

FILED DATE - MAR 26 2019

Department of Health
Angel Sanders
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MASSAGE THERAPY

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2017-12226
DOAH CASE NO.: 18-3638PL
LICENSE NO.: MA 81902

FENGYAN LIU,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MASSAGE (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, at the properly noticed meeting on January 28 and 29, 2019, in Orlando, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order (RO), (a copy of which is attached hereto as Exhibit A) in the above-styled cause. Petitioner was represented by Christina Shideler, Assistant General Counsel. Neither Respondent nor his Counsel were present at the meeting.

PROCEDURAL HISTORY

1. In May 2018, the Department of Health (DOH) filed an Administrative Complaint against Respondent, Fengyan Liu.
2. The case was referred to the Division of Administrative Hearing (DOAH) and a hearing on was held on June 4, 2018.
3. Administrative Law Judge (ALJ), Yolanda Green, issued Recommended Order on November 16, 2018.

2019 MAR 29 PM 1:29
DIVISION OF
ADMINISTRATIVE HEARINGS
FILED

4. Respondent was represented by Richard A. Brown and Estell Reginald, and the Department was represented by Derrick McBurrows.

5. No exceptions to the Recommended Order were filed.

6. The Board considered the Recommended Order; and after a review of the complete record in this case; the Board makes the following findings and conclusions:

FINDINGS OF FACT

7. There is competent substantial evidence to support the findings of fact.

8. The findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

CONCLUSIONS OF LAW

9. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 464, Florida Statutes.

10. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

PENALTY

11. Upon a complete review of the record in this case, the Board determines that the recommendation of the Administrative Law Judge is ACCEPTED.

WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

12. The license of Fengyan Liu is **REVOKED**. Within 30 days the licensee shall return the license to DOH-Compliance Unit, 4052 Bald

Cypress Way, Bin C-76, Tallahassee, FL 32399, Attention: Massage Therapy Compliance Officer. The licensee's employer shall immediately be informed of the revocation in writing from the licensee with a copy to the Board office.

13. The licensee must pay an administrative fine of \$2,500 and investigative costs and attorney fees of \$20,864.04, to be paid at the rate of \$4,672.81 per year, with the first payment due 1 year from the date of filing of this Final Order. Payment shall be made to the Board of Massage Therapy and mailed to, DOH-Compliance Management Unit, 4052 Bald Cypress Way, Tallahassee, Florida 32399, 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 become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 25 day of March, 2019.

BOARD OF MASSAGE THERAPY ^{(b)(7)}

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: Fengyan Liu, 3830 Williamsburg Park Blvd., Ste 4, Jacksonville, FL 32257; and C/O Richard A. Brown, 303 North Liberty Street, Jacksonville, FL 32202; and by U.S. Mail to: Yolanda Green, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by e-mail to: Chad Dunn, Assistant General Counsel, at chad.dunn@flhealth.gov; and Diane L. Guillemette, Assistant Attorney General, at diane.guillemette@myfloridalegal.com, this 26th day of March, 2019.

|||||
Fengyan Liu
3830 Williamsburg Park Blvd.
Suite 4
Jacksonville, FL 32257

Certified Article Number

9414 7266 9904 2140 1127 92

SENDER'S RECORD

Angel Sanders

Deputy Agency Clerk

|||||
Fengyan Liu
c/o Richard A. Brown, Esq.
303 cNorth Liberty St.
Jacksonville, FL 32202

Certified Article Number

9414 7266 9904 2140 1127 85

SENDER'S RECORD