

FILED DATE - MAY 11 2018

Department of Health

STATE OF FLORIDA  
BOARD OF MASSAGE THERAPY

By: Phaedra Sanders  
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2017-01000

DOAH CASE NO.: 17-5473PL

LICENSE NO.: MM32583

BBK FLORIDA, LLC,

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 Lealand L. McCharen, 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.

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ADMINISTRATIVE HEARINGS  
FILED

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

Petitioner filed an exception to the recommended penalty on the basis that the violation constituted a danger to the public, and the manager of the facility failed to verify the licensure status of the person hired. Upon a complete review of the record in this case, the Board determines that the penalty recommended by the Administrative Law Judge be rejected. WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

The license of BBK FLORIDA, LLC is hereby revoked.

The licensee must pay an administrative fine of \$1,000.00 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.

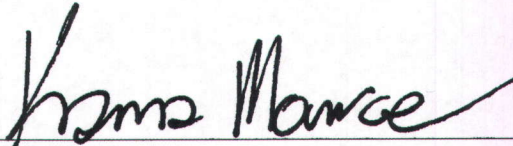
RULING ON MOTION TO ASSESS COSTS

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.

DONE AND ORDERED this 10 day of May, 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 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 BBK FLORIDA, LLC, 12310 Greenwood Street, Brooksville FL 34613 and by U.S. mail to Baya W. Harrison, Esquire, 200 S. Orange Avenue, Suite 800, Orlando FL 32801; to J. Bruce Culpepper, Administrative Law Judge, Division of

