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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

Case No. MD-16-0293A

MARK A. WELLEK, M.D.

**ORDER FOR SURRENDER
OF LICENSE AND CONSENT
TO THE SAME**

Holder of License No. 6416
For the Practice of Medicine
In the State of Arizona.

Mark A. Wellek, M.D. ("Respondent"), elects to permanently waive any right to a hearing and appeal with respect to this Order for Surrender of License; admits the jurisdiction of the Arizona Medical Board ("Board") as well as the facts stated herein; and consents to the entry of this Order by the Board.

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.
2. Respondent is the holder of license number 6416 for the practice of allopathic medicine in the State of Arizona.
3. The Board initiated case number MD-16-0293A after receiving a complaint alleging that Respondent had been engaged in an inappropriate sexual relationship with a patient.
4. Additionally, the Board has an open investigation under case number MD-15-0352A, involving an allegation that Respondent engaged in inappropriate sexual discussion with a patient.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

1 DATED and effective this 7th day of April, 2016.

2 ARIZONA MEDICAL BOARD

3 By: Patricia E. McSorley
4 Patricia E. McSorley
5 Executive Director

6 **CONSENT TO ENTRY OF ORDER**

7 1. Respondent has read and understands this Consent Agreement and the
8 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
9 acknowledges he has the right to consult with legal counsel regarding this matter.

10 2. Respondent acknowledges and agrees that this Order is entered into freely
11 and voluntarily and that no promise was made or coercion used to induce such entry.

12 3. By consenting to this Order, Respondent voluntarily relinquishes any rights
13 to a hearing or judicial review in state or federal court on the matters alleged, or to
14 challenge this Order in its entirety as issued by the Board, and waives any other cause of
15 action related thereto or arising from said Order.

16 4. The Order is not effective until approved by the Board and signed by its
17 Executive Director.

18 5. Any admissions made by Respondent are solely for final disposition of this
19 matter and any subsequent related administrative proceedings or civil litigation involving
20 the Board and Respondent. Therefore, any admissions by Respondent are not intended
21 or made for any other use, such as in the context of another state or federal government
22 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
any other state or federal court.

23 6. Upon signing this agreement, and returning this document (or a copy
24 thereof) to the Board's Executive Director, Respondent may not revoke the consent to the
25 entry of the Order. Respondent may not make any modifications to the document. Any

1 modifications to this original document are ineffective and void unless mutually approved
2 by the parties.

3 7. This Order is a public record that will be publicly disseminated as a formal
4 disciplinary action of the Board and will be reported to the National Practitioner's Data
5 Bank and on the Board's web site as a disciplinary action.

6 8. If the Board does not adopt this Order, Respondent will not assert as a
7 defense that the Board's consideration of the Order constitutes bias, prejudice,
8 prejudgment or other similar defense.

9 9. Respondent has read and understands the terms of this agreement.

10 Mark A. Wellek, M.D. Dated: 3/16/16
11 MARK A. WELLEK, M.D.

12 EXECUTED COPY of the foregoing mailed by
13 US Mail this 7th day of April, 2016 to:

14
15 Paul J. Giancola, Esq.
16 Snell & Wilmer, LLP
17 400 E Van Buren St
18 Phoenix, AZ 85004-2202
19 Attorney for Respondent

20 ORIGINAL of the foregoing filed this
21 7th day of April, 2016 with:

22 The Arizona Medical Board
23 9545 East Doubletree Ranch Road
24 Scottsdale, AZ 85258

25 Mary Babey
Board Staff