

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

BOARD: MEDICINE
CASE NUMBER: 0111397
COMPLAINT MADE BY: DPR
DATE COMPLAINT RECEIVED: February 13, 1989
COMPLAINT MADE AGAINST: Richard B. Seely, M.D.
Apt. 204, Building One
19477 N.E. Tenth Avenue
North Miami Beach, Fl 33179
REVIEWED BY: Carlos J. Ramos/BG
STAFF RECOMMENDATION: CLOSE (PL-99)

CLOSING ORDER

THE COMPLAINT: Complainant alleges that the Subject of the investigation violated a legal order of the Board, in that the Subject pled "no contest" to a drug case and, thereby, may have violated the terms of his probation.

THE FACTS: Investigation partially substantiated the allegations, in that the Subject did plead "no contest" to ten counts of obtaining controlled substances by fraud. However, the Subject has already had an Administrative Complaint filed against him regarding the charges of obtaining controlled substances by fraud, along with an Order of Emergency Suspension of the Subject's license to practice medicine. Subsequently, a Final Order, with Stipulations, was filed relative to the aforementioned Administrative Complaint.

THE LAW: Based on the foregoing, there is sufficient evidence to support a finding of probable cause to believe that Subject violated the provisions of Section 458.331(1)(x), Florida Statutes. However, under the aforementioned circumstances, this case should be closed with a Letter of Guidance.

It is, therefore, ORDERED that this matter should be and the same is hereby CLOSED with a Letter of Guidance.

DONE and ORDERED this 22nd day of June, 1990.

Robert Katims M.D.
CHAIRMAN, Probable Cause Panel
Board of Medicine

CR
CR/BG/ecs



DEPARTMENT OF PROFESSIONAL REGULATION

Bob Martinez
Governor

Larry Gonzalez
Secretary

PERSONAL AND CONFIDENTIAL

Richard B. Seely, M.D.
Apt. 204, Building One
19477 N.E. Tenth Avenue
North Miami Beach, Florida 33179

RE: Case No. 0111397

Dear Dr. Seely:

Please be advised that on June 22, 1990, the Probable Cause Panel for the Board of Medicine met to consider the complaint which had been filed against you in the above referenced case. After careful consideration of the complaint and the investigative report which resulted from an investigation of the complaint, the panel determined that probable cause exists in this case. However, the panel recommended that this case be closed instead of further prosecution.

The panel requested that you be advised of the following provisions of the "Medical Practice Act," contained in Chapter 458, Florida Statutes:

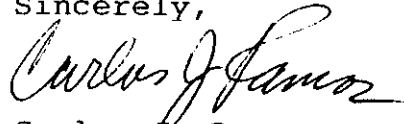
1. Section 458.331(1)(c) by being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of medicine or the ability to practice medicine.
2. Section 458.331(1)(x) by violating any provision of this chapter, a rule of the board or department, or a lawful order of the board of department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

The panel found that probable cause existed to believe that you violated the above-mentioned statutes by pleading "no contest" to a drug case, and thereby, possibly violating the terms of your probation. However, you have already had the charges which are the basis of this complaint acted against by an Administrative Complaint and an Order of Emergency Suspension, followed by a subsequent Final Order, with a Stipulation.

DIVISION OF REGULATION-LEGAL
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Based on the foregoing, this case has been closed. Thank you for your cooperation and patience on this matter.

Sincerely,



Carlos J. Ramos
Staff Attorney

CJR/BG/ecs
d:ecs