

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2015-27974

JAMES S. PENDERGRAFT, IV, M.D.,

RESPONDENT.

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ADMINISTRATIVE COMPLAINT

Petitioner Department of Health files this Administrative Complaint before the Board of Medicine against Respondent James S. Pendergraft, IV, M.D., and alleges:

1. Petitioner is the state agency charged with regulating the practice of Medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 458, Florida Statutes.

2. At all times material to this Complaint, Respondent was a licensed medical doctor within the state of Florida, having been issued license number ME 59702.

3. Respondent's address of record is 1103 Lucerne Terrace, Orlando, FL 32806.

4. On or about October 16, 2017, Respondent pled guilty and was sentenced for charges of felony possession with intent to distribute controlled substances, and felony possession of controlled substances in the State of South Carolina.

5. On or about October 16, 2017, Respondent was sentenced to "Sentence to Service" for five years, as well as probation and fines. A Sentence to Service is an alternative to incarceration that requires work in the community.

6. Section 458.331(1)(c), Florida Statutes (2017), provides that being convicted of or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of medicine or to the ability to practice medicine, is grounds for disciplinary action.

7. On or about October 16, 2017, Respondent pled guilty to felony possession with intent to distribute, as well as felony possession of several prescription medications, which directly relates to the practice of medicine, and/or the ability to practice medicine.

8. Based on the foregoing, respondent has violated Section 458.331(1)(c), Florida Statutes (2017), by pleading guilty to charges directly related to the practice of medicine.

WHEREFORE, the Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 23rd day of April, 2018.

Celeste Philip, MD, MPH
Surgeon General and Secretary
Virginia Edwards

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FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Amber Greene
DATE APR 23 2018

PCP Date: April 20, 2018
PCP Members: Stephanie Haridopolos, M.D.; Brigitte Goersch

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.