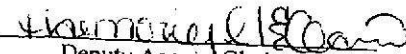


By: 
Deputy Agency Clerk

STATE OF FLORIDA
DEPARTMENT OF HEALTH

In Re: Emergency Suspension of the License of
Jose Gustavo Valladares, M.D.
License Number: 95773
Case Number: 2006-15474

ORDER OF EMERGENCY SUSPENSION OF LICENSE

M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, hereby ORDERS the emergency suspension of the license of Jose Gustavo Valladares, M.D., ("Dr. Valladares") to practice as a medical doctor. Dr. Valladares holds license number 95773. His address of record is 3500 Coral Way, #901, Miami, Florida 33145. The following Findings of Fact and Conclusions of Law support the emergency suspension of Dr. Valladares' license to practice as a medical doctor in the State of Florida.

FINDINGS OF FACT

1. The Department of Health ("Department") is the state department charged with regulating the practice of medicine pursuant to Chapters 20, 456, and 458, Florida Statutes. Section 456.073, Florida Statutes, authorizes the Secretary of the Department to summarily suspend Dr. Valladares' license to practice as a medical doctor in the State of Florida, in accordance with Section 120.60(6), Florida Statutes.
2. At all times material to this order, Dr. Valladares was licensed as a medical doctor in the State of Florida, pursuant to Chapter 458, Florida Statutes.
3. At all times material to this order, Dr. Valladares practiced as a resident in psychiatry at the University of Miami/Jackson Memorial Hospital in Miami, Florida.

4. On or about May 25, 2006, an arrest warrant was issued in the Fifteenth Judicial Circuit, in and for Palm Beach County, Florida, Court Case No. 06-6883CFA-02R, against Dr. Valladares indicating that probable cause existed to believe that Dr. Valladares committed the offenses of transmission of material harmful to minors, in violation of Section 847.0138(3F), Florida Statutes, and computer pornography, in violation of Section 847.0135(3)(3F), Florida Statutes.

5. In the Probable Cause Affidavit in support of the arrest warrant, Detective C. Weinblatt ("Det. Weinblatt"), a law enforcement officer with the Tequesta Police Department, reported that prior to April 27, 2006, he received information from Federal Law Enforcement that Dr. Valladares had utilized the screen name "DoctorRockR" in communications with a minor via internet chat, and that the context of the chats were sexual in nature. Det. Weinblatt was provided a Department of Highway Safety & Motor Vehicles license database report for Dr. Valladares.

6. Det. Weinblatt provided the following facts in his sworn affidavit for probable cause:

On April 27, 2006, at or around 6:15 p.m. EST, while logged onto America Online (AOL), I sent an Instant Message (IM) to an individual with the screen name "DoctorRockR," asking "do i know u"? I described myself to "DoctorRockR" as a 14-year-old female, residing in Jupiter, Florida. "DoctorRockR" described himself as a 35-year-old male, 5'10", 195 pounds, brown hair, brown eyes, located in Miami, Florida. "DoctorRockR" asked me several times to send a picture. I sent an image, via e-mail, of a 14-year-old female. This image is of a sworn Florida police officer, who was 14-years-old at the time the image was captured. An affidavit attesting to this fact is on file. "DoctorRockR" then sent an image, via e-mail, depicting a white male with dark hair and eyeglasses, whom he claimed to be of himself.

"DoctorRockR" stated "i wish you lived in Miami." After I asked why, "DoctorRockR" replied, "so we could meet up and talk in person."

On May 9, 2006, at or around 6:21 p.m. EST, "DoctorRockR," while engaged in an online chat with your affiant, activated a web camera enabling me to view an adult white male. I identified this individual as Jose Gustavo Valladares from his Florida Department of Highway Safety and Motor Vehicles Driver's License photo.

On May 10, 2006, at or around 5:38 p.m. EST, "DoctorRockR," while engaged in an online chat with me, activated a web camera enabling me to view an adult white male. I identified this individual as Jose Gustavo Valladares. During this same chat session, at approximately 5:40 pm EST, "DoctorRockR" referred to me as being "young and innocent." I responded , "yup...14...so how come u like me then if im so young," to which "DoctorRockR" responded, "I guess i like young girls." At approximately 5:48 pm EST, "DoctorRockR" removed his underwear and displayed his erect penis, and began to masturbate, transmitting the images via the web camera. "DoctorRockR" continued to masturbate until approximately 5:58 pm EST, at which time he ejaculated, transmitting the images via the web camera.

On May 17, 2006, at or around 6:04 pm EST, "DoctorRockR," while engaged in an online chat with me, activated a web camera enabling me to view an adult white male. I identified this individual as Jose Gustavo Valladares. At approximately 6:11 pm EST, "DoctorRockR" exposed his erect penis and began to masturbate, transmitting the images via the web camera.

Pursuant to a subpoena, AOL indicated that the AIM SN "DoctorRockR" was logged-in on May 17, 2006, at 6:04 pm EST, with the originating IP address of 209.136.78.127. AOL indicated the owner of the originating IP address was Webgineering LLC/Smartwires, located in Miami, Florida. Webgineering verified the account name for the services is in the Def.'s name Jose G. Valladares.

During the course of our chats, the Def. repeatedly told me he wanted to meet me and have sex. He also tried to instruct me on how to masturbate myself.

GENERAL ALLEGATIONS

7. On May 30, 2006, Dr. Valladares was arrested on two counts: 1) transmission of material harmful to minors, in violation of Section 847.0138(3F), Florida Statutes; and, 2) computer pornography, in violation of Section 847.0135(3)(3F), Florida Statutes. Dr. Valladares bonded out of jail on a \$10,000 bond.

8. Subsequent to Dr. Valladares' arrest, Dr. Valladares voluntarily reported to PRN (Professionals Resource Network) for evaluation and voluntarily withdrew from practice. According to Dr. Valladares' attorney, the initial PRN evaluation found that Dr. Valladares suffers from "multiple addictions and a major depressive disorder which require residential treatment and rehabilitation."

9. Raymond M. Pomm, M.D., Medical Director of PRN, advised the Department on June 22, 2006, that Dr. Valladares chose not to complete his PRN evaluations and is no longer involved in PRN. On or about July 13, 2006, PRN verified to the Department that Dr. Valladares is no longer involved in PRN, stating that Dr. Valladares would not sign the release forms necessary to provide the PRN evaluations to the Department of Health on advice of his criminal attorney, and that Dr. Valladares would not complete the PRN forensic evaluation(s).

10. On May 16, 2005, Dr. Valladares applied for a Florida medical license and disclosed that on April 9, 1990, he was charged with possession of cannabis, (having an) open container of alcohol in a vehicle, and possession of a concealed firearm, to

which, according to Dr. Valladares' disclosure, he pled nolo contendere, receiving a withhold of adjudication on all charges.

11. Under Section 458.331(1)(s), Florida Statutes (2005), a licensee is subject to discipline, including suspension, for:

Being unable to practice medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition.

12. Section 120.60(6), Florida Statutes (2006), authorizes the Department to suspend a medical doctor's license if the Department finds that the medical doctor presents an immediate serious danger to the public health, safety, or welfare.

13. Respondent's training provides him with an in-depth knowledge of the drives and motivations affecting human behavior. In his role as a psychiatrist, he is in a unique position, given the confidential and sensitive nature of the relationship that he holds with his patients, to use his knowledge to manipulate them to his own self-serving ends. Respondent has already demonstrated a lack of respect for perhaps the most vulnerable segment of our society – children – as demonstrated by the facts in this case. As a psychiatrist, Dr. Valladares must possess good judgment and high moral character given the potential for harm he has to misuse the confidential and sensitive information with which he is entrusted by vulnerable patients seeking treatment from him for mental, emotional, or behavioral disorders.

14. Dr. Valladares is not able to practice medicine with reasonable skill and safety. As previously pointed out by his attorney, Dr. Valladares' initial PRN evaluation found that he suffers from "multiple addictions and a major depressive disorder which

require residential treatment and rehabilitation." Dr. Valladares identified himself on-line as a doctor, "DoctorRockR," and used his position of authority as a doctor to search for, find, and entice someone, whom he believed to be a minor 14-year-old female, into a sexual relationship via the transmission of on-line messages and "live" pornographic images of himself. While Dr. Valladares voluntarily reported to PRN and withdrew from the practice of medicine, he thereafter chose not to disclose his initial PRN evaluation results to the Department, chose not to complete his PRN forensic evaluation(s), and is no longer involved in PRN. Dr. Valladares cannot be trusted to exercise sound judgment and good moral character in the practice of medicine. Dr. Valladares' ability to practice medicine at this time is severely impaired based on the information provided to the Department and constitutes an immediate serious threat to the public health, safety, or welfare. Nothing short of suspending Dr. Valladares' license will adequately protect the public.

CONCLUSIONS OF LAW

15. The Secretary of the Department of Health has jurisdiction over this matter pursuant to Sections 20.43 and 456.073, Florida Statutes, and Chapter 458, Florida Statutes, as set forth above.

16. Based on the foregoing Findings of Fact, the Secretary concludes that Dr. Valladares violated Section 458.331(1)(s), Florida Statutes (2005), by being unable to practice medicine with reasonable skill and safety by reason of illness or use of alcohol, drugs, narcotics, chemicals, or other type of material or as a result of a mental or physical condition.


17. Based on the foregoing Findings of Fact, the Secretary finds that Dr. Valladares' continued practice as a medical doctor constitutes an immediate serious danger to the health, safety, or welfare of the public and that this summary procedure is fair under the circumstances to adequately protect the public.

WHEREFORE, in accordance with Section 120.60(6), Florida Statutes, it is THEREUPON ORDERED THAT:

1. The license of Jose Gustavo Valladares, M.D., license number 95773, is hereby immediately suspended.

2. A proceeding seeking formal suspension or discipline of the license of Jose Gustavo Valladares, M.D., to practice as a medical doctor will be promptly instituted and acted upon in compliance with sections 120.569 and 120.60(6), Florida Statutes.

DONE and ORDERED this 20th day of JULY, 2006.


M. Rony François, M.D., M.S.P.H., Ph.D.
Secretary, Department of Health

PREPARED BY:

April Dawn M. Skilling
Assistant General Counsel
Florida Bar No. 0805165
DOH, Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
(850) 245-4640 Office
(850) 245-4680 Facsimile

NOTICE OF RIGHT TO JUDICIAL REVIEW

Pursuant to sections 120.60(6) and 120.68, Florida Statutes, the Department's findings of immediate danger, necessity, and procedural fairness shall be judicially reviewable. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Petition for Review, in accordance with Florida Rule of Appellate Procedure 9.100, with the Department of Health and a second copy of the petition accompanied by a filing fee prescribed by law with the District Court of Appeal within thirty (30) days of the date this Order is filed.

Knight, LaShonda

From: Secretary of Health
Sent: Monday, July 17, 2006 3:22 PM
To: Chiaro, Joseph J
Cc: DL Deputy Secretaries; DL Office Directors
Subject: Delegation of Authority - July 18-21, 2006
Importance: High

InterOffice Memorandum

DATE: July 17, 2006

TO: Joseph Chiaro, M.D.
Deputy Secretary, Florida Department of Health

FROM: M. Rony François, M.D., M.S.P.H., Ph.D.
Secretary, Florida Department of Health

SUBJECT: **Delegation of Authority - July 18-21, 2006**

You are hereby delegated the authority to act on my behalf for the effective operation and administration of the Florida Department of Health while I am traveling out of state from Tuesday, July 18, through Friday, July 21, 2006.

MRF/am

cc: Deputies
Office Directors

7/19/2006

STATE OF FLORIDA
BOARD OF MEDICINE

Final Order No. DOH-06-2322-3 -MOA

FILED DATE - 12/14/06
Department of Health

By: Alicia Staffo
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2006-15474
LICENSE NO.: ME0095773

JOSE GUSTAVO VALLADARES, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on December 2, 2006, in Orlando, Florida, for the purpose of considering a Settlement Agreement (attached hereto as Exhibit A) ~~entered into between the parties in this cause.~~ Upon consideration of the Settlement Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED that the Settlement Agreement as submitted be and is hereby approved and adopted in toto and incorporated herein by reference with the following clarification:

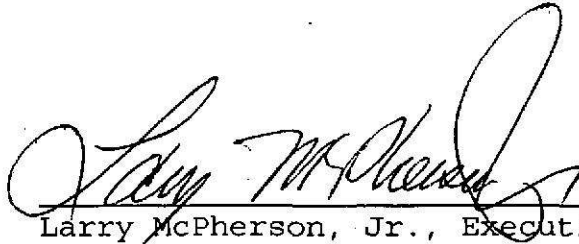
The costs set forth in Paragraph 3 of the Stipulated Disposition shall be set at \$2,351.94.

Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Settlement Agreement as clarified above.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 13 day of December, 2006.

BOARD OF MEDICINE



Larry McPherson, Jr., Executive Director
for MAMMEN P. ZACHARIAH, M.D., Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to JOSE GUSTAVO VALLADARES, M.D., 3500 Coral Way, #901, Miami, Florida 33145; to Allen R. Grossman, Esquire, Gray, Robinson, P.A., 301 S. Bronough Street, Suite 600, Tallahassee, Florida 32301-7721; and by interoffice delivery to John Terrel, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3253 this 14 day of December, 2006.



Deputy Agency Clerk

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH Case No. 2006-15474

JOSE GUSTAVO VALLADARES, M.D.,

Respondent.

SETTLEMENT AGREEMENT

Jose Gustavo Valladares, M.D., referred to as the "Respondent," and the Department of Health, referred to as "Department" stipulate and agree to the following Agreement and to the entry of a Final Order of the Board of Medicine, referred to as "Board," incorporating the Stipulated Facts and Stipulated Disposition in this matter.

Petitioner is a state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes, and Chapter 456, Florida Statutes, and Chapter 458, Florida Statutes.

STIPULATED FACTS

1. At all times material hereto, Respondent was a licensed physician in the State of Florida, having been issued license number ME 95773.

2. The Department charged Respondent with an Administrative Complaint in DOH Case No. 2006-15474, which was filed and properly served upon Respondent with a violation of Chapter 458, Florida Statutes, and the rules adopted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.

3. Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint for purposes of this proceeding only.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that, in his capacity as a licensed physician, he is subject to the provisions of Chapters 456 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the facts alleged in the Administrative Complaint, if proven, would constitute a violation of

Chapter 458, Florida Statutes, as alleged in the Administrative Complaint.

3. Respondent agrees that the Stipulated Disposition in this case is fair, appropriate and acceptable to Respondent.

STIPULATED DISPOSITION

1. **Reprimand** - The Board shall reprimand the license of Respondent.

2. **Fine** - The Board of Medicine shall impose an administrative fine of \$2,500.00 against the license of Respondent, to be paid by Respondent to the Department of Health, HMQAMS/Client Services, Post Office Box 6320, Tallahassee, Florida 32314-6320, Attention: Board of Medicine Compliance Officer. The fine shall be paid in full prior to reinstatement of Respondent's license (see, paragraph 6, herein). All fines shall be paid by check or money order. The Board office does not have the authority to change the terms of payment of any fine imposed by the Board.

RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE FINE IS HIS LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO CEASE

PRACTICING IF THE FINE IS NOT PAID AS AGREED TO IN THIS CONSENT AGREEMENT, SPECIFICALLY: IF WITHIN 30 DAYS OF RESPONDENT'S REINSTATEMENT, RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION THAT THE FULL AMOUNT OF THE FINE HAS BEEN RECEIVED BY THE BOARD OFFICE, RESPONDENT AGREES TO CEASE PRACTICE UNTIL SUCH WRITTEN CONFIRMATION IS RECEIVED BY RESPONDENT FROM THE BOARD.

3. **Reimbursement Of Costs** - Pursuant to Section 456.072, Florida Statutes, Respondent agrees to pay the Department for any administrative costs incurred in the investigation and preparation of this case. Such costs exclude the costs of obtaining supervision or ~~monitoring of the practice, the cost of quality assurance reviews, and the Board's administrative cost directly associated with Respondent's~~ probation, if any. The agreed upon amount of Department costs to be paid in Case No. 2006-15474 shall be no more than Five Thousand and No/100 Dollars (\$5,000.00). Respondent will pay costs to the Department of Health, HMQAMS/Client Services, P.O. Box 6320, Tallahassee, Florida 32314-6320, Attention: Board of Medicine

Compliance Officer. The costs shall be paid in full prior to reinstatement of Respondent's license (see, paragraph 6, herein). Any post-Board costs, such as the costs associated with probation, are not included in ~~this agreement.~~

RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE COSTS IS HIS LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO CEASE PRACTICING IF THE COSTS ARE NOT PAID AS AGREED TO IN THIS CONSENT AGREEMENT, SPECIFICALLY: IF WITHIN 30 DAYS OF RESPONDENT'S REINSTATEMENT, RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION THAT THE FULL AMOUNT OF THE COSTS NOTED ABOVE HAS BEEN RECEIVED BY THE BOARD OFFICE, RESPONDENT AGREES TO CEASE PRACTICE UNTIL SUCH WRITTEN CONFIRMATION IS RECEIVED BY RESPONDENT FROM THE BOARD.

4. **Professional Resource Network** - Respondent shall be ~~evaluated and comply with the Professional Resource Network (PRN) recommendations.~~ Respondent shall enter into an aftercare contract ~~with the PRN, if recommended, and shall cause the medical director of~~

PRN to send the Board a copy of that aftercare contract. Respondent shall comply with all of the conditions of his aftercare contract with the PRN. Respondent shall execute a release for the PRN to authorize the PRN to release information and medical records (including psychiatric records and records relating to treatment for drug dependence and/or alcoholism) to the Board as needed to monitor the progress of Respondent in the PRN program. Respondent shall cause the director of PRN to report to the Board any problems that may occur with Respondent and any violations of Chapter 458, Florida Statutes, which occur within thirty (30) days of the occurrence of any problems or violations of the law. Violation of the PRN contract shall constitute a violation of the terms of the Final Order.

5. **Restriction on Practice (PRN):** Respondent's practice is restricted in that Respondent may only practice medicine while in compliance with the terms of Respondent's contract with the Professionals Resource Network, if a PRN contract is required.

6. **Suspension:** Respondent's license shall be indefinitely suspended until such time as Respondent provides the Board with adequate evidence that Respondent is capable of practicing with reasonable skill and

safety, including but not limited to, an evaluation by the Board approved impaired practitioners' treatment provider. Respondent may present such evidence at any time after the Board imposes the suspension set forth in this Stipulation, including the same Board meeting at which this Stipulation is accepted. However, the term of suspension must be imposed prior to the Board considering respondent's petition for reinstatement. Respondent's license shall remain suspended until such time as Respondent appears before the Board and the Board has an opportunity to question and observe Respondent.

7. **Probation:** Following the reinstatement of Respondent's license, Respondent shall be placed on probation with the length of the probation and terms of probation to be determined by the Board at that time.

STANDARD PROVISIONS

8. **Appearance:** Respondent is not required to appear before the Board at the meeting of the Board where this Agreement is considered due to medical reasons.

9. **No force or effect until final order** - It is expressly understood that this Agreement is subject to the approval of the Board

and the Department. In this regard, the foregoing paragraphs (and only the foregoing paragraphs) shall have no force and effect unless the Board enters a Final Order incorporating the terms of this Agreement.

10. **Addresses** - Respondent must keep current residence and practice addresses on file with the Board. Respondent shall notify the Board within ten (10) days of any changes of said addresses.

11. **Future Conduct** - In the future, Respondent shall not violate Chapter 456, 458 or 893, Florida Statutes, or the rules promulgated pursuant thereto, or any other state or federal law, rule, or regulation relating to the practice or the ability to practice medicine.

~~Prior to signing this agreement, the Respondent shall read Chapters 456, 458 and 893 and the Rules of the Board of Medicine, at Chapter 64B8, Florida Administrative Code.~~

12. **Violation of terms considered** - It is expressly understood that a violation of the terms of this Agreement shall be considered a violation of a Final Order of the Board, for which disciplinary action may be initiated pursuant to Chapters 456 and 458, Florida Statutes.

13. **Purpose of Agreement** - Respondent, for the purpose of avoiding further administrative action with respect to this cause, executes this Agreement. In this regard, Respondent authorizes the ~~Board to review and examine all investigative file materials concerning~~ Respondent prior to or in conjunction with consideration of the Agreement. Respondent agrees to support this Agreement at the time it is presented to the Board and shall offer no evidence, testimony or argument that disputes or contravenes any stipulated fact or conclusion of law. Furthermore, should this Agreement not be accepted by the Board, it is agreed that presentation to and consideration of this Agreement and other documents and matters by the Board shall not ~~unfairly or illegally prejudice the Board or any of its members from~~ further participation, consideration or resolution of these proceedings.

14. **No preclusion of additional proceedings** - Respondent and the Department fully understand that this Agreement and ~~subsequent Final Order incorporating same will in no way preclude~~ additional proceedings by the Board and/or the Department against Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit A.

15. **Waiver of attorney's fees and costs** - Upon the Board's adoption of this Agreement, the parties hereby agree that with the exception of costs noted above, the parties will bear their own ~~attorney's fees and costs resulting from prosecution or defense of this~~ matter. Respondent waives the right to seek any attorney's fees or costs from the Department and the Board in connection with this matter.

16. **Waiver of further procedural steps** - Upon the Board's adoption of this Agreement, Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the Agreement ~~and the Final Order of the Board incorporating said Agreement.~~

SIGNED this 6th day of September, 2006.

[Signature]
Jose Gustavo Valladares, M.D.

STATE OF MS
COUNTY OF Forrest

Before me, personally appeared Jose Gustavo Valladares, M.D.
whose identity is known to me by Jose Gustavo Valladares, M.D.
(type of Identification) and who, under oath, acknowledges that his
signature appears above.

Sworn to and subscribed before me this 6th day of
September, 2006.

[Signature]
NOTARY PUBLIC

My Commission Expires: Notary Public State of Mississippi At Large
My Commission Expires: February 23, 2007
Bonded Thru Helden, Brooks & Garland, Inc.

APPROVED this 22 day of Sept, 2006.

M. Rony Francois, M.D., M.S.P.H., Ph.D.
Secretary, Department of Health

[Signature]
By: Mari M. Presley
Deputy General Counsel
Department of Health

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,
PETITIONER,

v.

CASE NO. 2006-15474

JOSE GUSTAVO VALLADARES, 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, Jose Gustavo Valladares, 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 95773.

AUG 28 2006

3. Respondent's address of record is 3500 Coral Way, #901, Miami, Florida 33145.

4. At all times material to this order, Respondent practiced as a resident in psychiatry at the University of Miami/Jackson Memorial Hospital in Miami, Florida.

5. On or about May 25, 2006, an arrest warrant was issued in the Fifteenth Judicial Circuit, in and for Palm Beach County, Florida, Court Case No. 06-6883CFA-02R, against Respondent indicating that probable cause existed to believe that Respondent committed the offenses of transmission of material harmful to minors, in violation of Section 847.0138(3F), Florida Statutes, and computer pornography, in violation of Section 847.0135(3)(3F), Florida Statutes.

6. In the Probable Cause Affidavit in support of the arrest warrant, Detective C. Weinblatt ("Det. Weinblatt"), a law enforcement officer with the Tequesta Police Department, reported that prior to April 27, 2006, he received information from Federal Law Enforcement that Respondent had utilized the screen name "DoctorRockR" in communications with a minor via internet chat, and that the context of the chats were sexual in nature.

7. Det. Weinblatt was provided a Department of Highway Safety & Motor Vehicles license database report for Respondent.

8. Det. Weinblatt provided the following facts in his sworn affidavit for probable cause:

On April 27, 2006, at or around 6:15 p.m. EST, while logged onto America Online (AOL), I sent an Instant Message (IM) to an individual with the screen name "DoctorRockR," asking "do i know u"? I described myself to "DoctorRockR" as a 14-year-old female, residing in Jupiter, Florida. "DoctorRockR" described himself as a 35-year-old male, 5'10", 195 pounds, brown hair, brown eyes, located in Miami, Florida. "DoctorRockR" asked me several times to send a picture. I sent an image, via e-mail, of a 14-year-old female. This image is of a sworn Florida police officer, who was 14-years-old at the time the image was captured. An affidavit attesting to this fact is on file. "DoctorRockR" then sent an image, via e-mail, depicting a white male with dark hair and eyeglasses, whom he claimed to be of himself. "DoctorRockR" stated "i wish you lived in Miami." After I asked why, "DoctorRockR" replied, "so we could meet up and talk in person."

On May 9, 2006, at or around 6:21 p.m. EST, "DoctorRockR," while engaged in an online chat with your affiant, activated a web camera enabling me to view an adult white male. I identified this individual as Jose Gustavo Valladares from his Florida Department of Highway Safety and Motor Vehicles Driver's License photo.

On May 10, 2006, at or around 5:38 p.m. EST, "DoctorRockR," while engaged in an online chat

with me, activated a web camera enabling me to view an adult white male. I identified this individual as Jose Gustavo Valladares. During this same chat session, at approximately 5:40 pm EST, "DoctorRockR" referred to me as being "young and innocent." I responded, "yup...14...so how come u like me then if im so young," to which "DoctorRockR" responded, "I guess i like young girls." At approximately 5:48 pm EST, "DoctorRockR" removed his underwear and displayed his erect penis, and began to masturbate, transmitting the images via the web camera. "DoctorRockR" continued to masturbate until approximately 5:58 pm EST, at which time he ejaculated, transmitting the images via the web camera.

On May 17, 2006, at or around 6:04 pm EST, "DoctorRockR," while engaged in an online chat with me, activated a web camera enabling me to view an adult white male. I identified this individual as Jose Gustavo Valladares. At approximately 6:11 pm EST, "DoctorRockR" exposed his erect penis and began to masturbate, transmitting the images via the web camera.

Pursuant to a subpoena, AOL indicated that the AIM SN "DoctorRockR" was logged-in on May 17, 2006, at 6:04 pm EST, with the originating IP address of 209.136.78.127. AOL indicated the owner of the originating IP address was Webgineering LLC/Smartwires, located in Miami, Florida. Webgineering verified the account name for the services is in the Def.'s name Jose G. Valladares.

During the course of our chats, the Def. repeatedly told me he wanted to meet me and have sex. He

also tried to instruct me on how to masturbate myself.

8. On May 30, 2006, Respondent was arrested on two counts: 1) transmission of material harmful to minors, in violation of Section 847.0138(3F), Florida Statutes; and, 2) computer pornography, in violation of Section 847.0135(3)(3F), Florida Statutes.

9. Subsequent to Respondent's arrest, Respondent voluntarily reported to PRN (Professionals Resource Network) for evaluation where, according to Respondent's attorney, the initial PRN evaluation found that Respondent suffers from "multiple addictions and a major depressive disorder which require residential treatment and rehabilitation."

10. Under Section 458.331(1)(s), Florida Statutes (2005), a licensee is subject to discipline, including suspension, for:

Being unable to practice medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition.

11. Respondent cannot practice medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or mental or physical condition, as evidenced by one or more of the following:

(a) Respondent identified himself on-line as a doctor, "DoctorRockR," and used his position of authority as a doctor to search for, find, and entice someone, whom he believed to be a minor -14-year-old female, into a sexual relationship via the transmission of on-line messages and "live" pornographic images of himself, all of which directly relates to Respondent's ability to exercise sound judgment in the practice of medicine.

(b) Respondent's initial PRN evaluation, according to his attorney, revealed that Respondent suffers from "multiple addictions and a major depressive disorder which require residential treatment and rehabilitation."

12. Based on the foregoing, Respondent violated Section 458.331(1)(s), Florida Statutes (2005), by being unable to practice medicine with reasonable skill and safety to patients by reason of Respondent's mental condition, Respondent's inability to practice sound judgment in the practice of medicine, or Respondent's illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material.

WHEREFORE, 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 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 25th day of August, 2006.

M. Rony Francois, M.D., M.S.P.H., Ph.D.
Secretary, Department of Health

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: Alicia Stiffen
DATE: 8/28/06

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Reviewed and approved by: gms (initials) 7-27-06 (date)

PCP: August 25, 2006

PCP Members: El-Babri, Vijayamagan, Dykes

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.