

Final Order No. DOH-19-0784-^{FD}MQA
FILED DATE MAY 14 2019
Department of Health
By: Angel Sanders
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MASSAGE THERAPY

DEPARTMENT OF HEALTH,

Petitioner,

vs.

SUHUA ZHANG,

Respondent.

DOH CASE NO.: 2015-05128
DOAH CASE NO.: 17-002751
LICENSE NO.: MA 58567

2019 MAY 17 AM 11:23
DIVISION OF
ADMINISTRATIVE HEARINGS
FILED

FINAL ORDER

THIS CAUSE came before the BOARD OF MASSAGE (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, at the properly noticed meeting on October 19, 2017, in Tampa, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order (RO), (a copy of which is attached hereto as Exhibit A) in the above-styled cause. Petitioner was represented by John Wilson, Assistant General Counsel. Respondent was not present at the meeting.

PROCEDURAL HISTORY

1. The Department of Health (DOH) filed an Administrative Complaint against Respondent, Suhua Zhang.
2. The case was referred to the Division of Administrative Hearing (DOAH). A hearing was scheduled for July 12, 2017.
3. On July 3, 2017, Administrative Law Judge, J. Lawrence Johnston, (ALJ) granting a motion to proceed by written submissions, including five listed joint exhibits and a stipulation of facts.

4. Petitioner filed evidence and a proposed recommended order.
5. Respondent did not file anything.
6. The ALJ issued a Recommended Order (RO) on July 24, 2017.
7. No exceptions were filed.

FINDINGS OF FACT

8. There is competent substantial evidence to support the findings of fact as presented in the RO.

9. The findings of fact set forth in the Recommended Order are approved, adopted, and incorporated herein by reference.

CONCLUSIONS OF LAW

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

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

PENALTY

12. Upon a complete review of the record in this case, the Board determines that the recommendation of the Administrative Law Judge is ACCEPTED.

WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

13. The license of  SWHUA ZHANG is REVOKED.

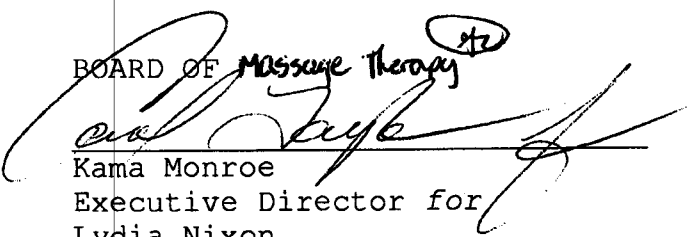
14. Respondent must pay an administrative fine of \$1,000 due 90 days from the date of filing of this Final Order. Payment shall be made to the Board of Massage Therapy and mailed to, DOH-Compliance Management Unit, 4052 Bald Cypress Way, Tallahassee, Florida 32399, Attention: Massage Therapy Compliance Officer. Payment must be made by cashier's check or money order ONLY. Personal checks will not be accepted.

IN ADDITION, Petitioner's Motion to Bifurcate Costs is **GRANTED**. The Board retains jurisdiction to determine and assess costs.

This Final Order shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 13th day of May, 2019.

BOARD OF Massage Therapy ⁽¹²⁾


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: Suhua Zhang, 1821 E. Colonial Dr., Orlando, FL 32803; and C/O Alex Yu, Law Office of Alex Yu, Somerset Professional Park, 14255 Amberly Drive, Tampa, FL 33647; and by U.S. Mail to: J. Lawrence Johnston, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by e-mail to: Chad Dunn, Assistant General Counsel, at chad.dunn@flhealth.gov; and Diane L. Guillemette, Assistant Attorney General, at diane.guillemette@myfloridalegal.com, this 14th day of May, 2019.

Bryel Sanders

Deputy Agency Clerk



Suhua Zhang
1821 E. Colonial Dr.
Orlando, FL 32803

Certified Article Number

9434 7266 9904 2340 1168 68

SENDER'S RECORD