

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION,

PETITIONER,

vs.

CASE NO. 90-11699

MR. MICHAEL M. GILBERT, M.D.

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Professional Regulation, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medicine against MICHAEL M. GILBERT, M.D., hereinafter referred to as "Respondent," and alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.30, Florida Statutes; Chapter 455, Florida Statutes; and Chapter 458, Florida Statutes.

2. Respondent is and has been at all times material hereto a licensed physician in the State of Florida, having been issued license number ME 0004260. Respondent's last known address is 3061 N.W. Seventh Street, Miami, Florida 33132.

3. In or about 1990, Respondent was charged in the Circuit Court of the Eleventh Judicial Circuit, in Dade County, Florida, in Case #90-34903-05 with two (2) counts involving, but not limited to, bribery.

4. Count Two involved an allegation that the Respondent attempted to bribe a public official to plant some illegal drugs on an individual, and have the individual arrested on drug charges. Said charge directly related to the practice of medicine.

5. On or about March 18, 1991, Respondent was found guilty of the bribery charge.

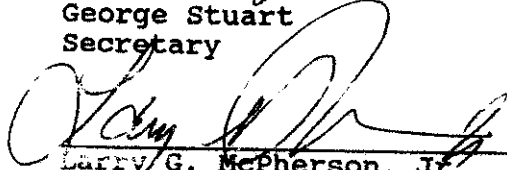
6. On or about April 30, 1991, the Circuit Court sentenced Respondent to 364 days in the County Jail, 18 months of community control, and a fine.

7. Based on the foregoing, Respondent is in violation of Section 458.331(1)(c), Florida Statutes, by 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.

WHEREFORE, the Petitioner respectfully requests the Board of Medicine enter an Order imposing one or more of the following penalties: revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, and/or any other relief that the Board deems appropriate.

SIGNED this 26 day of August, 1991.

George Stuart
Secretary


Larry G. McPherson, Jr.
Chief Medical Attorney

COUNSEL FOR DEPARTMENT:

Larry G. McPherson, Jr.
Chief Medical Attorney
Florida Bar #788643
Department of Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-0750
LAQP/tb
PCP: August 14, 1991
Burt, Campbell, and Basisht

FILED

Department of Professional Regulation
AGENCY CLERK



CLERK

DATE

8-27-91

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STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

BOARD: Medicine

CASE NO: 90-11699

COMPLAINT MADE BY: D.P.R.

DATE COMPLAINT RECEIVED: August 31, 1990

COMPLAINT MADE AGAINST: Michael Gilbert, M.D.
1200 Biscayne Boulevard
Miami, Florida 33152

REVIEWED BY: Randolph P. Collette
Senior Attorney

STAFF RECOMMENDATION: DISMISS (PL-82)

CLOSING ORDER

THE COMPLAINT: Complainant alleges that the Subject of the investigation was convicted or found guilty of a crime in any jurisdiction which directly relates to the practice of medicine or to the ability to practice medicine.

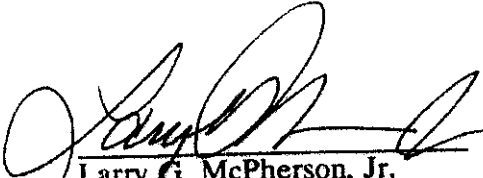
THE FACTS: Respondent was alleged to have been convicted in March of 1991 of bribery and sentenced to 364 days in jail, 18 months community control, and a fine. On February 11, 1992, the Third District Court of Appeals reversed the conviction and ordered a new trial.

THE LAW: There is sufficient evidence for the Panel to have found probable cause in the case. However, based upon the above facts, the Department has determined that there is insufficient evidence to support the prosecution of allegations contained there. Therefore, pursuant to Section 455.225(2), Florida Statutes, and Rule 21-31.001, Florida Administrative Code, this case is DISMISSED.

It is therefore, ORDERED that this matter should be and the same is hereby
DISMISSED.

DONE and ORDERED this 23 day of February, 1992.

George Stuart
Secretary


Larry G. McPherson, Jr.
Chief Medical Attorney