

7-28-04

Final Order No. DOH-04-1137- FOF-MOA

FILED DATE - 10-7-04

Department of Health

By: Heather Coleman
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MASSAGE THERAPY

DEPARTMENT OF HEALTH,

Petitioner,

AT

WFDQ-Clos

vs.

DOH CASE NO.: 2003-07195

DOAH CASE NO.: 03-4789PL

LICENSE NO.: MA-25243

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VLADISLAV SIMAKOV,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MASSAGE THERAPY (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on September 24, 2004, by telephone conference call, for the purpose of considering the Administrative Law Judge's Recommended Order, in the above-styled cause. Petitioner was represented by Brian Stabley, Assistant Attorney General. Respondent was represented by J. Brent Jones, Esquire.

Upon review of the Recommended Order, the statements made by the parties, and after a review of 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), Florida Statutes, and Chapter 480, Florida Statutes.
2. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

RECOMMENDED DISPOSITION

Upon a complete review of the record in this case, the Board hereby adopts the recommendation made by the Administrative Law Judge to dismiss the Administrative Complaint

WHEREFORE, based on the foregoing, IT IS HEREBY ORDERED AND ADJUDGED that the Administrative Complaint in this case is DISMISSED.

DONE AND ORDERED this 5 day of October, 2004.

BOARD OF MASSAGE THERAPY


Pamela King, Executive Director, For
Dave Quiring, 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. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A 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 DISTRICT COURT OF APPEAL, 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 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 provided by U.S. Mail to: J. Brent Jones, Esquire, Attorney for Respondent at 1800 Second Street, Suite 777 Sarasota, Florida 34236, William F. Quattelbaum, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; by interoffice delivery to Brian J. Stabley, Assistant Attorney General, Department of Legal Affairs, The Capitol PL-01, Tallahassee, Florida 32399-1050,; and to Gary L. Asbell, Assistant Attorney General, Department of Legal Affairs, The Capitol PL-01, Tallahassee Florida 32399-1050, this 7th day of October, 2004.

Shakunda Lewis

Deputy Agency Clerk