



7. Based upon the foregoing, Respondent has violated Section 458.331(1)(s), Florida Statutes, by being unable to practice medicine with reasonable skill and safety to patients by reason of a mental condition.

SIGNED this 21<sup>st</sup> day of June,  
1983.

Fred Roche  
FRED ROCHE  
Secretary

COUNSEL FOR DEPARTMENT:

Joseph W. Lawrence, II  
Chief Attorney  
Department of Professional Regulation  
130 North Monroe Street  
Tallahassee, Florida 32301  
(904) 488-0062

JWL/SRG/lw  
5/3/83

**FILED**  
DEPARTMENT OF PROFESSIONAL REGULATION

Michelle K. Hood  
CLERK

DATE June 20, 1983

*file (in C/F)*

**FILED**

BEFORE THE BOARD OF MEDICAL EXAMINERS  
Department of Professional Regulation  
**BOARD CLERK**

CLERK *Joyce Morgan*  
DATE 6-25-85

DEPARTMENT OF PROFESSIONAL  
REGULATION,

Petitioner,

EX: Legal  
*Board*

vs.

Case No. 0034490  
License No. 16968

ARTHUR R. FLEMING, M.D.

Respondent.

ORDER

THIS CAUSE came before the Board of Medical Examiners on April 23, 1985, in Kissimmee, Florida, upon the request by Arthur R. Fleming that the Board vacate a prior order of discipline.

By Order filed March 8, 1984, the Board of Medical Examiners took disciplinary action against Arthur R. Fleming, M.D., based upon a criminal conviction. Dr. Fleming took an appeal from the criminal conviction to the District Court of Appeal and the District Court filed an opinion reversing the conviction. Fleming v. State of Florida, 457 So.2d 499 (Fla. 2nd DCA 1984). Upon receiving the opinion of the Court reversing his conviction, Dr. Fleming petitioned the Board to vacate its prior order of discipline which was based upon the conviction. However, the issuance of the mandate by the District Court of Appeal was stayed by the Supreme Court of Florida. As a result, the opinion of the District Court of Appeal has not become effective because it does not take effect until the mandate issues. Accordingly, the Board denied the request of Dr. Fleming to vacate its prior order at this time.

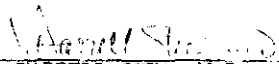
WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

That the request of Arthur R. Fleming that the Board of Medical Examiners vacate its prior order of discipline filed on March

8, 1984 is hereby DENIED.

DONE AND ORDERED this 17 day of June,  
1985.

BOARD OF MEDICAL EXAMINERS

  
J. DARRELL SHEA, M.D.  
Chairman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the fore-  
going Order has been furnished by certified mail to ARTHUR R. FLEMING,  
M.D., 1055 Wyomi Drive, Fort Myers, Florida 33907, this 25 day of  
June, 1985.

