

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2009-05345

MARK A. SELDES, M.D.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Medicine against Respondent, Mark A. Seldes, M.D., and in support thereof alleges:

1. Petitioner is the state department 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 physician within the State of Florida, having been issued license number ME 100652.

3. Respondent's address of record is 11410 Palm Pasture Drive, Tampa, Florida 33635.

4. At all times material to this complaint, Respondent was a flight surgeon assigned to the 80th Fighter Squadron at Kunsan Air Base, Republic of Korea.

5. On or about February 1, 2008, Respondent was charged and found guilty in case number ACM 37265, by General Court-Martial at Kunsan Air Force Base, Republic of Korea, with one specification [count] of rape, one specification [count] of conduct unbecoming an officer and a gentleman for engaging in an appropriate relationship, and one specification [count] of adultery, in violation of Articles 120, 133, and 134, UCMJ, 10 U.S.C. §§ 920, 933, 934. Respondent was dismissed from the Air Force and sentenced to three years confinement.

6. The qualities that are essential to the practice of medicine include sound judgment, integrity, and respect for the well-being of human beings. Respondent's conviction of rape demonstrates unsound judgment and a lack of respect for the well-being of human beings – the antithesis of that which is required and expected of a licensed physician. Therefore, the

crime of rape for which the Respondent was found guilty and convicted is a crime related to his ability to practice medicine.

7. Section 458.331(1)(c), Florida Statutes (2007), provides that being convicted 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 constitutes grounds for disciplinary action by the Board of Medicine.

8. Respondent's February 1, 2008, finding of guilt, in case number ACM 37265, by General Court-Martial at Kunsan Air Force Base, Republic of Korea, of rape directly relates to his ability to practice medicine in that the crime demonstrates a lack of integrity, honesty, and respect for the well-being of human beings.

9. Based on the foregoing, Respondent has violated Section 458.331(1)(c), Florida Statutes (2007), by being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, crimes in any jurisdiction which directly relate to the practice of medicine or to the ability to practice 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 18th day of February, 2011.

State Surgeon General



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CLERK **Angel Sanders**
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CLG

PCP: 18 Feb 11
PCP Members: Ashkar, Lage & Levine

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.

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.