

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2010-04621**

**JAMES SCOTT PENDERGRAFT, IV, M.D.,**

**RESPONDENT.**

---

**ADMINISTRATIVE COMPLAINT**

Petitioner, Department of Health (Department), by and through its undersigned counsel, hereby files this Administrative Complaint before the Board of Medicine against Respondent, James Scott Pendergraft, IV, M.D., and in support thereof alleges:

1. Petitioner is the state department 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 physician within the State of Florida, having been issued license number ME 59702.

3. Respondent's last known address of record is 1103 Lucerne Terrace, Orlando, Florida 32806.

4. On or about January 26, 2010, the Florida Board of Medicine (Board) filed a Final Order (DOH-10-0208-FOF-MQA) in Case Number 2006-05930, which required Respondent to pay a fine of \$20,000.00 plus costs of \$102,303.21, for a total of \$122,303.21, to the Department within 30 days of the date of filing of the Final Order.

5. On or about March 31, 2010, the Department of Health/Compliance Management Unit filed a complaint alleging that Respondent had violated a Final Order of the Board, by failing to pay the fine and costs totaling \$121, 303.21 by February 26, 2010, 30 days from the date of the filing of the Final Order.

6. On or about August 30, 2010, the Department received a letter from Respondent wherein he requested a detailed extension/payment arrangement. Respondent also submitted a check for \$1,000.00 under separate correspondence.

7. Respondent's request for an extension/payment arrangement was denied since it was made after the case was referred for non-compliance.

8. As of this date, Respondent has failed to pay the fine and costs totaling \$121,303.21, required by the Final Order filed on or about January 26, 2010.

9. Section 458.331(1)(x), Florida Statutes (2009), provides that violating a lawful order of the Board or Department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the Department constitutes grounds for discipline by the Board.

10. As of March 13, 2012, Respondent has failed to comply with the Final Order (DOH-10-0208-FOF-MQA) in Case Number 2006-05930, which required Respondent to pay a fine and costs totaling \$121,303.21, to the Department within 30 days of the date of filing of the Final Order.

11. Based on the foregoing, Respondent has violated Section 458.331(1)(x), Florida Statutes (2009), by violating a lawful order of the Board previously entered in a disciplinary hearing.

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 20<sup>th</sup> day of April 2012.

Steven L. Harris, M.D., M.Sc.  
Interim State Surgeon General



Sharmin R. Hibbert  
Assistant General Counsel  
DOH, Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, Florida 32399-3265  
Florida Bar No. 032569  
Telephone: (850) 245-4640  
Facsimile: (850) 245-4681

FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK Angel Sanders  
DATE APR 24 2012

SRH/crv

PCP Date:  
PCP Members:

**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.**

**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.**