

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF PROFESSIONAL LICENSING  
BOARD OF MEDICINE DISCIPLINARY SUBCOMMITTEE

In the Matter of

File Number: 43-16-140069

THOMAS JAMES GORDON, M.D.  
License Numbers: 43-01-043145

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**ANSWER TO ADMINISTRATIVE COMPLAINT**

Thomas James Gordon, M.D., by and through his attorneys, Varnum LLP, hereby provides the following response to the Michigan Department of Licensing and Regulatory Affairs Administrative Complaint dated April 28, 2016:

1. The Michigan Board of Medicine (Board) is an administrative agency established by the Public Health Code, 1978 PA 368, as amended; MCL 33.1101 et seq. Pursuant to section 16226 of the Public Health Code, supra, the Board's Disciplinary Subcommittee is empowered to discipline licensees for violations of the Public Health Code.

**ANSWER: Admitted.**

2. Respondent is licensed to practice as a medical doctor in the state of Michigan and holds controlled substance licenses.

**ANSWER: Admitted.**

3. On April 27, 1992, Respondent was convicted of "Aggravated Assault," a misdemeanor not punishable by imprisonment for a maximum term of two years, in the 53rd Judicial District Court, in Grand Rapids, Michigan in case number 91-1690-2. Respondent was given a suspended sentence of 90 days in jail, contingent on successful completion of 18

months' probation, and ordered to pay fines, costs, and restitution of \$777.40. A copy of the conviction documents, marked Exhibit A, is attached and incorporated.

**ANSWER: Admitted that Respondent pleaded no contest to a misdemeanor not punishable by imprisonment for a maximum term of two years on or about April 27, 1992. As to the remainder of the allegations, the document speaks for itself.**

4. On April 12, 2012, Respondent was convicted of "Weapons- Firearms-Possession Under the Influence" and "Domestic Violence," both misdemeanors not punishable by imprisonment for a maximum term of two years, in the 17th Judicial District Court, in Grand Rapids, Michigan in case number 11-11823-FH. Respondent was sentenced to four days in jail, placed on probation for 18 months with terms, and ordered to pay fines and costs of \$1,525.00. A copy of the conviction documents, marked Exhibit B, is attached and incorporated.

**ANSWER: Admitted that Respondent pleaded guilty to a misdemeanor not punishable by imprisonment for a maximum term of two years on or about April 12, 2012. As to the remainder of the allegations, the document speaks for itself.**

5. On May 11, 2015, Respondent was convicted of "Disorderly Person Jostling," a misdemeanor not punishable by imprisonment for a maximum term of two years, in the 53rd Judicial District Court, in Grand Rapids, Michigan in case number D133441SM. Respondent was given a suspended sentenced of 90 days in jail, contingent on successful completion of one year of probation, and ordered to pay fines and costs of \$935.00. A copy of the conviction documents, marked Exhibit C, is attached and incorporated.

**ANSWER: Admitted that Respondent pleaded guilty to a misdemeanor not punishable by imprisonment for a maximum term of two years on or about May 11, 2015. As to the remainder of the allegations, the document speaks for itself.**

6. On December 3, 2015, Respondent was convicted of "Operating While Intoxicated," a misdemeanor not punishable by imprisonment for a maximum term of two years, in the 57th Judicial District Court, in Allegan, Michigan in case number 153816SD. Respondent was placed on probation for six months with terms and ordered to pay fines and costs of \$1,315.00. A copy of the conviction documents, marked Exhibit D, is attached and incorporated.

**ANSWER:** Admitted that Respondent pleaded guilty to a misdemeanor not punishable by imprisonment for a maximum term of two years on or about December 3, 2015. As to the remainder of the allegations, the document speaks for itself.

7. Respondent failed to notify Complainant of the April 27, 1992; April 12, 2012; May 11, 2015; and December 3, 2015 convictions within 30 days of the date of each conviction.

**ANSWER:** Admitted.

#### COUNT I

Respondent's convictions, as set forth above, constitute a misdemeanor conviction that is reasonably related to or that adversely affects the licensee's ability to practice in a safe and competent manner, in violation of section 16221(b)(xi) of the Public Health Code, supra.

**ANSWER:** Denied as untrue.

#### COUNT II

Respondent's conduct, as set forth in paragraph 7, evidences a failure to notify Complainant of a conviction within 30 days of the date the conviction [sic] as required by section 16222(3) of the Public Health Code, supra, in violation of section 16221(f) of the Public Health Code, supra.

**ANSWER:** Respondent admits that he did not report the pleas within 30 days, but denies, in whole or in part, that this constitutes a violation of section 16221(f).

This Complaint is based upon files and records maintained by Complainant and the attached Affidavit of Terri Schrauben.

**ANSWER: Respondent lacks sufficient information upon which to form a belief as to this statement and leaves Complainant to its proofs.**

Complainant requests that this Complaint be served upon Respondent and that Respondent be offered an opportunity to show compliance with all lawful requirements for retention of the license. If compliance is not shown, Complainant further requests that formal proceedings be commenced pursuant to the Public Health Code, rules promulgated thereunder, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq.

**ANSWER: No answer is required to this paragraph.**

Pursuant to section 16231(8) of the Public Health Code, *supra*, Respondent has 30 days from the date of receipt of this Complaint to submit a written response to the allegations contained herein. The written response shall be submitted to Complainant, Kim Gaedeke, Director, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, Michigan 48909.

**ANSWER: No answer is required to this paragraph.**

Pursuant to section 16231(9) of the Public Health Code, *supra*, Respondent's failure to submit a written response within 30 days, as noted above, shall be treated as an admission of the allegations contained herein and shall result in transmittal of this Complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

**ANSWER: No answer is required to this paragraph. However, this answer constitutes Respondent's written response and this answer is submitted within the 30 day period provided for submission of a response.**

Respectfully submitted,

**V**ARNUM

Attorneys for Thomas J. Gordon, M.D.

Dated: June 2, 2016

By: \_\_\_\_\_

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