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)	MAY 2 2 2023
AND SUPERVISION,)	OKLAHOMA STATE BOARD OF MEDICAL LICENSURE & SUPERVISION
Plaintiff,))	
v.	j	Case No. 17-12-5525
HENRY NDEKWE, M.D., LICENSE NO. MD 21147,)	
Defendant.)	
	ORDER	

This matter came on for hearing on the Defendant's Request for Dismissal before the Oklahoma State Board of Medical Licensure and Supervision ("Board") on March 16, 2023, at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma 73105, pursuant to notice given as required by law and the rules of the Board.

Henry Ndekwe M.D. ("Defendant"), Oklahoma medical license no. 21147, appears in person, *pro se*, and Joe L. Ashbaker, Assistant Attorney General appears on behalf of the State of Oklahoma, *ex rel*. Oklahoma State Board of Medical Licensure and Supervision ("Board").

Upon reviewing the pleadings and hearing oral argument the Board finds as follows:

Findings of Fact

- Dr. Ndekwe entered into a Voluntary Submittal to Jurisdiction ("VSJ") on March 10, 2022, freely, knowingly, voluntarily and with the advice of counsel.
- Dr. Ndekwe filed a Request for Dismissal of VSJ on January 26, 2023.
- 3. Plaintiff filed an Objection to said Request on February 21, 2023. In Plaintiff's Objection it was stated that Plaintiff would treat the Request for Dismissal as a Motion for Rehearing, Reopening or Reconsideration of Agency Decision per 75 O.S. § 317A.
- 4. There was no evidence of fraud on the part of Plaintiff's in the negotiating or presenting of the agreement of the parties as put forth in the VSJ.

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Conclusions of Law

- 5. Without the showing of fraud there are no grounds to support Dr. Ndekwe's Motion.
- 6. There is no authority or justification to allow Dr. Ndekwe to receive the requested relief.

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

- 1. Dr. Ndekwe's Motion is **DENIED**.
- 2. A copy of this Order shall be provided to Defendant as soon as it is processed.

This Order is subject to review and approval by the Oklahoma Attorney General, and this Order shall become final upon completion of the review by the Oklahoma Attorney General unless disapproved, in which case this Order shall be null and void.

Dated this and day of may, 2023.

Trevor Nett

Trevor Nutt, Vice-President
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Certificate of Service

This is to certify that on the day of May, 2023, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

E-Mail

U.S. Certified Mail
Henry Ndekwe M.D.
3805 W. Gore Blvd
Lawton, OK 73505
Defendant

Joseph L. Ashbaker
Assistant Attorney General
STATE OF OK, OFFICE OF ATTORNEY GENERAL
313 N.E. 21st Street
Oklahoma City, Oklahoma 73105
Attorney for Plaintiff,

Oklahoma State Board of Medical Licensure and Supervision

Shelley Crowder