

5. On or about July 12, 2007, Defendant plead **GUILTY** to both charges.

6. On or about July 9, 2007, Defendant submitted his Application for Renewal of Oklahoma License for the period July 2, 2007 through July 1, 2008. On his Application for Renewal, Defendant was asked the following question: "Since the last renewal....[h]ave you been arrested for, charged with, or convicted of a felony or misdemeanor other than a traffic violation?" In response to this question, Defendant answered "NO". Defendant was also asked the following question: "Since the last renewal...[h]ave you been arrested for, charged with, or convicted of a traffic violation involving the use of any drug or chemical substance including alcohol?" In response to this question, Defendant answered "NO". Defendant arrested on May 28, 2007 and charged on May 30, 2007 with the crimes set forth above.

7. On or about August 24, 2010, Board investigators interviewed Defendant. At that time, Defendant admitted that he had been arrested and spent the night in jail as a result of this incident. When asked why he had not disclosed this arrest and the criminal charges on his renewal application, he stated that he did not feel it was a serious situation that needed reporting.

2008 ARREST

8. On or about January 12, 2008, Defendant was involved in an incident involving his ex-girlfriend and their daughter. According to police reports, Defendant's daughter was visiting at his house and called her mother to come get her. When her mother arrived, the child tried to leave but Defendant knocked his daughter to the ground twice before she was able to escape. He additionally punched his ex-girlfriend in the face with his fist and when she tried to get away, he knocked her head into the car door. Defendant's ex-girlfriend and their daughter escaped in her car and called the police. When police arrived, they noted that Defendant was "extremely intoxicated" and agitated.

9. On or about March 18, 2008, Defendant was charged with **Domestic Assault and Battery in the Presence of a Minor Child**, a Misdemeanor, Case No. CM-2008-1526, in the District Court of Tulsa County, State of Oklahoma.

10. On or about March 22, 2009, the criminal case against Defendant was called for jury trial. After presentation of the evidence, the jury found Defendant **GUILTY** of the charge against him and sentenced him to **SIX (6) MONTHS** in the Tulsa County Jail, along with the assessment of a **FINE** in the amount of **\$5,000.00**.

11. Defendant initially appealed the conviction. However, on December 29, 2009, he withdrew his appeal. On January 4, 2010, he began his jail sentence, and on April, 4, 2010, he was released from custody.

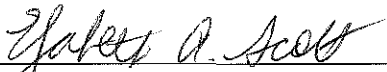
12. Defendant is guilty of unprofessional conduct in that he:
 - A. Habitually uses habit-forming drugs in violation 59 O.S. 407 §509(4) and OAC 435:10-7-4(3).
 - B. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).
 - C. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(13) and OAC 435:10-7-4(39).
 - D. Is unable to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physician condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).
 - E. Was convicted of any offense involving moral turpitude whether or not related to the practice of medicine and surgery in violation of 59 O.S. §509(5) and OAC 435:10-7-4(10).
 - F. Failed to report to the Board any adverse action taken against him by any governmental agency, by an law enforcement agency, or by any court for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section in violation of OAC 435:10-7-4(32).
 - G. Confessed to a crime involving violation the laws of this state in violation of 59 O.S. §509(7).
 - H. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).
 - I. Engaged in fraud or misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring periodic reregistration of a medical license in violation of OAC 435:10-7-4(8).

Conclusion

WHEREFORE, plaintiff requests that the Board conduct a hearing, and upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including the revocation or suspension of the Defendant's license to practice as a physician in the State of Oklahoma, the assessment of costs and fees incurred in this action, and any other appropriate action with respect to Defendant's license to practice as a physician in the State of Oklahoma.

Dated this 18~~th~~ day of March, 2011 at 7:30 a.m.

Respectfully submitted,


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Oklahoma State Board of Medical
Licensure and Supervision