

FILED DATE - DEC 15 2017

Department of Health

Angel Sanders
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MASSAGE THERAPY

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2017-02681

DOAH CASE NO.: 17-3246PL

LICENSE NO.: MA 75735

ERNESTO RODRIGUEZ,

Respondent.

DIVISION OF
ADMINISTRATIVE HEARINGS

2017 DEC 22 AM 11:55

FILED

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 19, 2017, in Tampa, 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 John Wilson, 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.

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 ERNESTO RODRIGUEZ is hereby REVOKED.

The licensee must pay an administrative fine of \$2,500.00 within ONE YEAR 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

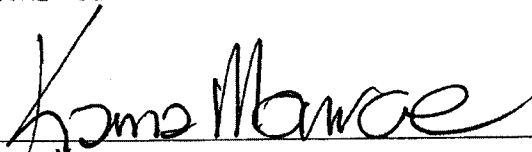
The Board reviewed the Petitioner's Motion to Assess Costs and imposes the costs associated with this case in the amount of \$12,375.79. Said costs are to be paid within 12 months from the date this Final Order is filed. Payment shall be made to the Board of Massage Therapy and mailed to DOH-Compliance 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 14 day of December,
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 ERNESTO RODRIGUEZ, 812 NE 2nd Street #1, Hallandale Beach FL 33009 and by US mail to Michael E. Jones, Esquire, 440 S. Andrews Avenue, Ft. Lauderdale FL 33301; 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 15th day of December, 2017.

Angel Sanders
Deputy Agency Clerk



Ernesto Rodriguez
812 NE 2nd Street
#1
Hallandale Beach, FL 33009

① →

Certified Article Number

9414 7266 9904 2104 0986 05

SENDER'S RECORD

Reg. Mail to →



Ernesto Rodriguez
c/o Michael E. Jones, Esq.
440 S. Andrews Ave.
Ft. Lauderdale, FL 33301

②

Reg. Mail to →



F. Scott Boyd, Admin Law Judge
Division of Administrative Hearings
The DeSoto Bldg.
1230 Apalachee Parkway
Tallahassee, FL 32399-3060

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