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Salt Lake City, UT 84114-6741  
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SEP 21 2009

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**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH**

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IN THE MATTER OF THE LICENSE OF	)	<b>NON-DISCIPLINARY</b>
<b>DAVID J. MORRIS</b>	)	<b>STIPULATION AND ORDER</b>
TO ADMINISTER AND PRESCRIBE	)	
CONTROLLED SUBSTANCES	)	CASE NO. DOPL 2009- 294
IN THE STATE OF UTAH	)	

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**DAVID J. MORRIS** ("Respondent") and the **DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING** of the Department of Commerce of the State of Utah

("Division") stipulate and agree as follows:

1. Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action.
2. Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily.

3. Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter.

4. Respondent understands that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document. The Division may release this Stipulation and Order, and may release other information to other persons and entities.

Respondent admits the following facts are true:

- a. Respondent was licensed to practice as physician/surgeon and to administer and prescribe controlled substances in the State of Utah during all periods relevant to this Stipulation and Order.
- b. April 20, 2009 Respondent voluntarily entered into a Stipulation and Order with the Division wherein the suspension of controlled substance license was lifted, and the controlled substance license, along with Respondent's licensed to practice as a physician in the State of Utah, were placed on probation, subject to terms and conditions, for a period of three years.
- c. Respondent's does not possess a DEA controlled substance registration certificate and withdrew his application for said certificate on or about August 26, 2009.
- d. Respondent currently desires to surrender his license to prescribe and administer controlled substances in the State of Utah, along with all residual rights pertaining to said license.

6. Respondent hereby surrenders Respondent's licenses to administer and prescribe controlled substances in the State of Utah as well as all residual rights pertaining to said license. Respondent's license to practice as a physician/surgeon in the State of Utah shall remain subject to all the terms and conditions in the Stipulation and Order signed on or about April 20, 2009. Respondent shall not reapply for a license to administer and prescribe controlled substances in the State of Utah until April 20, 2012. The Division does not guarantee than any future

application by Respondent for licensure will be granted. Respondent understands that if Respondent applies for licensure in the State of Utah in the future, and if the Division decides to grant licensure, the Division may require that any license granted to Respondent be subject to restriction, probation, and any other terms and conditions the Division deems necessary. If the Division Director accepts the terms of this Stipulation and Order, Respondent forfeits all rights to administer and prescribe controlled substances in the State of Utah. Respondent understands that Respondent will not receive any refund of license or renewal fees previously paid to the Division. This Stipulation and Order is not a finding of unprofessional or unlawful conduct, nor is it disciplinary action against Respondent. The Division retains jurisdiction to subsequently initiate disciplinary proceedings for any conduct Respondent may have engaged in prior to the effective date of this Stipulation and Order or may engage in subsequent to the effective date of this Stipulation and Order.

7. Upon approval by the Director of the Division, this Stipulation and Order shall be the final compromise and settlement of this non-criminal administrative matter. Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and the Respondent waive any claim of bias or prejudice they might otherwise have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

8. Respondent shall abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's licensed practice.

9. This document constitutes the entire agreement between the parties and supersedes

and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation. Respondent agrees not to take any action or make any public statement, that creates, or tends to create, the impression that any of the matters set forth in this Stipulation and Order are without factual basis. A public statement includes statements to one or more Board members during a meeting of the Board. Any such action or statement shall be considered a violation of this Stipulation and Order.

10. The accompanying Order becomes effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director. Respondent shall comply with all the terms and conditions of this Stipulation immediately following the Division Director's signing of the Order page of this Stipulation and Order. Respondent shall comply with and timely complete all the terms and conditions of probation. If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Division and Board. Failure to comply with and timely complete a term or condition shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions.

11. If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law. Such sanction may include revocation or suspension of Respondent's physician/surgeon license, or other appropriate sanction.

12. Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and

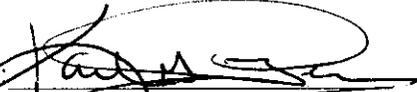
Order. Respondent has no questions about any paragraph or provision contained in this  
Stipulation and Order.

DIVISION OF OCCUPATIONAL &  
PROFESSIONAL LICENSING

BY:   
NOEL TAXIN  
Bureau Manager

DATE: 9/22/09

MARK L. SHURTLEFF  
ATTORNEY GENERAL

BY:   
KARL G. PERRY  
Counsel for the Division

DATE: Sept 22, 2009

RESPONDENT

BY:   
DAVID J. MORRIS  
Respondent

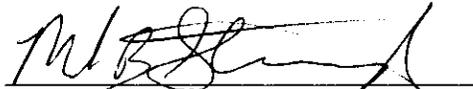
DATE: September 15, 2009

**ORDER**

THE ABOVE STIPULATION, in the matter of **DAVID J. MORRIS**, is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 23 day of September, 2009.

DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSING



**MARK B. STEINAGEL**

Director

Investigator: John Sims