

DEPARTMENT OF HEALTH
BOARD OF MASSAGE THERAPY

Final Order No. DOH-11-1215-^{FOF} MQA
FILED DATE - 5-24-11
Department of Health

By: Angel Sardenes
Deputy Agency Clerk

DEPARTMENT OF HEALTH,
BOARD OF MASSAGE THERAPY

Petitioner,

v.

FABIAN CHANOS, L.M.T.,

Respondent.

DOAH Case No.: 10-10374PL

DOH Case No: 2007-07231

License No.: MA 41103

PROVISIONAL OF
ADMINISTRATIVE
HEARINGS

11 MAY 25 AM 11:57

FILED

FINAL ORDER

THIS CAUSE came before the Board of Massage Therapy (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, at a duly noticed public meeting on April 21, 2011, in Tampa, Florida, for the purpose of considering the Administrative Law Judge's (ALJ) Robert E. Meale's Recommended Order, attached hereto as Exhibit A, Respondents' Exceptions to the Recommended Order, attached hereto as Exhibit B and Petitioner's Response to Respondent's Exceptions, attached hereto as Exhibit C. Petitioner was represented by S.J. DiConcilio, Assistant General Counsel. Respondent was not present and nor was he represented by counsel.

After a review of the complete record in this matter, including consideration of the Administrative Law Judge's Recommended Order, Respondent's Exceptions, and the arguments of each party, the Board makes the following findings and conclusions:

RULINGS ON EXCEPTIONS

1. Respondent timely filed exceptions to the ALJ's Recommended Order on March 6, 2011.
2. Petitioner did not file exceptions, but filed a response to Respondent's exceptions on March 8, 2011.
3. Respondent proceeded on a three page exception, which was not clearly delineated into any specific disputed portions of the Recommended Order.
4. The Board denied Respondents exceptions to the ALJ's Recommended Order because the three page exception did not state any objection that was directed to a specific portion of the ALJ's Recommended Order.

FINDINGS OF FACT

5. The findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference.
6. There is competent, substantial evidence to support the findings of fact found by the Board.

CONCLUSIONS OF LAW

7. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 475, Part II, Florida Statutes.
8. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

PENALTY

9. The Administrative Law Judge's recommendation to suspend the Respondent's license until he achieves compliance with his PRN contract is approved.

10. In accordance with the Board's authority to impose the costs of investigation and prosecution, the Board determines that costs of \$22,431.22 shall be imposed.

WHEREFORE, and for the foregoing reasons, it is hereby ORDERED:

(A) Respondent's license is hereby SUSPENDED until he achieves compliance with his PRN contract.

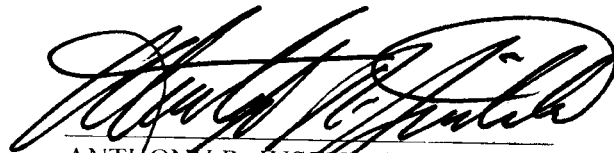
(B) Respondent shall pay \$250.00 a month until the costs of investigation and prosecution in the amount of \$22,431.22 are paid in full. The first payment is due within thirty (30) days of the date of the filed final order

(C) Payment of fines and costs shall be made to the Board of Massage Therapy and mailed to, DOH-Client Services, P.O. Box 6320, Tallahassee, Florida 32314-6320, Attention: Massage Therapy Compliance Officer.

This Final Order shall take effect upon being filed with the Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 24th day of May, 2011.

BOARD OF MASSAGE THERAPY



ANTHONY R. JUSEVITCH
EXECUTIVE DIRECTOR
For KAREN G. FORD, 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 BUSINESS AND PROFESSIONAL REGULATION 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 has been furnished by U.S. Mail to: **Fabian P. Chanoz, 2342 Treasure Isle Drive, Palm Beach Gardens, Florida 33410**, and to Robert E. Meale, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-3060; and to Jaime Doyle Liang, Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; and by interoffice delivery to S. J. DiConcilio, Assistant General Counsel, Department of Health, 4052 Bald cypress Way, Bin # C-65, Tallahassee, FL 32399-3265 this 24th day of may, 2011.

Angela Saunders

7011 0110 0001 6187 5807

OFFICIAL	
For delivery information visit our website at www.usps.com	
U.S. Postal Service	
CERTIFIED MAIL	
<i>(Domestic Mail Only; No Ins)</i>	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Sent To: _____
Street, Apt. No., or PO Box No.: _____
City, State, ZIP+4: _____

PS Form 3800, August 2006