

FILED DATE DEC 15 2017

Department of Health

STATE OF FLORIDA
BOARD OF MASSAGE THERAPY

By

Bryce Sanders
Administrative Law Judge

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2015-31658
DOAH CASE NO.: 17-3336PL
LICENSE NO.: MA 76935

XUMEI SUN,

Respondent.

2017 DEC 22 AM 11:55
DIVISION OF
ADMINISTRATIVE HEARINGS

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 XUMEI SUN is hereby REVOKED.

The licensee must pay an administrative fine of \$1,000.00 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 \$4,709.09. Said costs are to be paid within one year 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 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 XUMEI SUN, 2606 W. Grand Reserve #137, Clearwater FL 33759 and Alex Yu, Esquire, 15255 Amberly Drive, Tampa FL 33647; to J. Lawrence Johnston,

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

|||||
Xumei Sun
2606 W. Grand Reserve
#137
Clearwater, FL 33759

① ↘

Certified Article Number
9414 7266 9904 2104 0985 75
SENDER'S RECORD

|||||
Xumei Sun
c/o Alex Yu, Esq
15255 Amberly Dr.
Tampa, FL 33647

② ↘

Certified Article Number
9414 7266 9904 2104 0985 68
SENDER'S RECORD

Reg. mail to 2

|||||
J. Lawrence Johnston, Admin Law Judge
Division of Administrative Hearings
The Desoto Bldg.
1230 Apalachee Parkway
Tallahassee, FL 32309-3060