

STATE OF FLORIDA
BOARD OF MASSAGE THERAPY

By: Angel Saucedo
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2008-22238
DOAH CASE NO.: 10-10597PL
LICENSE NO.: MA 54313

GIUSEPPE CHIARIZIA,

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 October 20, 2011, in Tallahassee, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order (a copy of which is attached hereto as Exhibit A) in the above-styled cause. Petitioner was represented by S. J. DiConcilio, Assistant General Counsel. Respondent was not present.

Upon review of the Recommended Order, the argument of 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.

DIVISION OF ADMINISTRATIVE HEARINGS
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CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 464, Florida Statutes.

2. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

PENALTY

Upon a complete review of the record in this case, the Board determines that the penalty recommended by the Administrative Law Judge be ACCEPTED. WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

The license shall pay a fine of \$1,000.00 within 365 days of the date this Final Order is filed. The fine shall be paid to the Board of Massage Therapy and sent to Massage Compliance Officer at the Department of Health, Client Services Unit, HMQAMS, BIN # C01, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3251. The fine shall be paid by cashier's check or money order. **Personal checks will not be accepted.**

The license of GIUSEPPE CHIARIZIA is hereby **REVOKED**.

RULING ON MOTION TO ASSESS COSTS

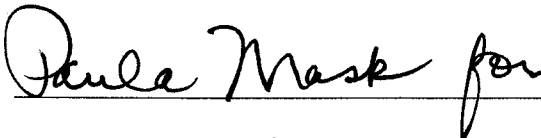
The Board reviewed the Petitioner's Revised Motion to Assess Costs and imposes the costs associated with this case in the amount of \$19,273.99. Said costs are to be paid within 12 months from the date this Final Order is filed. Payment shall be made to the Board of Massage Therapy and mailed to, Board of Massage

Therapy and mailed to, DOH-Compliance Management Unit, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3276, Attention: Massage Therapy Compliance Officer. Payment must be made by cashier's check or money order ONLY. Personal checks will **NOT** be accepted.

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

DONE AND ORDERED this 8th day of November, 2011.

BOARD OF MASSAGE THERAPY



Anthony Jusevitch
Executive Director
for Karen Goff 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 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 Certified, return receipt mail to GIUSEPPE CHIARIZIA, P.S.C. 451, Box 490, FPO, AE

09834, and 3540 Foxrun Blvd, Panama City Beach, FL 32408; to Lisa Shearer Nelson, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by interoffice delivery to S. J. DiConcilio, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3265 this 9th day of November, 2011.

Angel Sanders

Deputy Agency Clerk

P.S.C. 451
Box 490
FPO, AE 09834

3540 Foxrun Blvd.
P.C. Beach, FL 32408

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