

FILED  
DATE 5/17/2021

FILED DATE MAY 13 2021  
Department of Health

By: Aimee Mous  
Deputy Agency Clerk

STATE OF FLORIDA  
BOARD OF MASSAGE THERAPY

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2016-10932

DOAH CASE NO.: 19-5314PL

LICENSE NO.: MA 80545

MINGLI LI

Respondent.

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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 telephonic meeting on April 27, 2020, 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 Dannie Hart, Assistant General Counsel. Respondent was present and agreed to proceed without the Counsel that represented her at the DOAH hearing. An interpreter was also present at the meeting.

PROCEDURAL HISTORY

1. In September 2019, the Department of Health (DOH) filed an Amended Administrative Complaint against Respondent, MINGLI LI.
2. Respondent timely filed an election of rights stating that material facts were in dispute.

3. The case was referred to the Division of Administrative Hearing (DOAH) and a hearing was held on December 10, 2019.

4. Administrative Law Judge, Lynne A. Quimby-Pennock, (ALJ) issued a Recommended Order on February 13, 2020.

5. Petitioner was represented by Zachary Bell, and Chad Dunn, Assistant General Counsels for the Department of Health.

6. At the DOAH hearing Respondent was represented by Michael S. Brown, Esq.

7. Respondent's Exceptions to Recommended Order were filed February 13, 2020.

8. Petitioner's Response to Respondent's Exceptions to the Recommended Order was filed on February 24, 2020.

9. After review of the complete record in this case; the Board makes the following findings and conclusions:

#### EXCEPTIONS

10. Section 120.57(1)(k), Florida Statutes states in relevant part:

...{A}n agency need not rule on an exception that does not clearly identify the disputed portion of the recommended order by page number or paragraph, that does not identify the legal basis for the exception, or that does not include appropriate and specific citations to the record.

11. Respondent's Exceptions to Recommended Order do not specify appropriate and specific citation to the record and do not identify a legal basis for the exception.

12. Consequently, the Board declines to rule upon Respondent's exceptions.

FINDINGS OF FACT

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

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

CONCLUSIONS OF LAW

15. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 480, Florida Statutes.

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

PENALTY

17. 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:**

14. The license of MINGLI LI is REVOKED.

15. The licensee must pay an administrative fine of \$3,500 within 5 years. The fine shall be paid in equal monthly payment of \$58.33 with the first payment due one month 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, 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.

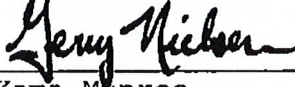
COSTS

16. Petitioner's motion for costs is granted. Respondent must pay \$24,829.80 within 5 years. The fine shall be paid in equal monthly payment of \$413.83 with the first payment due one month 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, 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 11 day of May, 2021.

BOARD OF MASSAGE THERAPY

 for  
Kama Monroe,  
Executive Director for  
Christopher Brooks,  
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: **MINGLI LI**, 1231 Shelter Rock Road, Orlando, FL 32835; 4435 Colden Street, Apt. 4L, Flushing, NY 11355; and 9986 Red Eagle Drive, Orlando, FL 32826; and by U.S. Mail to: **Lynne A. Quimby-Pennock**, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by e-mail to: **Andrew Pietrylo**, Chief Legal Counsel, Department of

Health, Andrew.pietrylo@flhealth.gov; and Diane L. Guillemette, Assistant Attorney General, at diane.guillemette@myfloridalegal.com, this 13<sup>th</sup> day of May, 2021.

Aimee Mous  
Deputy Agency Clerk

Mingli Li  
1231 Shelter Road Road  
Orlando, FL 32835

**Certified Article Number**

9414 7266 9904 2178 1325 88

**SENDER'S RECORD**

Mingli Li  
4435 Colden Street  
Apt. L4  
Flushing, NY 11355

**Certified Article Number**

9414 7266 9904 2178 1325 71

**SENDER'S RECORD**

Mingli Li  
9986 Red Eagle Drive  
Orlando, FL 32826

**Certified Article Number**

9414 7266 9904 2178 1325 64

**SENDER'S RECORD**