



## ***PARTIES' AGREEMENT AND STIPULATIONS***

Plaintiff, Defendant and the Board staff stipulate and agree as follows:

### ***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.* 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.

2. Defendant, Marco Alberto Paliotta, M.D., holds Oklahoma license no. 25800 and at the time of the incidents in question, practiced as a pediatric thoracic surgeon at the University of Oklahoma Health Sciences Center in Oklahoma City, Oklahoma.

### **2007 ENGAGING IN PROSTITUTION**

3. In or around early 2007, Defendant admits that he contacted an Internet escort service and paid a prostitute for sexual services. This incident occurred in Oklahoma City, Oklahoma. Defendant was not arrested as a result of this incident.

### **JULY 19, 2007 OFFERING TO ENGAGE IN PROSTITUTION**

4. On or about July 19, 2007, Defendant received his Oklahoma medical license. Later that evening, Defendant contacted a person he believed to be a prostitute on "craigslist.com". On this website, a female police officer posed as a prostitute and advertised her rate as \$200.00 per hour. Defendant contacted the undercover officer and made arrangements for her to come to his apartment. When she arrived, he paid her \$200.00 for sexual services. Police officers then arrived on the scene. According to the police report, he was taken into custody, but not arrested. The police lieutenant then allowed him to be released in the field and not transported to jail. No charges were ever filed as a result of this incident.

### **AUGUST 25, 2010 OFFERING TO ENGAGE IN PROSTITUTION**

5. On or about August 25, 2010, Defendant contacted a prostitute and arranged for a "date". Defendant found the prostitute from an escort service ad on an online service called "Backpage.com". The prostitute was in fact an undercover Oklahoma City police officer.

6. Defendant met the undercover officer at the Oak Tree Inn and Suites on S. Meridian in Oklahoma City, Oklahoma. He offered to pay her \$120.00 for sexual acts. At that time, he was arrested by other Oklahoma City police officers for offering to engage in prostitution. He was then transported and booked into the Oklahoma County Jail

7. On or about August 27, 2010, a criminal probable cause affidavit was filed in Oklahoma County. At this time, criminal charges have not been filed.

8. After the August 25, 2010 arrest, Defendant resigned his position at the University of Oklahoma Health Sciences Center. OUHSC has advised that it will not rehire him due to these incidents.

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

A. Procured, aided or abetted a criminal operation in violation of 59 O.S. §509(1).

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. Confessed to a crime involving violation of the laws of this state in violation of 59 O.S. §509(7).

E. Committed any act of sexual abuse, misconduct, or exploitation related or unrelated to the licensee's practice of medicine and surgery in violation of OAC 435:10-7-4(23).

### ***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, Marco A. Paliotta, M.D., Oklahoma medical license no. 25800, is guilty of unprofessional conduct set forth below based on the foregoing facts:

A. Procured, aided or abetted a criminal operation in violation of 59 O.S. §509(1).

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. Confessed to a crime involving violation of the laws of this state in violation of 59 O.S. §509(7).

E. Committed any act of sexual abuse, misconduct, or exploitation related or unrelated to the licensee's practice of medicine and surgery in violation of OAC 435:10-7-4(23).

### *Order*

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

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.

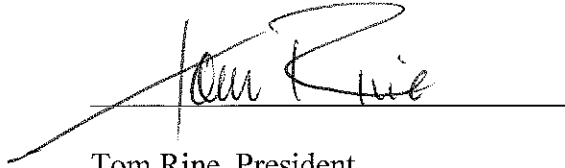
2. Defendant, Marco A. Paliotta, M.D., Oklahoma license no. 25800, is hereby **PUBLICLY REPRIMANDED**.

3. Defendant shall pay an **ADMINISTRATIVE FINE** in the amount of **\$15,000.00** to be paid on or before October 19, 2011.

4. Within one (1) year of the date of this order, Defendant shall complete a course on boundaries and ethics at a facility approved in advance in writing by the Board Secretary. Defendant shall provide to the Board Secretary proof of completion of said course.

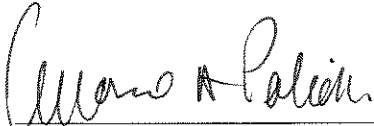
5. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

Dated this 19 day of May, 2011.




Tom Rine, President  
Oklahoma State Board of  
Medical Licensure and Supervision

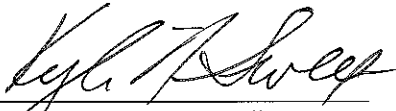
**AGREED AND APPROVED**



Marco A. Paliotta  
License No. 25800

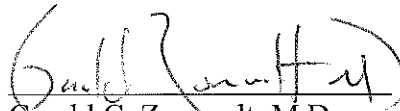


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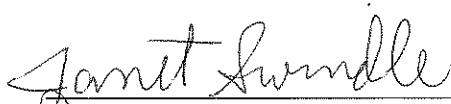
Attorney for Defendant



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

**CERTIFICATE OF MAILING**

I certify that on the 20 day of May, 2011, a mailed a true and correct copy of the Order Accepting Voluntary Submittal to Jurisdiction to Kyle N. Sweet, Sweet Law Firm 414 N.W. 4<sup>th</sup> Street, Suite 150, Oklahoma City, OK 73102.



Janet Swindle