

BEFORE THE NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE

1
2
3 IN THE MATTER OF THE COMPLAINT

4 AGAINST

5 JAMES V. MELI, JR., D. O.,

6 RESPONDENT.

Case No.: AD-06-64-387

7
8
9
10
11 **SETTLEMENT AGREEMENT AND ORDER**

12 The parties to the above-entitled action, the Nevada State Board of Osteopathic
13 Medicine (hereinafter, the "BOARD") and JAMES V. MELI, D.O., (hereinafter,
14 "RESPONDENT") hereby agree to resolve the instant Complaint pursuant to the following
15 stipulations:

16 1. RESPONDENT, at all times relevant hereto was licensed by the BOARD to
17 practice medicine in the State of Nevada and the BOARD has jurisdiction over
18 RESPONDENT'S license to practice medicine by virtue of his licensure.

19
20 2. On November 6, 2006, a Complaint was filed which alleged that RESPONDENT
21 was a named Defendant in a civil matter entitled, MUNDY v. MELI, Case No. A423968, in the
22 Eighth Judicial District Court in and for Clark County, Nevada, filed on September 7, 2000
23 (hereinafter, the "MUNDY ACTION").

24 3. Said Complaint further alleged that RESPONDENT was dismissed from the
25 MUNDY ACTION by way of a Stipulation and Order of Dismissal of All Parties With Prejudice,
26 filed on or about October 11, 2002.

27
28 ///

Attorney General's Office
555 E. Washington, Suite 3900
Las Vegas, NV 89101

1 3. Pursuant to NRS 633.527, RESPONDENT was required to disclose the
2 resolution of his involvement in the MUNDY ACTION to the BOARD within forty-five (45) days
3 of the settlement (i.e., on or before November 25, 2002)

4 4. Said Complaint further alleged that RESPONDENT failed to disclose the
5 resolution of his involvement in the MUNDY ACTION to the BOARD at any time.

6 5. Said Complaint further alleged that RESPONDENT'S conduct with regard to the
7 MUNDY ACTION should be punished, as provided in NRS 633.527(2) (i.e., that the BOARD
8 impose a fine of not more than \$5,000 against MELI for said violation, in addition to any other
9 fines or penalties permitted by law), and further alleged that RESPONDENT'S conduct herein
10 constitutes "unprofessional conduct", pursuant to NRS 633.131(1)(f)(1) (i.e., engaging in
11 conduct which the BOARD, by regulation, has determined is unethical) and NRS
12 633.131(1)(k) (i.e., willful disobedience of the regulations of the BOARD), and, by extension,
13 NAC 633.350(8) (i.e., failure to comply with an order of the BOARD) and NAC 633.350(9) (i.e.,
14 engaging in other conduct the BOARD has determined constitutes unfitness to practice
15 osteopathic medicine).

16 6. On or about February 15, 2008, the Complaint in this matter was served upon
17 RESPONDENT.
18

19 7. RESPONDENT is aware of his rights under Chapters 633 and 233B of the
20 Nevada Revised Statutes, including his right to a formal hearing and opportunity to defend
21 against the charges contained therein, the right to confront and cross-examine witnesses
22 against him, and the right to file a Petition for Judicial Review with the District Court in the
23 State of Nevada for a review of any adverse decision that might be rendered following a
24 hearing and subsequent appeals therefrom.
25

26 8. RESPONDENT understands that the BOARD is prepared to proceed to hearing
27 on the merits of the Complaint at its earliest opportunity.
28

1 9. RESPONDENT understands that if the BOARD hears the Complaint and finds
2 that a violation has occurred, the BOARD may order any or all of the sanctions be imposed
3 against him as set out in NRS 633.651, including revocation of RESPONDENT'S license to
4 practice osteopathic medicine and the imposition of discipline against him in accordance
5 therewith.

6 10. RESPONDENT for himself, his heirs, executors, administrators, successors and
7 assigns, hereby releases, remises and forever discharges the State of Nevada, the BOARD,
8 the Nevada Department of Justice / Office of the Attorney General and each of their members,
9 agents and employees in their individual and representative capacities from any and all
10 manner of actions, causes of actions, suits, debts, judgments, executions, claims and
11 demands whatsoever known or unknown, in law and equity, that RESPONDENT here had,
12 now has, may have or claim to have against any and all persons or entities named in this
13 paragraph arising out of, or by reason of, these matters or any other matter relating thereto.

14 11. In order to resolve this matter, RESPONDENT is entering into this Settlement
15 Agreement and is waiving formal findings of fact and conclusions of law pursuant to the
16 provisions of NRS 233B.121(5). RESPONDENT acknowledges that the allegations constitute
17 grounds for disciplinary actions under Chapter 633 of the Nevada Revised Statutes.
18

19 12. RESPONDENT has reviewed the allegations and causes of action contained
20 within the Complaint. In exchange for the dismissal of the Complaint, RESPONDENT admits
21 that he failed to disclose the resolution of the MUNDY ACTION to the BOARD, as provided for
22 in NRS 633.527, and accepts responsibility for his actions.
23

24 13. This Settlement Agreement will be considered at a Meeting of the BOARD on
25 May 27, 2008. In the event that the BOARD rejects this Settlement Agreement, this
26 Complaint will proceed to hearing at a later date.
27

28 ////

1 14. In the event that the BOARD rejects this Settlement Agreement, this Agreement
2 and all statements contained therein shall be null and void and inadmissible in any proceeding
3 and the parties agree not to contend that the BOARD has been prejudiced or biased in any
4 manner by consideration of this attempted resolution.

5 15. The parties agree that the counsel for the Investigating Board Member in this
6 matter may appear before the BOARD, in open or closed session, outside the presence of
7 RESPONDENT or his counsel, for the purposes of speaking in support of this agreement and
8 answering questions that the members of the BOARD and its staff may have in connection
9 with their deliberations on this matter.
10

11 ////

12 ////

13 ////

14 ////

15 ////

16 ////

17 ////

18 ////

19 ////

20 ////

21 ////

22 ////

23 ////

24 ////

25 ////

26 ////

27 ////

28 ////

Attorney General's Office
555 E. Washington, Suite 3900
Las Vegas, NV 89101


1 WHEREFORE, it is agreed that the Nevada State Board of Osteopathic Medicine,
2 without necessity of formal findings of fact and conclusions of law, which were specifically
3 waived by RESPONDENT and the BOARD, may issue the following ORDER:

4 1. That this case shall be settled and, in exchange for the settlement of this matter,
5 RESPONDENT admits that he failed to disclose the resolution of the MUNDY ACTION to the
6 BOARD, as provided for in NRS 633.527, and accepts responsibility for his actions.

7 2. Each party will bear their own fees and costs in connection with this matter.

8 Dated this 27 day of May, 2008.


9 Nevada State Board of Osteopathic Medicine

10
11 By: 
12 DEAN MILNE, D.O.
13 Investigating Member of the
14 Nevada Board of Osteopathic
15 Medicine


16 JAMES V. MELI, D.O.
17 Respondent

18 Approved and Submitted by:

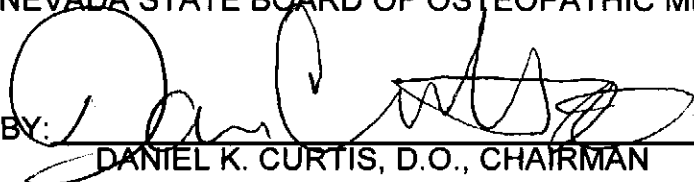
19 CATHERINE CORTEZ MASTO
20 Attorney General

21 By: 
22 Richard I. Dreitzer
23 Deputy Attorney General
24 555 E. Washington Avenue, Suite 3900
25 Las Vegas, Nevada 89101
26 (702) 486-3165

27 **IT IS SO ORDERED.**

28 DATED this 27th day of May, 2008.

NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE


BY: DANIEL K. CURTIS, D.O., CHAIRMAN