

IN AND BEFORE THE OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,  
OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE AND  
SUPERVISION,

Plaintiff,

ALBERT R. WINNETT, M.D.  
Medical License No. 15086

CASE NO. 88-2-573

Defendant.

DISMISSAL WITHOUT PREJUDICE  
OF COMPLAINT OF CONTEMPT  
AND ORDER TO RETAIN RECORDS

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on October 27, 1990, at the office of the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and Albert R. Winnett, M.D., Defendant, did not appear either in person or by representative.

The Board of Medical Licensure and Supervision en banc heard the oral argument of counsel, reviewed exhibits, and being fully advised in the premises, the Board of Medical Licensure and Supervision finds as follows:

FINDINGS OF FACT

1. That Defendant, Albert R. Winnett, M.D., holds Oklahoma Medical License No. 15086.
2. That the Oklahoma Board of Medical Licensure and Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.
3. That on or around September 15, 1988, following notice and hearing, Albert R. Winnett, M.D., holding Oklahoma Medical License No. 15086, was issued a Final Order from the Oklahoma Board of Medical Licensure and Supervision providing that the Defendant's Oklahoma medical license be revoked.
4. That said Final Order has remained in full force and effect and has not been further modified or amended by the Oklahoma Board of Medical Licensure and Supervision to date.
5. That since the date of the issuance of the aforesaid Final Order, the Defendant has moved his medical practice and residence to Ontario, Canada, and is no longer a resident of Oklahoma or of the United States.
6. That in light of the fact that Defendant's Oklahoma medical license was revoked, no further attempt should be exercised to collect costs of investigation or prosecution, however, all records relating to the revocation of the Defendant

should be retained in the Board office, and in the event Defendant ever re-applies to Oklahoma for licensure, same should be retrieved and Defendant should pay all accrued costs before action is taken on his application.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over this matter pursuant to the Oklahoma Medical Practice Act, 59 O.S. Supp. 1989, Sec. 481 et seq.

2. That the Board has discretion and judgment to dismiss without prejudice any complaint before it and may also order the Board staff to retain records relating to the Defendant and to retrieve those in the event of the Defendant's re-application for licensure in Oklahoma as a physician and surgeon.

ORDER

IT IS THEREFORE ORDERED by the Oklahoma Board of Medical Licensure and Supervision as follows:

1. That the Complaint of Contempt of Final Order filed against the Defendant herein should be dismissed without prejudice.

2. That the staff of the Oklahoma Board of Medical Licensure and Supervision should retain all records of the Defendant, including records relating to non-payment of investigation, prosecution and probation costs and in the event of the Defendant's re-application in Oklahoma as a physician and surgeon, should retrieve those records and Defendant should pay all accrued costs before any action is taken on his application.

DATED this 14 day of November, 1990.

Gerald C. Zumwalt  
GERALD C. ZUMWALT, M.D., Secretary  
State Board of Medical Licensure  
and Supervision

APPROVED AS TO FORM:

Daniel J. Gamino  
DANIEL J. GAMINO OBA #3227  
Daniel J. Gamino & Associates, P.C.  
3315 NW 63  
Oklahoma City, OK 73116  
(405) 840-3741  
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 2 day of November, 1990, to:

ALBERT R. WINNETT, M.D.  
\_\_\_\_\_  
\_\_\_\_\_

Janet Owens