



General Business Meeting

April 7-8, 2022

9:00 AM

Holiday Inn Tallahassee – East Capitol University
2003 Apalachee Parkway
Tallahassee, FL 32301
(850) 792-8300

MEETING MINUTES

CALL TO ORDER

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

MEMBERS PRESENT

Christopher Brooks, LMT, *Chair*
Jennifer Wakeman, LMT, *Vice-Chair*
Victoria Drago, LMT
Gerald Padgett, LMT
Dotti Groover-Skipper, *Consumer Member*
Robin Miller, *Consumer Member*

BOARD COUNSEL

Diane Guillemette, Esq., *Assistant Attorney General*

STAFF PRESENT

Kimberly Marshall, *Acting Executive Director*
Gerry Nielsen, *Program Operations Administrator*

DEPARTMENT PROSECUTING ATTORNEYS

Dannie Hart, Esq., *Assistant General Counsel*
Daniel Shubeck, Esq., *Assistant General Counsel*
Elizabeth Tiernan, Esq., *Assistant General Counsel*

COURT REPORTER

Phipps Court Reporting
Christine Phipps
888-811-3408

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/>

Process of Service Presentation

Ms. Hart provided information about process of service and legal requirements related to serving administrative complaints, election of rights, and other items related to case materials.

Respondents in Attendance

IN-11. Jodi Jackson

Case # 2019-40580

PCP: Brooks/Whitridge

Respondent was present with counsel, Mr. Rossi. Mr. Shubeck represented the Department and presented the case to the board.

Action Taken: After discussion, Ms. Drago moved to accept a settlement agreement with the following terms as stated on the record: reprimand, an administrative fine in the amount of \$1,000.00 to be paid within 1 year of the entry of the final order, to complete a 10-hour Florida Laws and Rules Course within 1 year of the entry of the final order, and for costs in the amount of \$1,353.48 to be paid within 1 year of the entry of the final order. Motion seconded by Ms. Wakeman, which carried unanimously.

IN-09. Tammyjohn LLC

Case # 2020-18313

PCP: Wakeman/Whitridge

Respondent (John O'Donnell; establishment owner) was present without counsel. Mr. Shubeck represented the Department and presented the case to the board.

Action Taken: After discussion, Mr. Brooks moved to accept the investigative report into evidence for the purpose of imposing discipline, to find that the respondent was properly served and requested an informal hearing and to accept the findings of fact as set forth in the administrative complaint. Motion seconded by Ms. Groover-Skipper, which carried unanimously.

Action Taken: After discussion, Mr. Brooks moved to accept the conclusions of law as set forth in the administrative complaint and find that the findings of fact and conclusions of law constitute a violation of the practice act. Motion seconded by Ms. Miller, which carried unanimously.

Action Taken: After discussion, Mr. Brooks moved to suspend the license until the licensee complies with the requirement for a Designated Establishment Manager. Motion seconded by Ms. Miller, which carried unanimously.

Action Taken: After discussion, Mr. Brooks moved to assess costs in the amount of \$396.14. Motion seconded by Mr. Padgett, which carried unanimously.

IN-05. Shanzi Jiang, LMT

Case # 2014-21628

**PCP: Burke-Wammack
/ Havard**

Tabled.

RECESS: 10:00 / RECONVENE 10:10

I. DISCIPLINARY PROCEEDINGS

A. Settlement Agreements

SA-01. Natural Fresh, Inc.

Case # 2020-03219

PCP: Wakeman/Phillips

Respondent was not present. Mr. Shubeck represented the Department and presented the case to the board.

Action Taken: After discussion, Ms. Miller moved to accept the settlement agreement. Motion seconded by Ms. Drago, which carried unanimously.

Respondents in Attendance

IN-05. Shanzi Jiang, LMT

Case # 2014-21628

PCP: Burke-Wammack
/ Havard

Continued at the request of the chair to provide interpretive services.

B. Voluntary Relinquishments

VR-02. Senhua Yang Matagolai, LMT

Case # 2021-25366

PCP: Waived

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

B. Voluntary Relinquishments

VR-03. Roberto Abreu

Case # 2020-33462

PCP: Brooks/Whitridge

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

C. Recommended Order

RO-04. Aramis Savedra Barcelo, LMT Case # 2020-38668 / DOAH # 21-1721PL PCP: Drago/Whitridge

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

Action Taken: After discussion, Mr. Brooks moved to adopt the findings of fact and conclusions of law of the Recommended Order as the Board's findings of fact and conclusions of law. Motion seconded by Ms. Miller, which carried unanimously.

Action Taken: After discussion, Ms. Wakeman moved to adopt the recommended penalty of the Recommended Order as the penalty in this case. Motion seconded by Mr. Brooks, which carried unanimously.

Action Taken: After discussion, Mr. Brooks moved to assess costs in the amount of \$18,195.59 to be paid within 5 years of the entry of the final order. Motion seconded by Ms. Wakeman, which carried unanimously.

D. Informal Hearings

IN-05. Shanzi Jiang, LMT

Case # 2014-21628

PCP: Burke-Wammack
/ Havard

This item was continued earlier in the meeting.

IN-06. Atticus Franchise Group ME, LLC

Case # 2021-13945

**PCP: Groover-Skipper
/ Phillips**

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

This agenda item was presented as a settlement agreement.

Action Taken: After discussion, Mr. Brooks moved to accept the proposed settlement agreement. Motion seconded by Ms. Drago, which carried unanimously.

IN-07. Kandice T. Seay, LMT

Case # 2019-29693

PCP: Wakeman/Whitridge

Respondent was not present. Mr. Shubeck represented the Department and presented the case to the board.

Action Taken: After discussion, Mr. Brooks moved to accept the investigative report into evidence for the purpose of imposing discipline, to find that the respondent was properly served and requested an informal hearing, to accept the findings of fact as set forth in the administrative complaint, to accept the conclusions of law as set forth in the administrative complaint and to find that the findings of fact and conclusions of law constitute a violation of the practice act. Motion seconded by Ms. Wakeman, which carried unanimously.

Action Taken: After discussion, Mr. Brooks moved to suspend the license, to require a 10-hour Florida Laws and Rules course to be completed above and beyond renewal requirements within 6 months of the entry of the final order and to impose an administrative fine in the amount of \$3,000.00 to be paid within 18 months of the entry of the final order with aggravating factors on the record (prior discipline, actual knowledge, deterrent effect, negligence). Motion seconded by Ms. Drago, which carried unanimously.

Action Taken: After discussion, Mr. Brooks moved to assess costs in the amount of \$229.85 to be paid within 18 months of the entry of the final order. Motion seconded by Ms. Drago, which carried unanimously.

~~**IN-08. Rachel Kay Cunard**~~

~~**Case # 2020-12904**~~

~~**PCP: Wakeman/Whitridge**~~

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

~~**IN-09. Tammyjohn LLC**~~

~~**Case # 2020-18313**~~

~~**PCP: Wakeman/Whitridge**~~

~~**This item was heard earlier in the meeting.**~~

~~**IN-10. Sinan Zafer Oztimurlenk**~~

~~**Case # 2019-48520**~~

~~**PCP: Wakeman/Drage**~~

~~**Continued at the request of the Respondent.**~~

~~**IN-11. Jodi Jackson**~~

~~**Case # 2019-40580**~~

~~**PCP: Brooks/Whitridge**~~

~~**This item was heard earlier in the meeting.**~~

E. Determination of Waivers

DW-12. Cindy L. Harding, LMT

Case # 2019-18320

PCP: Phillips/Whitridge

Respondent was not present. Mr. Shubeck represented the Department and presented the case to the board.

Action Taken: After discussion, Mr. Brooks moved to accept the investigative report into evidence for the purpose of imposing discipline, to find that the respondent was properly served and waived their right to an informal hearing, to accept the findings of fact as set forth in the administrative complaint, to accept the conclusions of law as set forth in the administrative complaint and to find that the findings of fact and conclusions of law constitute a violation of the practice act. Motion seconded by Ms. Drago, which carried unanimously.

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

Action Taken: After discussion, Mr. Brooks moved to assess costs in the amount of \$477.99 to be paid within 6 months of the entry of the final order. Motion seconded by Ms. Miller, which carried unanimously.

DW-13. University Health Massage, LLC

Case # 2019-31188

**PCP: Groover-Skipper
/ Phillips**

Respondent was not present. Mr. Shubeck represented the Department and presented the case to the board.

Action Taken: After discussion, Mr. Brooks moved to accept the investigative report into evidence for the purpose of imposing discipline, to find that the respondent was properly served and waived their right to an informal hearing, to accept the findings of fact as set forth in the administrative complaint, to accept the conclusions of law as set forth in the administrative complaint and to find that the findings of fact and conclusions of law constitute a violation of the practice act. Motion seconded by Mr. Padgett, which carried unanimously.

Action Taken: After discussion, Mr. Padgett moved to revoke the license and to impose an administrative fine in the amount of \$10,000 to be paid within 90 days of the entry of the final order with aggravating factors on the record (potential danger to the public, potential harm, deterrent effect, damage to the profession). Motion seconded by Ms. Wakeman, which carried unanimously.

Action Taken: After discussion, Mr. Brooks moved to assess costs in the amount of \$261.27. Motion seconded by Ms. Wakeman, which carried unanimously.

DW-14. ZCL Miami, LLC

Case # 2021-22013

PCP: Drago/Whitridge

Respondent was not present. Mr. Shubeck represented the Department and presented the case to the board.

Action Taken: After discussion, Mr. Padgett moved to accept the investigative report into evidence for the purpose of imposing discipline, to find that the respondent was properly served and waived their right to an informal hearing, to accept the findings of fact as set forth in the administrative complaint, to accept the conclusions of law as set forth in the administrative complaint and to find that the findings of fact and conclusions of law constitute a violation of the practice act. Motion seconded by Ms. Wakeman, which carried unanimously.

Action Taken: After discussion, Ms. Wakeman moved to reprimand the license and to impose an administrative fine in the amount of \$1,000.00. Motion seconded by Mr. Padgett, which carried unanimously.

Action Taken: After discussion, Mr. Brooks moved to assess costs in the amount of \$522.39. Motion seconded by Ms. Wakeman, which carried unanimously.

DW-15. Jorge A. Pardo, LMT**Case # 2021-24137****PCP: Wakeman/Drago**

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

Action Taken: After discussion, Mr. Brooks moved to accept the investigative report into evidence for the purpose of imposing discipline, to find that the respondent was properly served and waived their right to an informal hearing, to accept the findings of fact as set forth in the administrative complaint, to accept the conclusions of law as set forth in the administrative complaint and to find that the findings of fact and conclusions of law constitute a violation of the practice act. Motion seconded by Mr. Padgett, which carried unanimously.

Action Taken: After discussion, Mr. Brooks moved to revoke the license and to impose an administrative fine in the amount of \$1,000.00, and to assess costs in the amount of \$3,333.77. Motion seconded by Mr. Padgett, which carried unanimously.

DW-16. Essential Elements Spa, LLC**Case # 2021-32449****PCP: Wakeman/Drago**

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

Action Taken: After discussion, Mr. Brooks moved to accept the investigative report into evidence for the purpose of imposing discipline, to find that the respondent was properly served and waived their right to an informal hearing, to accept the findings of fact as set forth in the administrative complaint, to accept the conclusions of law as set forth in the administrative complaint and to find that the findings of fact and conclusions of law constitute a violation of the practice act. Motion seconded by Ms. Groover-Skipper, which carried unanimously.

Action Taken: After discussion, Mr. Brooks moved to reprimand the license and to impose an administrative fine in the amount of \$500.00. Motion seconded by Mr. Padgett, which carried unanimously.

Action Taken: After discussion, Mr. Brooks moved to assess costs in the amount of \$903.31. Motion seconded by Mr. Padgett, which carried unanimously.

DW-17. Gui Fen Sui, LMT**Case # 2021-02965****PCP: Brooks/Wakeman**

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

Action Taken: After discussion, Mr. Padgett moved to accept the investigative report into evidence for the purpose of imposing discipline, to find that the respondent was properly served and waived their right to an informal hearing, to accept the findings of fact as set forth in the administrative complaint, to accept the conclusions of law as set forth in the administrative complaint and to find that the findings of fact and conclusions of law constitute a violation of the practice act. Motion seconded by Ms. Miller, which carried unanimously.

Action Taken: After discussion, Ms. Drago moved to revoke the license and to impose an administrative fine in the amount of \$1,000.00. Motion seconded by Mr. Padgett, which carried unanimously.

Action Taken: After discussion, Ms. Drago moved to assess costs in the amount of \$170.89. Motion seconded by Ms. Miller, which carried unanimously.

DW-18. Travis J. France, LMT**Case # 2019-39050****PCP: Brooks/Whitridge**

Continued at the request of the Respondent.

Action Taken: Ms. Miller moved to accept Mr. Howard as a certified legal intern. Motion seconded by Ms. Wakeman, which carried unanimously.

Action Taken: After discussion, Ms. Miller moved to deny Respondent's motion for continuance. Motion seconded by Ms. Groover-Skipper, which carried unanimously.

Respondent was not present. Mr. Howard represented the Department and presented the case to the board.

Action Taken: After discussion, Ms. Wakeman moved to accept the investigative report into evidence for the purpose of imposing discipline, to find that the respondent was properly served and waived their right to an informal hearing, to accept the findings of fact as set forth in the administrative complaint, to accept the conclusions of law as set forth in the administrative complaint and to find that the findings of fact and conclusions of law constitute a violation of the practice act. Motion seconded by Ms. Drago, which carried unanimously.

Action Taken: After discussion, Ms. Drago moved to revoke the license and to impose an administrative fine in the amount of \$2,500.00. Motion seconded by Mr. Padgett, which carried unanimously.

Action Taken: After discussion, Ms. Miller moved to assess costs in the amount of \$943.10. Motion seconded by Mr. Padgett, which carried unanimously.

DW-20. Myra Barrera; DBA Sarasota Healing Massage Case # 2020-18659 PCP: Brooks/Whitridge

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

Action Taken: After discussion, Ms. Wakeman moved to accept the investigative report into evidence for the purpose of imposing discipline, to find that the respondent was properly served and waived their right to an informal hearing, to accept the findings of fact as set forth in the administrative complaint, to accept the conclusions of law as set forth in the administrative complaint and to find that the findings of fact and conclusions of law constitute a violation of the practice act. Motion seconded by Ms. Miller, which carried unanimously.

Action Taken: After discussion, Ms. Wakeman moved to reprimand the license and to impose an administrative fine in the amount of \$1000.00. Motion seconded by Ms. Miller, which carried unanimously.

Action Taken: After discussion, Ms. Wakeman moved to assess costs in the amount of \$637.56. Motion seconded by Ms. Miller, which carried unanimously.

II. REPORTS

A. Prosecutor's Report

Action Taken: After discussion, Mr. Brooks moved to direct prosecution services to continue prosecuting year and older cases. Motion seconded by Ms. Wakeman, which carried unanimously.

B. Review and Approval of Minutes

January 27-28, 2022 – General Business Meeting

March 9, 2022 – Teleconference Meeting

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

C. Board Counsel's Report – Diane Guillemette, Esq.

February 2022 Rules Report

March 2022 Rules Report

April 2022 Rules Report

D. Board Chair Report – Christopher Brooks, LMT

Mr. Brooks thanked the board and prosecution for their continued work.

E. Budget Liaison Report – Christopher Brooks, LMT

Mr. Brooks provided a brief summary of the board's current revenue and expenditures.

F. Vice-Chair Report – Jennifer Wakeman, LMT

Ms. Wakeman thanked the new board members for their willingness to serve and preparedness during meetings.

G. Education Liaison Report – Gerald Padgett, LMT

Mr. Padgett led a brief discussion concerning potential comparative reporting of school curriculum.

H. Public Relations Liaison Report/FSMTB Delegate – Victoria Drago, LMT

Ms. Drago encouraged volunteering for the Federation of State Massage Therapy Boards and provided examples of the kinds of work board members from other states do as volunteers.

I. Legislation and Rules Liaison Report – Robin Miller

Ms. Miller provided there were no bills in the past session with significant impact on massage therapy practice.

J. Unlicensed Activity/Human Trafficking Awareness Liaison Report – Dotti Groover-Skipper

Ms. Groover-Skipper proposed that the Board submit to present during the Attorney General's state-wide summit on human trafficking. There was consensus that this should be considered.

K. Executive Director's Report – Kimberly Marshall for Allen Hall, Interim

Ratification of Licensure (01/11/2022 – 03/20/2022)

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

ADJOURN: 12:02 pm

III. ADMINISTRATIVE PROCEEDINGS

Applicants/Petitioners in Attendance

AD-24. Charmaine Kearse **File # 107266**

Applicant was present without counsel.

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

AD-27. Stacey Louise Reile **File # 106927**

Applicant was present without counsel.

Action Taken: After discussion, Mr. Brooks moved to issue the license unencumbered. Motion seconded by Ms. Groover-Skipper, which carried unanimously.

AD-A5. Mikal Albert Temkin **File # 107139**

Applicant was present without counsel.

Action Taken: After discussion, Mr. Brooks moved to issue the license contingent on the applicant becoming eligible for licensure in August of 2022. Motion seconded by Ms. Wakeman, which carried unanimously.

AD-A6. Cynthia Sanchez Guzman **File # 106074**

Applicant was present without counsel.

Action Taken: After discussion, Ms. Wakeman moved to issue the license unencumbered. Motion seconded by Mr. Padgett, which carried unanimously.

AD-32. Sharon L. Phillips, LMT **MA27578**

Petitioner was present without counsel.

Action Taken: After discussion, Ms. Wakeman moved to deny the petition for declaratory statement in part, as the expelling of bodily fluid from surgical wounds is outside the scope of practice for massage therapists and is contraindicated. Motion seconded by Ms. Miller, which carried unanimously.

A. Applicants with Foreign Education

AD-21. Castellucio, Andrew **File # 107328**

Applicant was not present.

Action Taken: After discussion, Mr. Brooks moved that the education completed by the applicant meets or exceeds that which is required for licensure. Motion seconded by Mr. Padgett, which carried unanimously.

AD-22. Shion Patrece Smith

File # 107258

Applicant was not present.

Action Taken: After discussion, Ms. Wakeman moved that the education completed by the applicant does not meet or exceed that which is required for licensure. Motion seconded by Mr. Brooks, which carried unanimously.

AD-A1. Shawna Bandedaly

File # 107236

Applicant was not present.

Action Taken: After discussion, Ms. Wakeman moved that the education documentation presented by the applicant does not meet or exceed that which is required for licensure and to deny the application with the option to withdraw within 15 days. Motion seconded by Ms. Miller, which carried unanimously.

AD-A2. Judith Antoinette McKenzie

File # 107245

Applicant was not present.

Action Taken: After discussion, Mr. Brooks moved that the education documentation presented by the applicant does not meet or exceed that which is required for licensure and to deny the application with the option to withdraw within 15 days. Motion seconded by Mr. Padgett, which carried unanimously.

B. Applicants with History

AD-A3. Evette Claudio

File # 106819

Applicant was not present.

Action Taken: After discussion, Ms. Wakeman moved to issue the license unencumbered. Motion seconded by Ms. Miller, which carried unanimously.

AD-23. Lis Ivette Fraile Dorta

File # 107130

Applicant was not present.

Action Taken: After discussion, Ms. Wakeman moved to deny the license based on criminal history related to the practice and non-disclosure of criminal history on the application. Motion seconded by Mr. Brooks, which carried unanimously.

AD-24. Charmaine Kearse

File # 107266

This item was heard earlier in the meeting.

AD-25. Eunsun Lee

File # 105601

Applicant was not present.

Action Taken: After discussion, Ms. Wakeman moved to deny the license based on criminal history related to the practice and non-disclosure of criminal history on the application. Motion seconded by Ms. Miller, which carried unanimously.

AD-26. Leis Catherine Leis

File # 106751

Applicant was not present.

Action Taken: After discussion, Ms. Wakeman moved to grant the license contingent on amendment to the application to disclose criminal history. Motion seconded by Ms. Groover-Skipper, which carried unanimously.

~~**AD-27. Stacey Louise Reile**~~ **File # 106927**

This item was heard earlier in the meeting.

AD-28. Minxia Sun

File # 102270

Applicant was not present.

Action Taken: After discussion, Ms. Wakeman moved to deny the license because the applicant's education does not meet the requirements of Rule 64B7-32.003(1)(e), F.A.C. Motion seconded by Mr. Brooks, which carried unanimously.

~~**AD-A3. Evette Claudio**~~ **File # 106819**

This item was heard earlier in the meeting.

AD-A4. Fenglian Ke

File # 107241

Applicant was not present.

Action Taken: After discussion, Ms. Wakeman moved to deny the license due to prior unlicensed activity. Motion seconded by Mr. Brooks, which carried unanimously.

~~**AD-A5. Mikal Albert Tomkin**~~ **File # 107139**

This item was heard earlier in the meeting.

C. Applicants with Education Discrepancy

AD-29. Yuanhong Antebi

File # 107190

Applicant was not present.

Action Taken: After discussion, Mr. Padgett moved to deny the license based on the submission of education documents reporting differing course of study lengths. Motion seconded by Mr. Brooks, which carried unanimously.

AD-30. Li Wang

File # 106231

Applicant was not present.

Action Taken: After discussion, Mr. Padgett moved to deny the license based on discrepancies in education history (course of study, failure to require completion of course of study). Motion seconded by Ms. Wakeman which carried unanimously.

RECESS: 10:30 / RECONVENE 10:46

D. Board Approved Massage Therapy Schools

AD-31. World of Beauty Academy

BOMT Registration # 21318 / CIE Lic # 4992

No representative was present.

Action Taken: After discussion, Ms. Wakeman moved to rescind board approval of World of Beauty Academy for violations of 64B7-32, F.A.C. Motion seconded by Mr. Brooks, which carried unanimously.

E. Petition for Declaratory Statement

~~AD-32. Sharon L. Phillips, LMT~~

~~MA27578~~

This item was heard earlier in the meeting.

F. Required Appearance

~~AD-A6. Cynthia Sanchez Guzman~~

~~File # 106074~~

This item was continued earlier in the meeting.

IV. RULES DISCUSSION

64B7-25.007, F.A.C. (*Proposed*) – Education Credentialing for International Programs

The board discussed the proposed rule, and asked for changes related to faculty, comparative information related to Commission for Independent Education licensing requirements, and for additional citations to make a more informed decision about the proposed rule text.

The Board directed Counsel and staff to return this proposed rule to a future meeting for consideration.

V. GENERAL BUSINESS DISCUSSION

A. OLD BUSINESS

Nothing at this time.

B. NEW BUSINESS

Mr. Brooks addressed a comment on the record made by another Board member. There was consensus that the opinions of one board member are not representative of the board, and that the decisions of the board are bounded by the laws and rules governing the profession, rather than personal opinion.

Ms. Drago led discussion concerning Florida education requirements and concerns expressed by multiple licensing boards and the Federation as to the operation of education companies. Specifically, the board discussed whether mPower meets or does not meet Florida education requirements.

There was consensus that a fully online course of study would not meet or exceed Florida education requirements, and that there is a rule in place which requires classroom hours to take place at the facility or campus of a massage therapy school.

VI. ADJOURN: 12:09 pm