, L.M.T. Case # 2015-14530
33. MARSOL BOOTY, L.M.T. Case # 2015-02313
12. JESSICA LYN LUNTZ, L.M.T. Case # 2015-12582

PCP: WHITRIDGE/HAVARD
PCP: WHITRIDGE/BROOKS
PCP: WHITRIDGE/BROOKS
PCP: WHITRIDGE/HAVARD
PCP: WHITRIDGE/HAVARD
PCP: WHITRIDGE/HAVARD
PCP: WHITRIDGE/HAVARD

Action Taken: After discussion, Ms. Nixon moved to accept the settlement agreements and assess costs in the amounts specified below.

Motion seconded by Ms. Phillips, which carried unanimously.

26 Cost: \$292.87
27 Cost: \$430.48
28 Cost: \$292.87
31 Cost: \$175.54
32 Cost: \$235.51
33 Cost: \$227.19
12 Cost: \$167.25

19. VICTORIA DAWN SULLIVAN

Case # 2014-22044

PCP: HAVARD/DRAGO

Respondent was not present without counsel. Ms. Sykes represented the Department and presented the case to the Board.

Allegations of the Administrative Complaint:

- Section 480.046(1)(p), Florida Statutes (2014) through a violation of Section 456.072(1)(x), Florida Statutes (2014)
- Section 480.046(1)(p), Florida Statutes (2014) through a violation of Section 456.072(1)(x), Florida Statutes (2014)

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

09. LAUREL A. GRAHAM, L.M.T.

Case # 2015-00509

PCP: HAVARD/DRAGO

Respondent was not present without counsel. Ms. McNamara represented the Department and presented the case to the Board.

Allegations of the Administrative Complaint:

- Section 456.072(1)(x), Florida Statutes (2011)

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

24. PURE SPA

Case # 2014-17042

PCP: HAVARD/DRAGO

Respondent was not present without counsel. Ms. McNamara represented the Department and presented the case to the Board.

Allegations of the Administrative Complaint:

- Section 480.046(1)(f), Florida Statutes (2014)

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

25. TRACY NORTON, L.M.T.

Case # 2015-04802

PCP: HAVARD/DRAGO

Respondent was present without counsel. Ms. McNamara represented the Department and presented the case to the Board.

Allegations of the Administrative Complaint:

- 456.072(1)(x), Florida Statutes (2013)

Action Taken: After discussion, Ms. Phillips moved to accept the terms of the proposed settlement agreement and assess costs in the amount of \$303.60. Motion seconded by Ms. Wasylyna, which carried unanimously.

29. MATTHEW B. MAHONEY, L.M.T. Case # 2014-17680 PCP: WHITRIDGE/HAVARD

Respondent was not present without counsel. Ms. St. Laurent represented the Department and presented the case to the Board.

Allegations of the Administrative Complaint:

- 456.072(1)(w), Florida Statutes (2005)

Action Taken: After discussion, Ms. Phillips moved to accept the terms of the proposed settlement agreement and to assess costs in the amount of \$684.81.

Motion seconded by Ms. Nixon, which carried unanimously.

30. JO ANNA CASELLA, L.M.T. Case # 2015-31657 PCP: WHITRIDGE/HAVARD

Respondent was present without counsel. Ms. St. Laurent represented the Department and presented the case to the Board.

Allegations of the Administrative Complaint:

- 456.072(1)(c), Florida Statutes (2015)
- 456.072(1)(x), Florida Statutes (2015)

Action Taken: After discussion, Ms. Wasylyna moved to accept the terms of the proposed settlement agreement and to assess costs in the amount of \$335.99

Motion seconded by Ms. Nixon, which carried unanimously.

Voluntary Relinquishments

TAB ITEMS 34, 35, 36, 37, 38, 39, 40 were taken en masse:

34. FELIX GUTIERREZ, L.M.T.	Case # 2016-23252 / 2017-00314	PCP: WAIVED
35. CLARA R. SERGUERA, L.M.T.	Case # 2016-20806	PCP: WAIVED
36. LILLIAN BIRD, L.M.T.	Case # 2016-25930	PCP: WAIVED
37. NIRANIA YANET GONZALEZ AGUILA, L.M.T.	Case # 2016-11006	PCP: WAIVED
38. JEFFREY STEVEN ALTER, L.M.T.	Case # 2016-14186	PCP: WAIVED
39. STEPHANY RODRIGUEZ, L.M.T.	Case # 2016-25861	PCP: WAIVED
40. ELAINE F. PYZIKIEWICZ, L.M.T.	Case # 2011-03358	PCP: HARRISON/STOEHS

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

41. AMY BROWN, L.M.T. Case # 2015-12928 PCP: PHILLIPS/BROOKS

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

42. CARL HENDERSON, SR., L.M.T. Case # 2016-19539 PCP: WHITRIDGE/BROOKS

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

TAB ITEMS 43, 44, and 45 were taken en masse.

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| 43. JOSE ALFONSO MURSULI, L.M.T. | Case # 2015-14289 | PCP: WHITRIDGE/HAVARD |
| 44. CARL HALL, L.M.T. | Case # 2016-19539 | PCP: WHITRIDGE/HAVARD |
| 45. LINPING ZOU | Case # 2014-21749 | PCP: WHITRIDGE/HAVARD |

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

TAB ITEMS 46, 47, 49, 50, and 51 were taken en masse.

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| 46. DANIELLE ROSE DEJARNETTE, L.M.T. | Case # 2015-15589 | PCP: BURKE-WAMMACK
/WASYLYNA |
| 47. JERRY CHARLES CREPEAU, L.M.T. | Case # 2015-04680 | PCP: BURKE-WAMMACK
/WASYLYNA |
| 49. JORGE OCHOA GARCIA | Case # 2015-14779 | PCP: BURKE-WAMMACK
/WASYLYNA |
| 50. MICHAEL R. SERRANO, L.M.T. | Case # 2015-12989 | PCP: BURKE-WAMMACK
/WASYLYNA |
| 51. JESSICA M. LUM, L.M.T. | Case # 2015-14472 | PCP: BURKE-WAMMACK
/WASYLYNA |

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

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| 52. JAIME ISRAEL | Case # 2015-04898 | PCP: DRAGO/WASYLYNA |
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Action Taken: After discussion, Ms. Nixon moved to accept the voluntary relinquishment. Motion seconded by Ms. Havard, which carried unanimously.

TAB ITEMS 53, 54, 55, 56, 57, 59, and 60 were taken en masse.

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| 53. MARCELLO NOCIFORA | Case # 2015-15275 | PCP: HAVARD/DRAGO |
| 54. PIER ANGELO LENDARO, L.M.T. | Case # 2015-16302 | PCP: HAVARD/DRAGO |
| 55. ESTHER M. PASCUAL, L.M.T. | Case # 2015-13354 | PCP: HAVARD/DRAGO |
| 56. MAURICE EDWARD ANTHONY, L.M.T. | Case # 2015-16041 | PCP: HAVARD/DRAGO |
| 57. LYNNETTE SUE MACKAY, L.M.T. | Case # 2015-16241 | PCP: HAVARD/DRAGO |
| 58. DANAY PUEBLA LLANOS, L.M.T. | Case # 2015-03162 | PCP: HAVARD/DRAGO |
| 59. THAIS DE BARROS, L.M.T. | Case # 2015-15991 | PCP: HAVARD/DRAGO |
| 60. HONGWEN XIN, L.M.T. | Case # 2015-03812 | PCP: HAVARD/DRAGO |

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

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| 48. HWA I YI, L.M.T. | Case # 2014-20765 | PCP: BURKE-WAMMACK
/WASYLYNA |
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Action Taken: After discussion, Ms. Phillips moved to accept the voluntary relinquishment. Motion seconded by Mr. Brooks, which carried unanimously.

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| 58. DANAY PUEBLA LLANOS, L.M.T. | Case # 2015-03162 | PCP: HAVARD/DRAGO |
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Action Taken: After discussion, Ms. Phillips moved to accept the voluntary relinquishment. Motion seconded by Ms. Nixon, which carried unanimously.

Determination of Waivers

61. LI GE, L.M.T.

Case # 2015-02373

PCP: WHITRIDGE/BROOKS

Respondent was not present without counsel. Ms. Sykes represented the Department and presented the case to the Board.

Allegations of the Administrative Complaint:

- 480.046(1)(c), Florida Statutes (2012)
- 456.072(1)(x), Florida Statutes, (2012)

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

62. JAMES DAVIS, L.M.T.

Case # 2015-06200

PCP: WHITRIDGE/BROOKS

Respondent was not present without counsel. Ms. McNamara represented the Department and presented the case to the Board.

Allegations of the Administrative Complaint:

- 480.046(1)(p), 480.041(6), and 456.0135(1), Florida Statutes (2014)

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

- Reprimand
- Pay an administrative fine in the amount of \$250 within 90 days of the filed final order.
- Suspension until compliance with background screening requirements.
- Pay costs in the amount of \$18.82 within 90 days of the filed final order.

Motion seconded by Ms. Nixon, which carried unanimously.

63. TANIA ALVAREZ, L.M.T.

Case # 2015-14957

PCP: WHITRIDGE/BROOKS

Respondent was not present without counsel. Ms. St. Laurent represented the Department and presented the case to the Board.

Allegations of the Administrative Complaint:

- 480.046(1)(p) and 480.041(6), Florida Statutes (2014)

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

- Reprimand
- Pay an administrative fine in the amount of \$250.00 within 90 days of the filed final order.
- Suspension until compliance with background screening requirements.
- Pay costs in the amount of \$20.83 within 90 days of the filed final order.

Motion seconded by Ms. Nixon, which carried unanimously.

64. SHUJIE ZHENG, L.M.T.

Case # 2014-20954

PCP: DRAGO/WASYLYNA

Respondent was not present without counsel. Ms. St. Laurent represented the Department and presented the case to the Board.

Allegations of the Administrative Complaint:

- 480.046(1)(o) and 480.0485, Florida Statutes (2012)
- 480.046(1)(c), Florida Statutes (2012)
- 480.046(1)(o) and 456.072(1)(x), Florida Statutes (2012)

Action Taken: After discussion, Mr. Brooks moved to revoke the license.

Motion seconded by Ms. Phillips, which carried unanimously.

65. CONNIE LEE SCHADT, L.M.T.

Case # 2015-16219

**PCP: BURKE-WAMMACK
/WASYLYNA**

Respondent was not present without counsel. Ms. St. Laurent represented the Department and presented the case to the Board.

Allegations of the Administrative Complaint:

- 456.046(1)(p), Florida Statutes (2014),
through a violation of Section 480.041(6), Florida Statutes (2014)

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

- Reprimand
- Pay an administrative fine in the amount of \$250.00 within 90 days of the filed final order.
- Suspension until compliance with background screening requirements.
- Pay costs in the amount of \$17.47 within 90 days of the filed final order.

Motion seconded by Mr. Brooks, which carried unanimously.

66. BRIAN K. WESTFALL, L.M.T.

Case # 2015-05745

PCP: WALKER/DAVIS

Respondent was not present without counsel. Ms. St. Laurent represented the Department and presented the case to the Board.

Allegations of the Administrative Complaint:

- 480.046(1)(a), Florida Statutes (2005)
- 480.046(1)(p) and 456.072(1)(x), Florida Statutes (2014)

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

- Pay an administrative fine in the amount of \$1000 within 1 year of the filed final order.
- Complete a 10 Hour Florida Laws and Rules course within 1 year of the filing of the final order.
- Pay costs in the amount of \$595.18 within 1 year of the filed final order.

Motion seconded by Mr. Brooks, which carried unanimously.

Recommended Orders

**67. MURTAGH D. MEYLER, L.M.T. Case # 2016-16618 / DOAH # 16-6384PL PCP: BURKE-WAMMACK
/BROOKS**

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

Action Taken: After discussion, Ms. Nixon moved to accept the findings of fact and conclusions of law as set forth in the recommended order.

Motion seconded by Ms. Havard, which carried unanimously.

Additional Action Taken: After discussion, Ms. Nixon moved to revoke the license and impose a \$2,500.00 fine.

Motion seconded by Ms. Havard, which carried unanimously.

Additional Action Taken: After discussion, Ms. Nixon moved to assess costs in the amount of \$12,856.01. Motion seconded by Ms. Havard, which carried unanimously.

PROSECUTOR'S REPORT

Ms. Sykes presented the prosecutor's report. Ms. St. Laurent shared processes that Prosecution Services has implemented to help expedite respondent notification for background screening cases, and that Prosecution Services is focusing their efforts on working through the caseload concerning background screening compliance.

Action Taken: After discussion, Ms. Nixon moved to allow Prosecution Services to continue to work on cases that are over one year old. Motion seconded by Ms. Havard, which carried unanimously.

REVIEW AND APPROVAL OF MINUTES

March 8, 2017 Conference Call

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

REPORTS

Chair Report – Lydia Nixon

Legislative Liaison Report – Lydia Nixon

Unlicensed Activity Report – Lydia Nixon

Vice Chair Report – Robyn Havard

Budget Liaison Report – Robyn Havard

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

March 2017 Rules Report

Ms. Gustafson gave the rules report. She explained that we have authority to request Social Security Numbers on Establishment applications pursuant to provisions in 480, F.S.

Minor Violations Update (Rule 64B7-30.006, F.A.C.)

Ms. Gustafson asked the board if they would like to add any violations to Rule 64B7-30.006, F.A.C.. Ms. Phillips indicated that subsection (2) is no longer applicable, as HIV/AIDS is not required for initial licensure. Ms. Gustafson indicated that this language could be struck.

Mr. Spassoff (*Chair*, FSMTA) addressed subsection (3) concerning proof of insurance at inspection. Board staff gave a brief synopsis of process changes concerning confirmation of proof of insurance since 2016. Ms. Havard indicated that she would like to see "active" added to subsection (3).

Action Taken: After discussion, Ms. Havard moved to accept the changes as discussed. Motion seconded by Ms. Phillips, which carried unanimously.

Rules Liaison Report – Sharon Phillips, Christopher Brooks

Ms. Phillips requested rule development of 64B7-32, F.A.C. (schools) and 64B7-28 (CE providers) be scheduled for the next General Business Meeting.

Executive Director's Report – Kama Monroe

Ratification of Licensure (01/04/2017 – 03/09/2017)

Action Taken: Ms. Nixon moved to ratify licenses issued from 01/04/2017 – 03/09/2017 as presented. Motion seconded by Ms. Havard, which carried unanimously.

Fee Scenario Report

Action Taken: Ms. Nixon moved accept "Fee Scenario 4" as presented. Motion seconded by Ms. Havard, which carried unanimously.

Antitrust Update

Ms. Monroe explained the status of Senate Bill 582, and its companion bill in the house. She indicated that it would be unlikely to see SB582/HB582 continue through the legislation this year.

School Liaison Report – Sharon Phillips

Continuing Education Liaison Report – Chris Brooks

Approved Pro-Bono Requests (01/04/2017 – 03/09/2017)

Action Taken: Mr. Brooks moved to ratify approved Pro-Bono requests from 01/04/2017 – 03/09/2017 as presented. Motion seconded by Ms. Phillips, which carried unanimously.

Approved CE Providers (01/04/2017 – 03/09/2017)

Action Taken: Mr. Brooks moved to ratify approved CE Providers from 01/04/2017 – 03/09/2017 as presented. Motion seconded by Ms. Phillips, which carried unanimously.

Public Relations Liaison Report – Victoria Drago

Ms. Drago indicated that she has been informing schools of meeting times, and encouraging attendance. She has also been encouraging instructors to stay current on Laws and Rules.

Healthiest Weight Liaison Report – Victoria Drago

Ms. Drago indicated that free passes are being offered to state parks to encourage activity, and that she has been provided information concerning this initiative.

RULES DISCUSSION

GENERAL BUSINESS DISCUSSION

Proposed Meeting Dates – 2018

Action Taken: Ms. Nixon moved to accept the proposed meeting dates for 2018. Motion seconded by Mr. Brooks, which carried unanimously.

INFORMATIONAL

Scheduled Meeting Dates – 2017

70. Euart, Anna Catherine File # 77708

Applicant was present without counsel.

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

77. Poventud, Jose Miguel File # 91123

Applicant was present without counsel.

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

MEETING CALLED TO RECESS BY MS. NIXON AT 2:38 p.m.

Friday, April 21, 2017

ADMINISTRATIVE PROCEEDINGS

68. Review of Orders to Show Cause

Action Taken: After discussion, Ms. Havard moved to accept the Orders to Show Cause and directed the Department to file the orders as drafted. Motion seconded by Ms. Nixon, which carried unanimously.

Request for Informal Hearing

69. Chin, Angela **File # 89984**

Applicant was present without counsel.

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

Applicants with History

70. Euart, Anna Catherine **File # 77708**

A07. Garrison, Juliann Dee **File # 85419**

Applicant was not present.

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

71. Helms, Debbie **File # 91648**

Applicant was present without counsel.

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

- Pay an administrative fine in the amount of \$500.00 within 180 days of the filing of the final order.
- Complete a 10 Hour Florida Laws and Rules course within 180 days of the filing of the final order.

Motion seconded by Ms. Nixon, which carried unanimously.

72. Homich, John **File # 90252**

Applicant was not present.

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

- Pay an administrative fine in the amount of \$500.00 within 1 year of the filing of the final order.
- Complete a 10 Hour Florida Laws and Rules course within 1 year of the filing of the final order.

Motion seconded by Ms. Nixon, which carried unanimously.

73. Hu, Jie **File # 91637**

Applicant was present with translator, Ms. Hui.

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

74. Lester, Catherine Michelle File # 90186

Applicant was not present.

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

- Compliance with stipulation in previous final orders within 6 months.

Motion seconded by Ms. Nixon, which carried unanimously.

75. Liu, Tixiu File # 90942

Applicant was present with translator, Mr. Liu.

Action Taken: After discussion, Ms. Havard moved to deny the license due to previous criminal history and failure to disclose criminal history on the application.

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

76. McGowan, Cassie Lynn File # 91843

Applicant was not present.

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

- Pay an administrative fine in the amount of \$500.00 within 180 days of the filing of the final order.
- Complete a 10 Hour Florida Laws and Rules course within 180 days of the filing of the final order.
- PRN Evaluation to be completed within 90 days of the filing of the final order.

Motion seconded by Ms. Phillips, which carried unanimously.

A02. Moore, Casey Wells File # 89822 **ADDENDUM

Applicant was not present.

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

Motion seconded by Ms. Havard, which carried unanimously

77. ~~Poventud, Jose Miguel~~ File # 91123

78. Remedio, Aidan File # 89194

Applicant was not present.

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

- Pay an administrative fine in the amount of \$2500.00 within 2 years of the filing of the final order.
- Complete a 10 Hour Florida Laws and Rules course within 1 year of the filing of the final order.
- PRN Evaluation within 90 days of the filing of the final order.

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

79. Seitter, Katie Ann File # 91480

Applicant was present without counsel.

Action Taken: Applicant waived 90-day right to review.

A03. Schuck, Amy E. File # 92069 **ADDENDUM

Applicant was present without counsel.

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

Motion seconded by Ms. Havard, which carried unanimously.

80. Vantuyl, Angelica Virginia File # 91012

Applicant was not present.

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

- Pay an administrative fine in the amount of \$500.00 within 1 year of the filing of the final order.
 - Complete a 10 Hour Florida Laws and Rules course within 1 year of the filing of the final order.
- Motion seconded by Ms. Wasylyna, which carried unanimously.

DRAFT

A05. Van Wagner, Heather E. File # 92300

Applicant was not present.

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

A06. Zhu, Ji Ping File # 92299

Applicant was present with counsel, Mr. Ryan Yadav, Esq.; an interpreter was also present.

Action Taken: Applicant verbally withdrew application for licensure.

Applicants with Out of State Education

81. Hickam, Evan S. File # 91128

Applicant was present without counsel.

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

82. Kelly, Leah Michelle File # 91660

Applicant was present without counsel.

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

Petitions for Variance or Waiver

83. Coker, Jennifer Joanne File # 90854

Applicant was present without counsel. Mr. Partridge assisted Ms. Coker.

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

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

84. Mooney, Karen File # N/A

Applicant was not present.

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

85. Wachtel, Caroline File # 87239

Applicant was present without counsel. Ms. Aida Cantione was also present.

Action Taken: Ms. Wachtel will be withdrawing her petition for variance or waiver.

A04. Pamela Worth File # 89905 **ADDENDUM

Applicant was present without counsel.

Action Taken: Ms. Worth withdrew her petition for variance or waiver verbally.

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

