

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

FILED

APR 01 2004

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 03-05-2664

LEE EDWARD BROWN, M.D.,)
LICENSE NO. 19232)

Defendant.)

FINAL ORDER OF SUSPENSION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on March 25, 2004, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared in person and through counsel, Mike Gassaway.

The Board *en banc* after hearing arguments of counsel, hearing testimony of witnesses, reviewing the exhibits admitted and the pleadings filed, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

Findings of Fact

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.*
2. The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.
3. Defendant, Lee Edward Brown, M.D., holds Oklahoma license no. 19232.

4. On May 17, 2003, Defendant arrived at the home of his wife, from whom he was separated at the time. He had previously been served with a protective order whereby it was ordered that he not be allowed to enter the premises. Subsequently, his wife arrived at her home and was unable to enter. She contacted the Oklahoma City Police Department for fear that Defendant might be inside of the home.

5. When the police arrived and entered the home, they identified themselves as Oklahoma City police officers. The Defendant then advised the police officers that he considered them to be burglars and told them he was going to his bedroom to get a gun. Minutes later, he emerged from the bedroom and pointed a loaded and cocked shotgun at a police officer. The police officer ordered him to drop the gun and he then retreated to the bedroom. Minutes later he surrendered to the police

6. Defendant was arrested and placed in the police vehicle for transport to jail. While handcuffed in the car, he attempted to escape, then kicked out the back passenger door window of the car.

7. On or about May 27, 2003, Defendant was charged with the crimes of FELONIOUSLY POINTING A WEAPON, a felony, in violation of 21 O.S. §1279, 1289.16, MALICIOUS INJURY/MISCHIEF, in violation of 21 O.S. §1760, and DOMESTIC ABUSE, a misdemeanor, in violation of 21 O.S. §644C in the District Court of Cleveland County, State of Oklahoma.

8. Defendant is guilty of unprofessional conduct in that he:

- A. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. § 509 (9) and OAC 435:10-7-4 (11).
- B. Engaged in practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery in violation of OAC 435:10-7-4 (18).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Defendant is guilty of unprofessional conduct in that he:

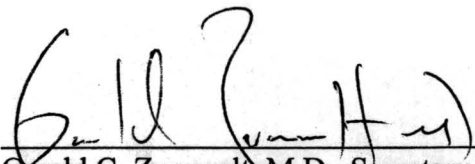
- A. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. § 509 (9) and OAC 435:10-7-4 (11).
- B. Engaged in practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery in violation of OAC 435:10-7-4 (18).

Order

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

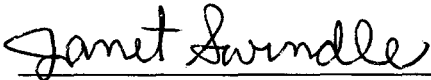
1. The license of Defendant, Lee Edward Brown, M.D., Oklahoma license no. 10232, shall be **SUSPENDED**.
2. Defendant's suspension shall remain in effect until (a) he completes a psychiatric evaluation with a Board certified psychiatrist not previously disciplined by the Board and approved in advance by the Board Secretary, and (b) his criminal case styled **State of Oklahoma v. Lee Edward Brown**, Case No. CF-2003-700 in the District Court of Cleveland County, State of Oklahoma is completed, at which time he may present the results of the evaluation to the Board for its consideration.
3. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.
4. Defendant's suspended license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs.

Dated this 1 day of April, 2004.


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

CERTIFICATE OF SERVICE

I certify that on the 2 day of April, 2004, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order of Suspension to Michael Gassaway, 1 N. Hudson, Oklahoma City, OK 73102 and to Lee Edward Brown, P.O. Box 891616, Oklahoma City, OK 73189-1616



Janet Swindle