

FILED DATE - **MAY 13 2021**

Department of Health

By: *Sytheria Paruel*
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MASSAGE THERAPY

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2015-12501
DOAH CASE NO.: 20-0505PL
LICENSE NO.: MA 48309

MARIA NADAL-CABRAL,

Respondent.

2021 MAY 19 PM 2:07
DIVISION OF ADMINISTRATIVE HEARINGS

FILED

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 26, 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 not present at the meeting.

PROCEDURAL HISTORY

1. In October 2017, the Department of Health (DOH) filed an Administrative Complaint against Respondent, Maria Nadal-Cabral.
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 on was held on March 20, 2020.

4. Administrative Law Judge, Robert E. Meale, (ALJ) issued a Recommended Order on May 14, 2020.

5. Petitioner was represented by Dannie Hart and Christina Shideler, Assistant General Counsels for the Department of Health.

6. Respondent appeared pro-se.

7. No exceptions were filed.

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

FINDINGS OF FACT

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

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

CONCLUSIONS OF LAW

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

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

PENALTY

13. 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 MARIA NADAL-CABRAL is SUSPENDED until Respondent has submitted all the required background screening material, including electronic fingerprints through an approved vendor.

15. The licensee must pay an administrative fine of \$500 within 5 years from 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 \$8,619.78 within 5 years from 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: **MARIA NADAL-CABRAL**, 1200 NW 185th Avenue, Pembroke Pines, FL 33029; and 3321 NW 124th Way, Sunrise, FL 33323; and by U.S. Mail to: **Robert E. Meale**, 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 13th day of

May, 2021.

Sybil Ann Parnal
Deputy Agency Clerk



Maria Nadal-Cabral
1200 NW 185th Ave
Pembroke Pines, FL 33029

Certified Article Number

9414 7266 9904 2157 7199 91

SENDER'S RECORD



Maria Nadal-Cabral
3321 NW 124th Way
Sunrise, FL 33323

Certified Article Number

9414 7266 9904 2157 7199 84

SENDER'S RECORD