FILED DATE - MAY 1 9 2020
Department of Health

By: Out May 1
Deputy Agency Clerk

# STATE OF FLORIDA BOARD OF MASSAGE THERAPY

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2018-26228 DOAH CASE NO.: 19-2730PL

LICENSE NO.: MA 55509

CAMERON KELLOGG,

Respondent.

#### FINAL ORDER

THIS CAUSE came before the BOARD OF MASSAGE THERAPY (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, at the properly noticed meeting on January 8-10, 2020, 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 Mary "Ali" Wessling, Assistant General Counsel. Respondent was not present at the meeting.

#### PROCEDURAL HISTORY

- 1. In January 2019, the Department of Health (DOH) filed an Administrative Complaint against Respondent, CAMERON KELLOGG.
- 2. The case was referred to the Division of Administrative Hearing (DOAH) and a hearing on was held on August 14, 2019.

- 3. Administrative Law Judge (ALJ), John D.C. Newton, II, issued a Recommended Order on September 30, 2019.
- 4. Respondent was appeared Pro Se, and the Department was represented by Jamal Burk and Gabriel Girado, Prosecution Services Unit of the Department of Health.
  - 5. No exceptions 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 ALJ is ACCEPTED.

# WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

- 12. The license of CAMERON KELLOGG is REVOKED.
- 13. The licensee must pay an administrative fine of \$2,500. The fine is due 1 year from the date of the 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.
- 14. Costs of investigation and prosecution, to be determined at a later date, are to be paid by Cameron Kellogg to the Petitioner, the Department of Health.

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

DONE AND ORDERED this 30 day of April , 2020.

BOARD OF MASSAGE THERAPY

Levy Nicker for

Executive Director for CHRISTOPHER BROOKS, LMT, 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 U.S and Certified Mail to: CAMERON KELLOGG,7125 Mayfield Drive, Port Richey, FL 34668; 708 B North Osceola Avenue, Clearwater, FL 33755; and 500 10521 Scenic Drive, New Port Richey, FL 34668; and by U.S. Mail to: John D.C. Newton, II, 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 <a href="mailto:chad.dunn@flhealth.gov">chad.dunn@flhealth.gov</a>; and Diane L. Guillemette, Assistant Attorney General, at <a href="mailto:diane.guillemette@myfloridalegal.com">diane.guillemette@myfloridalegal.com</a>, this day of MOW, 2020.

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Certified Article Number

# SENDER'S RECORD

Certified Article Number: 9414 7246 9904 2140 1075 14

SENDER'S RECORD

anne Maries

# **Deputy Agency Clerk**

Cameron Kellogg
500 10521 Scenic Drive
New Port Richey, FL 34668

Certified Article Number

ום ביומע מרעם רטוו פפטו רע

SENDER'S RECORD

#### 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:

Thursday, April 30, 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, the afternoon of Thursday, April 30, 2020, Gerry Nielsen 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. Nielsen can be reached at (850) 245-4586.

KM/cdp



