

5-31-02

Final Order No. DOH-02-1507-~~FOE~~MOA
FILED DATE - 10/2/02
Department of Health

**STATE OF FLORIDA
BOARD OF MASSAGE THERAPY**

By: Vicki R. Keenan
Deputy Agency Clerk

DEPARTMENT OF HEALTH,
Petitioner

AT

Vs.

Case No.: 2000-11109

DOAH Case No.: 02-0280PE

License No.: MA 11488

MEHDI SAFDARI, L.M.T.,
Respondent.

FILED
OCT 3 PM 2:25
ADMINISTRATIVE
SERVICES
DEPARTMENT OF
HEALTH

FINAL ORDER

JBC-cws

This matter came before the Florida Board of Massage Therapy, hereinafter the "Board," at a duly noticed public meeting held on July 25-26, 2002, in Orlando, Florida pursuant to Sections 120.569 and 120.57(1), Florida Statutes, for consideration of the Administrative Law Judge's Recommended Order, (attached hereto as Exhibit A) in the above styled cause. At the hearing, Petitioner was represented by Ruby Seymour-Barr, Senior Attorney. The Respondent was present and represented by attorney, Scott L. Richardson, Esquire.

Upon review of the Recommended Order, the transcript of the formal hearing held on March 15, 2002, and the complete record in this case, the Board makes the following findings and conclusions.

FINDINGS OF FACT

1. The findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference.
2. There is competent substantial evidence to support the findings of fact.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to Section 120.57(1), F.S., and Chapter 480, F.S.
2. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated by reference.

DISPOSITION

Upon a complete review of the record in this case, the Board REJECTED the penalty set forth in the Administrative Law Judge's recommendation to the extent set forth in this Final Order. The Board rejected the Administrative Law Judge's recommendation on the following basis:

1. Penalty guidelines for the violations were revocation and \$1,000 Fine.
2. No mitigation factors were found by the Administrative Law Judge to reduce the usual penalty.
3. The Board's prior discipline in similar cases found revocation necessary to protect the public.
4. As found by the Administrative Law Judge in the Recommended Order, paragraph 23, the conduct was clearly and convincingly prescribed by Board rules and Chapter 455 and 480, Florida Statutes.

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 \$5,880.56.

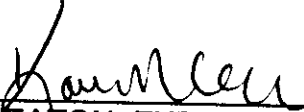
WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that:

1. Respondent shall pay an administrative fine in the amount of \$1,000.00 to the Board within thirty (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 \$5,880.56 to the Board within thirty (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 23 day of September 2002.

BOARD OF MASSAGE THERAPY



KAREN EATON, EXECUTIVE DIRECTOR
FOR DAVE QUIRING, CHAIR

NOTICE OF RIGHT TO JUDICIAL REVIEW UNLESS WAIVED

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW, UNLESS WAIVED, 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 DEPARTMENT OF HEALTH AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE FIRST DISTRICT COURT OF APPEALS, 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 OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing FINAL ORDER has been furnished via U.S. CERTIFIED MAIL, Return Receipt Requested, to MEHDI SAFDARI, L.M.T., through attorney Scott Richardson, Esquire, 128 E. Livingston, Suite 200, Orlando, Florida 32801; via interoffice delivery to Ruby Seymour-Barr, Senior Attorney, Department of Health, Bureau of Health Care Practitioner Regulation – Legal, 4052 Bald Cypress Way, Bin C65, Tallahassee, Florida 32399-3265; interoffice to E. Renee Alsobrook, Deputy General Counsel, Department of Health, 4052 Bald Cypress Way, BIN A02, Tallahassee, Florida 32399-1703; and to The Honorable Jeff B. Clark, Administrative Law Judge, Division of Administrative Hearings, The Desoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060, this 02 day of October, 2002.