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Department of Professional Regulation
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STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF VETERINARY MEDICINE
CLERK

John Cope

DATE 3-14-90

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

-vs-

MUSTAFA SALEH, D.V.M.,

Respondent.

DPR CASE NUMBER: 0096321

DOAH CASE NUMBER: 89-4367

FINAL ORDER

Respondent, Mustafa Saleh, holds Florida License Number: VM 0002759, as a veterinarian. Petitioner has filed an Administrative Complaint seeking suspension, revocation, or other action against the license.

Petitioner and Respondent have stipulated to a disposition of this case and the stipulation was presented to the Board at a meeting held on January 31, 1990, in Tampa, Florida. The Board concurs that this stipulation is an appropriate settlement of the cause. The Stipulation is attached to and made a part of this Order. This proceeding is therefore informally disposed of pursuant to Section 120.57(3), Florida Statutes and it is ORDERED as provided in the Stipulation, that:

This case is DISMISSED.

This Order shall become effective upon filing with the Clerk of the Department of Professional Regulation.

DONE AND ORDERED this 12 day of March, 1990.

BOARD OF VETERINARY MEDICINE

Melanie C. Donofro Don
MELANIE DONOFRO, CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been sent to Mustafa Saleh, D.V.M., 11372 State Road 84, Daire, Florida 33325, and to Neil F. Garfield, Esquire, Neil F. Garfield, P.A., Attorney for Respondent, Envirwood Executive Plaza, Suite 200, 5950 West Oakland Park Boulevard, Lauderdale, Florida 33313, by United States Mail, by hand delivery to Charles Tunnicliff, Chief Attorney, Department of Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0787, at or before 5:00 P.M., this 15th day of March, 1990.

Diane Matthews

00211

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

DPR CASE NO. 0096321
DOAH CASE NO. 89-4367

vs.

MUSTAFA SALEH, D.V.M.,

Respondent.

STIPULATION

Pursuant to Section 120.57(3), Florida Statutes, the above-named parties hereby offer this Stipulation to the Board of Veterinary Medicine, as disposition of the Administrative Complaint attached hereto as exhibit "A", in lieu of any other Administrative proceedings. The terms herein become effective only if and when a final order accepting this Stipulation is issued by the Board and filed. In considering this Stipulation, the Board may review all investigative materials regarding this case. If this stipulation is rejected, it, and its presentation to the board, shall not be used against either party.

STIPULATED FACTS

1. Respondent neither admits nor denies the allegations of fact contained in the administrative complaint.
2. For all times pertinent herein, respondent was a licensed veterinarian in the State of Florida, having been issued license number VM 2759.

STIPULATED LAW

3. Respondent neither admits nor denies that the stipulated facts constitute violations of law as charged in the Administrative Complaint.

STIPULATED DISPOSITION

4. Respondent hereby waives any rights to appeal or further review of the Stipulation made herein.

5. Respondent hereby waives any claim for attorneys fees generated by this case.

6. Respondent shall not violate Chapters 455 and 474, Florida Statutes, or the Rules promulgated thereunder.

7. This case shall be dismissed.

WHEREFORE, the parties hereto request the Board to enter a Final Order accepting and implementing the terms contained herein.

Mustafasaleh
RESPONDENT

11-3-89
Date signed

Sworn to and subscribed before me this 3rd day of November, 1989.

W. J. [Signature]
Notary Public
My Commission Expires:
NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. DEC. 2, 1989
BONDED THRU GENERAL INS. CO.

APPROVED this 16th day of November, 1989.

Larry Gonzalez
Secretary

Charles F. Tunncliffe

BY: Charles F. Tunncliffe
Chief Attorney
Allied Health Section

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF VETERINARY MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

vs.

Case No. 0096321

MUSTAFA SALEH, D.V.M.,

Respondent.

AMENDED ADMINISTRATIVE COMPLAINT

COMES NOW, the Petitioner, Department of Professional Regulation, hereinafter referred to as "Petitioner", and files this Administrative Complaint before the Board of Veterinary Medicine, against, Mustafa Saleh, D.V.M., hereinafter referred to as "Respondent", and alleges:

1. Petitioner is the state agency charged with regulating the practice veterinary medicine pursuant to Section 20.30, Chapter 455, and Chapter 474, Florida Statutes.

2. Respondent is, and has been at all times material hereto, a licensed veterinarian, license number VM 0002759, whose address of record is 11372 State Road 84, Davie, Florida 33324.

3. On or about December 28, 1987, T.T. took her male dog to the Respondent's for an examination of a lump on his testicles.

4. Dog was neutered and no apparent problems were noted.

5. On or about December 29, 1989 at approximately 3:00 p.m., T.T. called the Respondent and informed him that dog had not urinated since 10:00 p.m. the previous evening.

6. Respondent's tentative diagnosis was "viral gastritis". It was also diagnosed that the patient was microfilaria positive.

7. On or about December 29, 1987 at 8:00 p.m. the dog was still vomiting and was still anuric. Respondent told T.T. to wait another 24-48 hours before hospitalization.

8. On or about December 30, 1987, dog was catheterized and hospitalized by another veterinarian.

9. Inconsistencies and discrepancies existed in patient records, treatment, and correspondence between Ms. Tompkins and Dr. Saleh.

10. Respondent's diagnosis of dog in relation to test results was incorrect.

11. Based on the foregoing, Respondent violated Section 474.214(1)(o), Florida Statutes, by committing fraud, deceit, negligence, incompetency, or misconduct, in the practice of veterinary medicine.

WHEREFORE, Petitioner respectfully requests the Board of Veterinary Medicine to enter an order imposing one or more of the following penalties: Revocation or suspension of the Respondent's practice, imposition of an administrative fine, and/or any other relief which the Board deems appropriate.

00215

SIGNED this 10th day of August, 1989.

Larry Gonzalez
Secretary



By: Charles F. Tunnichliff
Chief Attorney

COUNSEL FOR DEPARTMENT:

Laura P. Gaffney
Senior Attorney
Department of Professional
Regulation
Northwood Centre
Suite 60
1940 North Monroe Street
Tallahassee, FL 32399-0792
(904) 488-0062

LPG/pr
4/25/89-8/10/89

FILED

Department of Professional Regulation
AGENCY CLERK



CLERK _____

DATE 8-10-89

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF VETERINARY MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

vs.

Case No. 0096321

MUSTAGA SALEH, D.V.M.,

Respondent.

ADMINISTRATIVE COMPLAINT

COMES NOW, the Petitioner, Department of Professional Regulation, hereinafter referred to as "Petitioner", and files this Administrative Complaint before the Board of Veterinary Medicine, against, Mustaga Saleh, D.V.M., hereinafter referred to as "Respondent", and alleges:

1. Petitioner is the state agency charged with regulating the practice veterinary medicine pursuant to Section 20.30, Chapter 455, and Chapter 474, Florida Statutes.
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11. Based on the foregoing, Respondent violated Section 474.214(1)(o), Florida Statutes, by committing fraud, deceit, negligence, incompetency, or misconduct, in the practice of veterinary medicine.

WHEREFORE, Petitioner respectfully requests the Board of Veterinary Medicine to enter an order imposing one or more of the following penalties: Revocation or suspension of the Respondent's practice, imposition of an administrative fine, and/or any other relief which the Board deems appropriate.

00218

SIGNED this 28th day of June, 1989.

Larry Gonzalez
Secretary



By: Charles F. Tunnicliff
Chief Attorney

COUNSEL FOR DEPARTMENT:

Laura P. Gaffney
Senior Attorney
Department of Professional
Regulation
130 North Monroe Street
Tallahassee, FL 32399-0750
(904) 488-0062

LPG/pjs
4/25/89

FILED

Department of Professional Regulation
AGENCY CLERK



CLERK _____

DATE 6-29-89