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BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING

OF THE DEPARTMENT OF COMMERCE

OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSES OF	)	
MICHAEL LEE MAYNOR	)	**STIPULATION AND ORDER**
TO PRACTICE AS A	)	
PHYSICIAN/SURGEON	)	
AND TO PRESCRIBE AND ADMINISTER	)	CASE NO. DOPL 2013-200
CONTROLLED SUBSTANCE	)	
IN THE STATE OF UTAH	)	

MICHAEL LEE MAYNOR ("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 Respondent is entitled to a hearing before the *State of* Utah's Physician Licensing Board ("Board"), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses. Respondent understands that by signing this document Respondent hereby waives the right to a hearing, the right to present evidence on Respondent's own behalf, the right to call witnesses, the right to confront adverse witnesses, and any other rights to which Respondent may be entitled in connection with said hearing. Respondent *understands* that by signing this document Respondent waives all rights to any administrative and judicial review as set forth in Utah Code Ann. §§ 63G-4-301 through 63G-4-405 and Utah Administrative Code R156-46b-12 through R156-46b-15. Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann § 63G-4-102(4).

5. Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter.

6 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 will release other information about this disciplinary action against Respondent's license, to other persons and entities

7. Respondent admits the following facts are true:

   a. On or about March 16, 1999 Respondent was first licensed to practice as physician and to administer and prescribe controlled substances in the State of Utah. Respondent's licenses expired on January 31, 2012 when Respondent chose not to renew them.

   b. In May 2012 Respondent entered into an "Agreed Order of Indefinite Restriction" with the Board of Medical Licensure of the Commonwealth of Kentucky, which is incorporated by reference into this Stipulation and Order and attached as Exhibit A. Respondent's Kentucky physician license restricted indefinitely.

   c Respondent, while neither admitting nor denying any misconduct, agrees that based upon the stipulations of fact contained in Exhibit A, the Utah Board could find that Respondent engaged in conduct that would constitute unprofessional conduct in the State of Utah.

   d. Respondent desires to surrender Respondent's licenses to practice as a physician/surgeon and to administer and prescribe in the State of Utah, along with all residual rights pertaining to said licenses.

8. Respondent, while neither admitting nor denying any misconduct, agrees that based upon the stipulations of fact contained in Exhibit A, the Utah Board could find that Respondent engaged in conduct that would constitute unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a) and (d), and that such findings justify disciplinary action against Respondent's license pursuant to Utah Code Ann. § 58-1-401(2)(a). Respondent hereby surrenders Respondent's licenses to practice as a physician/surgeon and to administer and prescribe controlled substances in the State of Utah as well as all residual rights pertaining to said licenses. Respondent agrees that the issuance of the Order in this matter constitutes disciplinary action by the Division pursuant to Utah Administrative Code R156-1-102(6) and Utah Code Ann. § 58-1-401(2)(a). Respondent agrees not to reapply for licensure as an physician/surgeon or to administer and prescribe controlled substances in the State of Utah until five years has passed

from the effective date of this Stipulation and Order. The Division does not guarantee that any future application by Respondent for licensure will be granted. If the Division Director accepts the terms of this Stipulation and Order, Respondent forfeits all rights to practice as a physician/surgeon and 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.

9. This Stipulation and Order, upon approval by the Director of the Division, 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 Respondent waive any claim of bias or prejudgment they might otherwise have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

10. 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.

11. Respondent understands that the disciplinary action taken by the Division in this Stipulation and Order may adversely affect any license that Respondent may possess in another state or any application for licensure Respondent may submit in another state.

12. 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.

13. 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: 5/13/13

RESPONDENT

BY: _____
MICHAEL LEE MAYNOR
Respondent

DATE: 4/30/13.

JOHN E. SWALLOW
ATTORNEY GENERAL

BY: _____
L. MITCHELL JONES
Counsel for the Division

DATE: 13 May 13

ORDER

THE ABOVE STIPULATION, in the matter of **MICHAEL LEE MAYNOR,** 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 issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(6) and Utah Code Ann. § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 14th day of May, 2013.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING

MARK B. STEINAGEL
Director