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MEMORANDUM

Via Facsimile, E-mail, and U.S. Mail

To: Committee on Investigations No. 1
From: George G. Hearn *GGH*
Subject: Confidential Settlement Negotiations / Dr. Monce Case
Date: March 14, 2003

Dear Dr. Gordon, Dr. Justus and Dr. Marshall:

Enclosed for your review and approval are:

1. Proposed Consent Order; and
2. Proposed letter to Michael Crowell.

Please note the following:

1. The Order has been confined to facility inspection, facility name, practice through business corporation, and misrepresentation to the Board.
2. The Order does not mention Nancy Deas and Edna Deas or their dogs, Alex and Gus.
3. The suspension is for 30 days, which is stayed for a period of one year. This probationary period was reduced from two years.
4. The civil monetary penalty remains at \$5,000.00. Please note in my letter to Mr. Crowell that I stated that if all other matters are agreed to, then you would consider a payment schedule for one-half of the amount that would not extend beyond one year.
5. The civil monetary penalty is based on the factors set forth in the Order. We have not discussed this specifically, but I believe these are appropriate. The only one I have a question about is his profiting by the violations.

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6. Please note in my letter where I ask Michael Crowell to have Dr. Monce furnish the Committee a clear and complete statement of how he practices. I suggest this to eliminate questions in the future that could cause us to revisit this situation.

7. I have asked for Dr. Monce's response through Mr. Crowell by next Monday, March 24.

Please response after you have reviewed. I will then have the cover letter to Michael Crowell and the proposed Consent Order hand delivered to his office. I have reviewed these documents with Tom Mickey.

Sincerely,



George G. Hearn

GGH:jh

Enclosures

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