

01-03-01

Final Order No. DOH-01-0894-FOF-MQA  
FILED DATE - 6/30/01  
Department of Health

By: Elisa Floyd  
Deputy Agency Clerk

**STATE OF FLORIDA  
BOARD OF MASSAGE THERAPY**

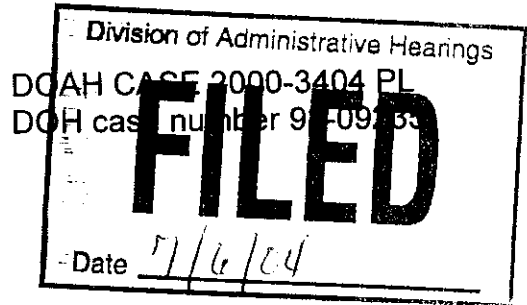
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DEPARTMENT OF HEALTH,  
Petitioner

Vs.

ANDREA L. SNYDER,  
Respondent.

AT



**FINAL ORDER**

This matter came before the Florida Board of Massage Therapy, hereinafter the "Board," at a duly noticed public meeting held on April 26, 2001, in Tampa, Florida, pursuant to Sections 120.569 and 120.57(1), Florida Statutes, for consideration of the Administrative Law Judge's Recommended Order, Respondent's Exceptions To Recommended Order, and Petitioner's Response to Respondent's Exceptions to Recommended Order (copies of which are attached hereto as Exhibits A, B and C, respectively) in the above styled cause. At the hearing, Petitioner was represented by Mr. Gary Asbell, Senior Attorney, Agency For Health Care Administration. The Respondent was not present. Mr. Timothy Foster, Attorney for Respondent, was not present.

Upon review of the Recommended Order, the Respondent's proposed recommended order, Petitioner's proposed recommended order, the transcript of the formal hearing held October 11, 2000, and the complete record in this case, the Board makes the following findings and conclusions.

## FINDINGS OF FACT

1. Respondent's exception number 1 is DENIED. The Board finds after a review of the complete record that the finding of fact is supported by competent substantial evidence.
2. Respondent's exception number 2 is DENIED. The Board finds after a review of the complete record that the finding of fact is supported by competent substantial evidence.
3. Respondent's exception number 3 is DENIED. The Board finds after a review of the complete record that the finding of fact is supported by competent substantial evidence.
4. Respondent's exception number 4 is DENIED. The Board finds after a review of the complete record that the finding of fact is supported by competent substantial evidence.
5. Respondent's exception number 5 is DENIED. The Board finds after a review of the complete record that the finding of fact is supported by competent substantial evidence.
6. Respondent's exception number 6 is DENIED. The Board finds after a review of the complete record that the finding of fact is supported by competent substantial evidence.
7. Respondent's exception number 7 is DENIED. The Board finds after a review of the complete record that the finding of fact is supported by competent substantial evidence.

8. Respondent's exception number 8 is DENIED. The Board finds after a review of the complete record that the finding of fact is supported by competent substantial evidence.
9. Respondent's exception number 9 is DENIED. The Board finds after a review of the complete record that the finding of fact is supported by competent substantial evidence.
10. Respondent's exception number 10 is DENIED. The Board finds after a review of the complete record that the finding of fact is supported by competent substantial evidence. Further Respondent's exception number 10 is DENIED as the Board finds that the conclusions of law are supported by competent substantial evidence in the record and that the findings constitute a violation of the law as found by the Administrative Law Judge.
11. The findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

#### CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 480, Florida Statutes.
2. The Respondent's exception number 10 is DENIED as there is competent substantial evidence to support the conclusions of law.
3. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated by reference.
4. There is competent substantial evidence to support the conclusions of law.

## PENALTY

The Board adopts as the penalty in this case the penalty set forth in the Administrative Law Judge's Recommended Order. Further, as authorized by the Administrative Law Judge's Recommended Order, Respondent is assessed the costs related to the investigation and prosecution of this case in the amount of \$1,570.37.


WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that:

1. Respondent shall pay an administrative fine in the amount of \$1,000.00 to the Board within 30 days of the date this Final Order is filed.
2. Respondent's license is revoked.
3. Respondent shall pay the costs of investigation and prosecution of \$1,570.37 to the Board within 30 days of the date this Final Order is filed.

This Final Order shall take effect upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 19<sup>th</sup> day of June 2001.

BOARD OF MASSAGE THERAPY

  
KAREN HARRISON, CHAIR

## NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA

STATUTES. PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLANT PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF THE NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE AGENCY FOR HEALTH CARE ADMINISTRATION AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEALS, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OT THE ORDER TO BE REVIEW.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing FINAL ORDER has been furnished by postage paid first class U.S. mail to Andrea Snyder, in care of her attorney Mr. Timothy Foster, Esquire, 2501 Bristol Drive, Suite B-11, West Palm Beach, Florida 33409; and by inter office delivery to Gary Asbell, Senior Attorney, Agency For Health Care Administration, General Counsel's Office-MQA, Allied Health, Tallahassee, Florida 32317; and to E. Renee Alsobrook, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, BIN # A-02, Tallahassee, Florida 32399-1702 and to Michael M. Parrish, Administrative Law Judge, Division of Administrative Hearings, The Desoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060, this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

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**AMENDED CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by certified mail to **Andrea Snyder**, 7645 N.W. 42nd. Place, Apt. 254, Sunrise FL 33351, **Timothy Foster, Esq.**, 2501 Bristol Dr., Ste. B-11, W. Palm Beach FL 33409, **Michael M. Parrish, ALJ**, DOAH, The Desoto Bldg., 1230 Apalachee Pkwy., Tallahassee FL 32399-3060, and interoffice delivery to Gary Asbell, Esq., AHCA, Tallahassee FL and E. Renee Alsobrook, Esq., DOH, Tallahassee FL at or before 5:00 p.m., this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

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