

FILED DATE - DEC 20 2018

Department of Health

STATE OF FLORIDA  
BOARD OF MEDICINE

By

*Angel Sanders*  
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2015-27974

LICENSE NO.: ME0059702

JAMES S. PENDERGRAFT IV, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57, Florida Statutes, on December 7, 2018, in Orlando, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause pursuant to Respondent's Election of Rights. Respondent was served with the Administrative Complaint by personal service. Because Respondent failed to submit an Election of Rights or otherwise dispute the facts or respond in any other way, Respondent waived the right to a hearing pursuant to Section 120.57, Florida Statutes. At the hearing, Petitioner was represented by Virginia Edwards, Assistant General Counsel. Respondent was not present and was not represented by counsel. However, pursuant to Section 456.073(9)(c), Florida Statutes,

the complainant in this matter was present and testified at the hearing. The facts are not in dispute.

Upon consideration, it is ORDERED:

1. The allegations of fact set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the findings of fact by the Board.

2. The conclusions of law alleged and set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the conclusions of law by the Board.

3. The violations set forth warrant disciplinary action by the Board.

THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

Respondent's license to practice medicine in the State of Florida in the State of Florida is hereby **REVOKED**.

RULING ON MOTION TO ASSESS COSTS

The Board reviewed the Petitioner's Motion to Assess Costs and voted to waive the costs associated with this matter.

**(NOTE: SEE RULE 64B8-8.0011, FLORIDA ADMINISTRATIVE CODE. UNLESS OTHERWISE SPECIFIED BY FINAL ORDER, THE RULE SETS FORTH THE REQUIREMENTS FOR PERFORMANCE OF ALL PENALTIES CONTAINED IN THIS FINAL ORDER.)**

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 15<sup>th</sup> day of December,

2018.

BOARD OF MEDICINE

*Claudia Kemp*

\_\_\_\_\_  
Claudia Kemp, J.D., Executive Director  
For Jorge J. Lopez, M.D., Chair

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF HEALTH AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by **Certified Mail** to JAMES S. PENDERGRAFT IV, M.D., 1103 Lucerne Terrace, Orlando, Florida 32806; and 4101 North Ocean Boulevard, Fort Lauderdale, Florida 33308; by email to Allison Dudley, Assistant General Counsel, Department of Health, at Allison.Dudley@flhealth.gov; and by email to Edward A. Tellechea, Chief Assistant Attorney

General, at Ed.Tellechea@myfloridalegal.com this 20<sup>th</sup> day of

Dec., 2018.

Angel Sanders

Deputy Agency Clerk

James S. Pendergraft IV, MD.  
1103 Lucerne Terrace  
Orlando, FL 32806

**Certified Article Number**  
9414 7266 9904 2104 0942 32  
**SENDER'S RECORD**

James S. Pendergraft IV, MD.  
4101 North Ocean Blvd.  
Ft. Lauderdale, FL 33308

**Certified Article Number**  
9414 7266 9904 2104 0942 25  
**SENDER'S RECORD**

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2015-27974**

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

**RESPONDENT.**

---

**ADMINISTRATIVE COMPLAINT**

Petitioner Department of Health files this Administrative Complaint before the Board of Medicine against Respondent James S. Pendergraft, IV, M.D., and alleges:

1. Petitioner is the state agency 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 medical doctor within the state of Florida, having been issued license number ME 59702.

3. Respondent's address of record is 1103 Lucerne Terrace, Orlando, FL 32806.

**EXHIBIT A**

4. On or about October 16, 2017, Respondent pled guilty and was sentenced for charges of felony possession with intent to distribute controlled substances, and felony possession of controlled substances in the State of South Carolina.

5. On or about October 16, 2017, Respondent was sentenced to "Sentence to Service" for five years, as well as probation and fines. A Sentence to Service is an alternative to incarceration that requires work in the community.

6. Section 458.331(1)(c), Florida Statutes (2017), provides that being convicted of 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 to the ability to practice medicine, is grounds for disciplinary action.

7. On or about October 16, 2017, Respondent pled guilty to felony possession with intent to distribute, as well as felony possession of several prescription medications, which directly relates to the practice of medicine, and/or the ability to practice medicine.

8. Based on the foregoing, respondent has violated Section 458.331(1)(c), Florida Statutes (2017), by pleading guilty to charges directly related to the practice of medicine.

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 23<sup>rd</sup> day of April, 2018.

Celeste Phillip, MD, MPH  
Surgeon General and Secretary  
Virginia Edwards  
Virginia Edwards  
Assistant General Counsel  
Florida Bar Number 1003243  
DOH-Prosecution Services Unit  
4052 Bald Cypress Way-Bin C-65  
Tallahassee, Florida 32399-3265  
Telephone: (850) 558-9892  
Facsimile: (850) 245-4684  
Email: Virginia.Edwards@flhealth.gov

FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK Amber Greene  
DATE APR 23 2018

PCP Date: April 20, 2018  
PCP Members: Stephanie Haridopolos, M.D.; Brigitte Goersch

## 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.

A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.

## 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.