

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City UT 84114-6741
Telephone: (801) 530-6628

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

IN THE MATTER OF THE DENIAL	:	NOTICE OF HEARING
OF THE RENEWAL OF THE LICENSES OF	:	AND CONDITIONAL RENEWAL
JOHN EDWIN GAMBEE, MD	:	OF LICENSE
TO PRACTICE AS A PHYSICIAN/SURGEON	:	Case No. DOPL-2011-259
AND TO ADMINISTER AND PRESCRIBE	:	
CONTROLLED SUBSTANCES	:	
IN THE STATE OF UTAH	:	

THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING TO
John Edwin Gambee ("Respondent"), , Junction
City OR 97448-9702:

The Division of Occupational and Professional Licensing ("the Division") hereby files this notice in response to your request for a hearing. That hearing will be conducted before the Physicians Licensing Board on the following date and time in Room 210 (2nd floor), Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah.

Wednesday, October 12, 2011 2:00 p.m.

The adjudicative proceeding designated herein is to be conducted on a formal basis. It is maintained under the jurisdiction and authority of the Division as set forth in §58-1-401(2). **Within thirty (30) days of the mailing date of this notice, you are required to file a written response with this Division.** The response you file may be helpful to clarify, refine or narrow the facts and violations alleged in the verified petition.

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Your written response, and any future pleadings or filings, which are a part of the official file in this proceeding, should be mailed or hand delivered to the following:

Signed originals to:
Division of Occupational
and Professional Licensing
Attn: Disciplinary Files
(by mail): PO Box 146741
Salt Lake City UT 84114-6741
(by hand delivery):
160 East 300 South, 4th floor
Salt Lake City, Utah

A copy to:
Lenore Epstein
Assistant Attorney General
Heber M. Wells Building
(by mail): PO Box 140872
Salt Lake City UT 84114-0872
(by hand delivery):
160 East 300 South, 5th floor
Salt Lake City, Utah

You may represent yourself or, at your own expense, be represented by legal counsel at all times while this action is pending. **Your legal counsel shall file an entry of appearance with the Division after being retained to represent you in this proceeding.** Until that entry of appearance is filed, the Division, its counsel, and the presiding officer will communicate directly with you.

The Board will be the presiding officer at the hearing and act as the fact finder. After the hearing, the Board will submit findings of fact, conclusions of law and a recommended order to the Division to determine what action should be taken regarding the denial of your request to renew your license

The presiding officer for the purpose of conducting this proceeding will be J. Steven Eklund, Administrative Law Judge, Department of Commerce, who will preside over any evidentiary issues and matters of law or procedure. If you or your attorney may have questions as to the procedures relative to the case, Judge Eklund can be contacted in writing at P O Box 146701, Salt Lake City, UT 84114-6701; by telephone at (801) 530-6648; or by electronic mail at seklund@utah.gov.

During the hearing, you will have the opportunity to present an opening statement, submit evidence, conduct cross examination and offer a closing statement to the fact finder. At the close of the hearing, the Board will take the matter under advisement and then submit its Findings of Fact, Conclusions of Law and a Recommended Order to the Division for its review and action.

Pursuant to a determination previously made by the Division which generally governs proceedings of this nature, the Division is providing the relevant and nonprivileged contents of its investigative file to you, concurrent with the issuance of this

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notice.

The Division is also providing its witness and exhibit list to you, concurrent with the issuance of this notice. The witness list identifies each individual the Division expects to present as a witness and includes a brief summary of their testimony at the hearing. The exhibit list identifies each anticipated document which the Division expects to present at the hearing. The Division is also providing a copy of any document to you that has not been otherwise made available to you through the investigative file.

Concurrent with your filing of a written response, you should provide to the Division a copy of any documents you have which relate to this case. Further, you should provide your witness and exhibit list to the Division. The witness list should identify each individual you expect to present as a witness and include a brief summary of their anticipated testimony. The exhibit list should identify each document you expect to present at the hearing.

If you fail to file a response within the thirty (30) days allowed or fail to attend or participate in any scheduled hearing, Judge Eklund may enter a default against you without any further notice to you.

After the issuance of a default order, Judge Eklund may cancel any prehearing conference or hearing scheduled in the Division's verified petition, conduct any further proceedings necessary to complete the adjudicative proceeding without your participation and determine all issues in the proceeding.

If you are held in default, your request for a hearing will be stricken, the Order denying the renewal of your license will be affirmed and the conditional renewal of your license will cease.

Counsel for the Division in this proceeding is Lenore Epstein, Assistant Attorney General, State of Utah. Ms. Epstein may be contacted in writing at P.O. Box 140872, Salt Lake City, UT 84114-0872 or by telephone at (801) 366-0310. You may, subject to the deadlines established herein, attempt to negotiate a settlement of this proceeding by contacting counsel for the Division.

Any stipulation in lieu of a response should be jointly signed by yourself and the Division and filed within the time

that a response would otherwise be due. Alternatively, any stipulation to resolve this case in lieu of the hearing shall be jointly signed by the parties and filed no later than one (1) week prior to the scheduled hearing.

Unless this case is resolved by a stipulation between the parties in lieu of the filing of a response, **a prehearing conference will be conducted as follows:**

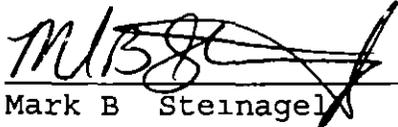
Monday, September 26, 2011 at 11:00 a.m. by teleconference

During the conference, Judge Eklund will address and resolve any further discovery issues. A schedule for the filing of any prehearing motions shall also be established.

Subject to the Department of Commerce Administrative Procedures Act Rules which govern this proceeding, the evidentiary hearing shall be conducted within 180 calendar days from the date of issuance of the notice of agency action.

Pursuant to Utah Administrative Code (1993), as amended, ("U.A.C."), R156-1-308f the licenses of JOHN EDWIN GAMBEE to practice as a physician/surgeon and to administer and prescribe controlled substances are hereby conditionally renewed during the pendency of these proceedings wherein he challenges the denial of renewal of licensure.

Dated this 15 day of August, 2011



Mark B Steinagel
Division Director