

STATE OF FLORIDA BOARD OF MASSAGE THERAPY

Final Order No. DOH-18-0908-FILED DATE MAY Department of Health DOH CASE NO.: 2016-28331
DOAH CASE NO.: 17-2964PL
LICENSE NO.: MA 63779

DEPARTMENT OF HEALTH,

Petitioner,

vs.

JORGE L. PRUNEDA,

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 April 19, 2018, 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 Raj Misra, 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

- The findings of fact set forth in the Recommended Order are 1. approved and adopted and incorporated herein by reference.
- 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 licensee must pay an administrative fine of \$3,500.00 within 90 days 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 granted Petitioner's motion to bifurcate the assessment of investigative costs in this matter, and retains jurisdiction to assess those costs.

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

day of DONE AND ORDERED this 2018.

BOARD OF MASSAGE THERAPY

Kama Monroe

Executive Director

for Robyn Dohn Havard, 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 NOTICE OF APPEAL THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. 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 JORGE L. PRUNEDA, 18 Walcott Drive, Boynton Beach FL 33426; to F. Scott Boyd, 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, John.Wilson@flhealth.gov this 2018.

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Deputy Agency Clerk

Certified Article Number 9414 7266 9904 2104 0959 01

SENDER'S RECORD

Reg. Mail to DODA Judge- &