

FILED DATE - JAN 31 2018

Department of Health

By: *Amber Greene*  
Deputy Agency Clerk

STATE OF FLORIDA  
BOARD OF MASSAGE THERAPY

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2015-29207  
DOAH CASE NO.: 17-3337PL  
LICENSE NO.: MA 67956

QIAN GAO,

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 January 25, 2018, in Kissimmee, 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 Christina Schidler, 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.

DIVISION OF  
ADMINISTRATIVE HEARINGS

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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 GIAN GAO is revoked.

The licensee must pay an administrative fine of \$2,500.00 within 30 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

Petitioner made an *ore tenus* motion to bifurcate the assessment of costs. The Board granted the motion, and retains jurisdiction to assess the investigative costs in this case.

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

DONE AND ORDERED this 31 day of January, 2018.

BOARD OF MASSAGE THERAPY

*Kama Monroe*

Kama Monroe  
Executive Director  
for Robyn Dohn Havard, Chair

NOTICE OF RIGHT TO JUDICIAL REVIEW

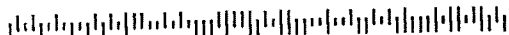
A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK 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 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 QIAN GAO, 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 Christina Schidler Department of Health-PSU, [John.Wilson@flhealth.gov](mailto:John.Wilson@flhealth.gov) this 31<sup>st</sup> day of January, 2018.

*Amber Greene*

**Deputy Agency Clerk**



Qian Gao  
c/o Alex Yu, Esquire  
15255 Amberly Drive  
Tampa, FL 33647

**Certified Article Number**

9414 7266 9904 2104 1009 57

**SENDER'S RECORD**

J. Lawrence Johnston  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Bldg  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060

us mail