

FILED DATE SEP 13 2017

Department of Health

By Amber Greene  
Deputy Agency Clerk

STATE OF FLORIDA  
BOARD OF MASSAGE THERAPY

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2010-23066

DOAH CASE NO.: 16-5478PL

LICENSE NO.: MA 56426

RANJIE XU,

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 July 27, 2017, in Orlando, 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 Carrie McNamara, 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.

RULINGS ON EXCEPTIONS

1. Respondent filed an exception to the Findings of Fact in paragraph 4 of the Recommended Order. The findings in paragraph 4 are supported by competent substantial evidence, and the exception is rejected.

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ADMINISTRATIVE HEARINGS

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2. Respondent filed an exception to the Findings of Fact in paragraph 6 of the Recommended Order. The findings in paragraph 6 are supported by competent substantial evidence, and the exception is rejected.

3. Respondent filed an exception to the Findings of Fact in paragraph 7 of the Recommended Order. The findings in paragraph 7 are supported by competent substantial evidence and it is the responsibility of the ALJ to decide on the credibility of witnesses. The exception is rejected.

4. Respondent filed an exception to the Findings of Fact in paragraph 8 of the Recommended Order. The findings in paragraph 8 are supported by competent substantial evidence and it is the responsibility of the ALJ to decide on the credibility of witnesses. The exception is rejected.

5. Respondent filed an exception to the Findings of Fact in paragraph 9 of the Recommended Order. Determining the admissibility and relevance of evidence is the responsibility of the ALJ. The exception is rejected.

6. Respondent filed an exception to the Findings of Fact in paragraph 10 of the Recommended Order. The findings in paragraph 10 are supported by competent substantial evidence and it is the responsibility of the ALJ to decide on the credibility of witnesses. The exception is rejected.

7. Respondent filed an exception to the Findings of Fact in paragraph 11 of the Recommended Order. The findings in paragraph 11

are supported by competent substantial evidence, and the exception is rejected.

8. Respondent filed an exception to the Findings of Fact in paragraph 12 of the Recommended Order. The findings in paragraph 12 are supported by competent substantial evidence, and the exception is rejected.

9. Respondent filed an exception to the Findings of Fact in paragraph 13 of the Recommended Order. The findings in paragraph 13 are supported by competent substantial evidence and it is the responsibility of the ALJ to decide on the credibility of witnesses. The exception is rejected.

10. Respondent filed exceptions to the Conclusions of Law in paragraph 23 of the Recommended Order. It is the responsibility of the ALJ to determine if the evidence presented is clear and convincing. The exceptions to the Conclusions of Law are rejected.

11. Paragraph 27 of the Recommended Order sets forth the contents of the disciplinary guidelines required by Section 456.079, Florida Statutes. The exception is rejected.

12. Respondent filed exceptions to paragraphs 28 and 29 of the Recommended Order. The record does not support a departure from the disciplinary guidelines. The exception is rejected.

#### 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 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 of RANJIE XU is hereby revoked.

The licensee must pay an administrative fine of \$1,000.00 within 12 months of the date this Final Order is filed. Payment shall be made to the Board of Massage Therapy and mailed to, DOH-Compliance Management Unit, 4052 Bald Cypress Way, Bin C-76 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.

RULING ON MOTION TO ASSESS COSTS

The Board reviewed the Petitioner's Revised Motion to Assess Costs, to which Respondent filed no objection, and imposes the costs associated with this case in the amount of \$24,044.56. 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 7 day of September,  
2017.

BOARD OF MASSAGE THERAPY



Kama Monroe  
Executive Director  
for Lydia Nixon, 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 mail to RANJIE XU, June H. Zhou, Esquire, 2163 St. Andrews Blvd, Ste 209, Boca Raton FL 33433; to, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by email to Department of Health-PSU, Oaj.Gilani@flhealth.gov this 13<sup>th</sup> day of September, 2017.

*Anber Greene*

Deputy Agency Clerk



Ranjie Xu  
June H. Zhou, Esquire  
2163 St. Andrews Blvd  
Ste. 209  
Boca Raton, FL 33433

**Certified Article Number**

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**SENDERS RECORD**