

STATE OF FLORIDA
BOARD OF MASSAGE THERAPY

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2016-20171
DOAH Case No.: 19-1304PL
License No.: MM 33902

KAI XIN SPA, INC.,

Respondent.

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FINAL ORDER

This matter appeared before the Board of Massage Therapy at a duly-noticed public meeting on October 24 and 25, in Jacksonville, Florida, for consideration of Recommended Order. The recommended order was entered on August 21, 2019, by Administrative Law Judge, Mary Li Creasy. The Recommended Order only addressed the issue of whether the Election of Rights filed by the Respondent was timely or whether equitable tolling applied. The Department, Petitioner, filed exceptions to the Recommended Order.


The Department was represented by John Wilson, Deputy General Counsel, Department of Health. Counsel for Respondent, W. Sam Holland, was present on behalf of Respondent.

The Board considered the facts as presented in the Recommended Order and after consideration of the timeline as expressed in the Recommended Order, the communications between the Department and Counsels for the Respondent, and having reviewed all the facts and being otherwise apprised, voted to **DISMISS**, the Administrative Complaint filed in this action.

This Final Order shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 5th day of February, 2019.

BOARD OF MASSAGE THERAPY


Kama Monroe, Executive Director for
Christopher Brooks, LMT, Chair

NOTICE OF APPEAL RIGHTS

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 THE RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. mail to: **Kai Xin Spa, Inc.**, 440 S. Military Trail, West Palm Beach, FL 33415; and **W. Sam Holland**, 12700 Biscayne Boulevard, Suite 402, North Miami, FL 33181; and by email to: Administrative Law Judge, **Mary li Creasy**, www.doah.state.fl.us; to: **Diane Guillemette**, Assistant Attorney General, Diane.Guillemette@myfloridalegal.com; and **Chad Dunn**, Assistant General Counsel, Department of Health, Chad.Dunn@flhealth.gov on this 6th day of Feb., 2019.



Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.

**Ron DeSantis**

Governor

Scott A. Rivkees, MD

State Surgeon General

Vision: To be the Healthiest State in the Nation

**INTEROFFICE
MEMORANDUM**

DATE: Monday, February 3, 2020

TO: Jennifer Wenhold
HCPR Bureau Chief

FROM: Kama Monroe, J.D., Executive Director
Boards of Acupuncture, Massage Therapy, Osteopathic
Medicine, Speech- Language Pathology & Audiology and the
Council of Licensed Midwifery

SUBJECT: Delegation of Authority

This is to advise that while I am out of the office, Monday, February 3, 2020 through Monday, February 10, 2020, Gerry Nielson has delegated authority to serve as Acting Executive Director for the Boards of Acupuncture, Massage Therapy, Osteopathic Medicine, Speech-Language Pathology & Audiology and the Council of Licensed Midwifery. Mr. Nielson can be reached at 850.245.4586

KM/cdp

