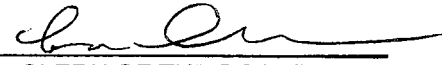


COPY

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

In The Matter of Charges and
Complaint Against
STEPHEN SELDON, M.D.,
Respondent.

NC Case No. 08-10701-2
FILED December 1, 2008

CLERK OF THE BOARD

COMPLAINT AND REQUEST FOR SUMMARY SUSPENSION

The Investigative Committee of the Board of Medical Examiners of the State of Nevada, composed of Charles N. Held, M.D., Chairman, Benjamin J. Rodriquez, M.D., Member, and Jean Stoess, M.A., Member, by and through Lyn E. Beggs, General Counsel for the Nevada State Board of Medical Examiners, having a reasonable basis to believe that STEPHEN SELDON, M.D., hereinafter referred to as "Dr. Seldon", has engaged in conduct that is grounds for discipline pursuant to the provisions of NRS Chapter 630, hereby alleges, charges and complains against said Respondent as follows:

1. Dr. Seldon is currently licensed in active status, and was so licensed by the Nevada State Board of Medical Examiners, hereinafter referred to as "the Board," on February 2, 1995 (License No. 7343), pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes, and at all times addressed herein was so licensed.
2. The Board's records show that Dr. Seldon's specialty is otolaryngology.
3. Dr. Seldon, in conjunction with his wife Deborah Martinez Seldon, operates a medical practice called "A New You Medical Aesthetics" (hereinafter "A New You") and currently known as "Medical Aesthetics and Cosmetic Surgery" in Henderson, Nevada, specializing in cosmetic procedures. One of the procedures offered by Dr. Seldon through "A New You" and now "Medical Aesthetics and Cosmetic Surgery" is the injection of botulinum neurotoxin type A for cosmetic purposes.

OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
1105 Terminal Way #301
Reno, Nevada 89502
(775) 688-2559

1 4. Botulinum neurotoxin type A has been approved by the Federal Drug
2 Administration (FDA) for human use for limited purposes and the only FDA approved
3 manufacturer of botulinum neurotoxin type A is Allergen, using the brand name Botox.

4 5. Beginning in October 2003 and through September 2005, Dr. Seldon and
5 Mrs. Seldon began purchasing botulinum neurotoxin type A from a company called Toxin
6 Research International, Inc. (hereinafter TRI). TRI was based in Tucson, Arizona and was not an
7 approved manufacturer of botulinum neurotoxin type A for human use. The botulinum
8 neurotoxin type A manufactured and sold by TRI was called TRItox. TRItox is not and has
9 never been approved for human use, and, in fact, each vial was labeled, "For research purposes
10 only, not for human use." TRI's invoices also contained the warning, "For research purposes
11 only, not for human use."

12 6. Despite the labeling and warnings regarding the TRItox not being for human use,
13 Dr. Seldon administered the TRItox to patients of "A New You." Dr. Seldon did not inform the
14 patients that he was administering TRItox to them rather than the FDA-approved Botox. In the
15 course of conducting the business of "A New You," Dr. Seldon and "A New You" made certain
16 representations regarding Dr. Seldon's training by Allergan, Dr. Seldon's expertise based upon
17 that training, and Dr. Seldon's use of Botox.

18 7. On June 27, 2007, Dr. Seldon and Mrs. Seldon were charged by a Criminal
19 Indictment resultant from a federal grand jury in the case entitled *United States v. Stephen Lee*
20 *Seldon, M.D. and Deborah Martinez Seldon* (U.S. Dist. Ct. Nev. Case No. 07-CR-0135-KJD-
21 LRL). In the Criminal Indictment, Dr. Seldon and Mrs. Seldon were each charged with fourteen
22 counts of mail fraud under 18 U.S.C. § 1341, punishable by up to twenty years in prison for each
23 count and one count of misbranding a drug while held for sale under 21 U.S.C. § 331(k),
24 punishable by up to three years in prison. (See Exhibit A)

25 8. On November 19, 2008, after a ten day jury trial, the jury found Dr. Seldon and
26 Mrs. Seldon each to be guilty of all fifteen counts made against them in the Criminal Indictment.
27 Sentencing on the convictions is scheduled for February 19, 2009. The Seldons were released on
28 their own recognizance pending sentencing. (See Exhibit B)

1 federal law and accordingly Dr. Seldon has violated NRS 630.01(11)(f) and is subject to
2 disciplinary action as provided by NRS 630.352.

3 **COUNT III**

4 18. All of the above paragraphs are incorporated by reference as though fully set forth
5 herein.

6 19. NRS 630.306(7) provides that continual failure to exercise the skill or diligence or
7 use the methods ordinarily exercised under the same circumstances by physicians in good
8 standing practicing in the same specialty or field is grounds for initiating disciplinary action
9 against a licensee.

10 20. Dr. Seldon's actions, as proven in federal court, and those alleged in the recent
11 filing of a formal disciplinary action against him show an on-going and continual failure to
12 exercise the skill or diligence or use the methods ordinarily exercised under the same
13 circumstances by physicians in good standing practicing in the same specialty or field.

14 21. Accordingly, Dr. Seldon has violated NRS 630.306(7) and is subject to
15 disciplinary action as provided by NRS 630.352.

16 **WHEREFORE**, the Investigative Committee of the Nevada State Board of Medical
17 Examiners prays as follows:

18 1. That the Nevada State Board of Medical Examiners schedule an emergency meeting
19 by telephone conference pursuant to NRS 241.020, and that the Board review the above Complaint,
20 with exhibits, and any other evidence, argument or presentation, find that Dr. Seldon poses a threat
21 to the health and safety of patients he sees and treats, or may see and treat, as well as the public in
22 general. He has recently been convicted of conduct in federal court that placed his patients at risk
23 and showed a substantial disregard for their safety and welfare. He faces the possibility of
24 substantial prison time, however he remains out of custody and is believed to be presently engaged
25 in the practice of medicine. Accordingly Dr. Seldon is able to engage in the same course of conduct
26 that gave rise to the federal criminal action and the formal disciplinary complaint filed by this
27 Committee and thus the Investigative Committee requests that the Nevada State Board of Medical

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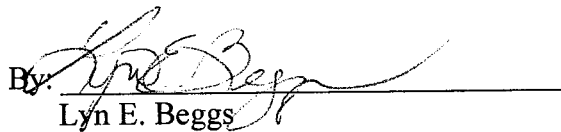
1 Examiners summarily suspend Dr. Seldon's license to practice medicine in the state of Nevada,
2 pursuant to NRS 233B.127 pending a hearing on this Complaint; and

3 2. That the Nevada State Board of Medical Examiners conduct a hearing on the
4 Complaint herein as provided by statute, find and determine that Dr. Seldon has violated one or
5 more provisions of the Medical Practice Act (NRS Chapter 630), enter findings of fact, conclusions
6 of law, and an order imposing sanctions upon Dr. Seldon according to NRS 630.352; and

7 3. That the Nevada State Board of Medical Examiners take such other and further
8 action as may be just and proper in these premises.

9 DATED this 1st day of December, 2008.

10 INVESTIGATIVE COMMITTEE OF
11 THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

12 By: 
13 Lyn E. Beggs

14 General Counsel and Attorney for the Investigative Committee
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VERIFICATION

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2 STATE OF NEVADA)
3 : ss.
4 COUNTY OF DOUGLAS)

5 CHARLES N. HELD, M.D., having been duly sworn, hereby deposes and states under
6 penalty of perjury that he is the Chairman of the Investigative Committee of the Nevada State Board
7 of Medical Examiners that investigated the complaint against Respondent herein; that he has read
8 the foregoing Complaint; and that based upon the results of the Investigative Committee's
9 investigation into a complaint against Respondent, the allegations and charges in the foregoing
10 Complaint against Respondent are true, accurate and correct.

11 Dated this 1st day of December 2008.

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14 CHARLES N. HELD, M.D.
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EXHIBIT A

FILED	RECEIVED
ENTERED	SERVED IN
COUNSEL PARTIES OF RECORD	
<div style="border: 1px solid black; width: 100px; height: 50px; margin: 0 auto;"></div>	
CLERK OF DISTRICT COURT	
DISTRICT OF NEVADA	
BY:	DEPUTY

1 STEVEN W. MYHRE
 Acting United States Attorney
 2 CRANE M. POMERANTZ
 Assistant United States Attorney
 3 333 Las Vegas Blvd., South, Suite 5000
 Las Vegas, Nevada 89101
 4 (702) 388-6336

5
 6 **UNITED STATES DISTRICT COURT**
 7 **DISTRICT OF NEVADA**

8 **-oOo-**

9 UNITED STATES OF AMERICA,	}	CRIMINAL INDICTMENT
	}	
10 PLAINTIFF,	}	2:07-CR-0135-KJD-LRL
	}	
11 VS.	}	VIOLATIONS:
	}	
12 STEPHEN LEE SELDON, M.D and	}	18 U.S.C. § 1341 - Mail Fraud
13 DEBORAH MARTINEZ SELDON,	}	18 U.S.C. § 2- Aiding and Abetting
	}	21 U.S.C. § 331(k) - Misbranding a Drug
14 DEFENDANTS.	}	While Held for Sale
	}	<u>18 U.S.C. § 981(a)(1)(C) - Forfeiture</u>

15 **THE GRAND JURY CHARGES THAT:**

16 At all times relevant to this Indictment:

17 **Introduction**

18 1. Defendant **STEPHEN LEE SELDON**, a medical doctor, schemed with
 19 defendant **DEBORAH MARTINEZ SELDON**, his wife and the manager of his medical practice,
 20 to defraud his patients by treating them with a cheaper, non-FDA approved version of Botox®, a drug
 21 used to reduce facial wrinkles. By misrepresenting to the patients of their medical practice the true
 22 nature of the product they were using, **STEPHEN LEE SELDON** and **DEBORAH MARTINEZ**
 23 **SELDON** enriched themselves while exposing patients to severe health risks.

24 **Persons and Entities**

25 2. **STEPHEN LEE SELDON** was a physician licensed by the State of Nevada
 26 to practice medicine.

1 3. **DEBORAH MARTINEZ SELDON** was the manager of **STEPHEN LEE**
2 **SELDON'S** medical practice "A New You Medical Aesthetics" ("A New You"). As the office
3 manager, **DEBORAH MARTINEZ SELDON'S** responsibilities included ordering supplies, paying
4 bills, managing personnel and managing the bank accounts at A New You.

5 4. Together, **STEPHEN LEE SELDON** and **DEBORAH MARTINEZ**
6 **SELDON** operated A New You in Las Vegas, Nevada. At A New You, **STEPHEN LEE SELDON**
7 advertised that he performed wrinkle reducing treatments using injections of Botox®, and other
8 cosmetic procedures.

9 **Federal Regulation of Drugs and Biological Products**

10 5. The FDA regulates the manufacture and distribution of drugs and biological
11 products in the United States pursuant to the provisions of the Food, Drug and Cosmetic Act, Title
12 21, United States Code, Section 301, *et. seq.* (the "Act"). The FDA has established approval
13 procedures for evaluating new drugs and licensing biological products. Approval is required for each
14 new drug intended for human use before its introduction into interstate commerce is permitted. A
15 license is also required for each new biological product before its introduction into interstate
16 commerce is permitted.

17 6. A "drug" is defined by the Act as, among other things, any articles intended
18 for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals;
19 articles (other than food) intended to affect the structure or any function of the body of man or other
20 animals; and articles intended for use as a component of any such articles. 21 U.S.C. § 321(g).

21 7. A "biological product" is defined as a "... toxin applicable to the prevention,
22 treatment, or cure of a disease or condition of human beings." 42 U.S.C. § 262(i). When a biological
23 product under this section also meets the definition of a "drug," as stated in Paragraph Five of this
24 Indictment, the "biological product" is a "drug" under 21 U.S.C. § 321(g).

25

26

1 25. As part of the scheme and artifice, **STEPHEN LEE SELDON** and **Deborah**
2 **Martinez Seldon** caused advertisements to be placed in local magazines, such as "Fun & Fit",
3 "QVegas" and "The Phillipine Times," which would offer "BOTOX \$8 PER UNIT." The typical
4 advertisement, which is substantially similar to the following, would represent that:

5 "...Dr. Seldon is Board Certified and has been specially trained by Allergan for all
6 your Botox needs."

7 The typical advertisements would further state,

8 "Don't be fooled by Botox prices by the 'area', wrinkles vary in size and depth. Each
9 patient at [A New You] is charged by the unit & the amount of Botox needed for their
treatment. Botox is always mixed per Allergan Standards."

10 These advertisements sought to create the false impression that **STEPHEN LEE SELDON** was using
11 Allergan's Botox® for the treatment of his patient's wrinkles when, in fact, he was not.

12 26. As part of the scheme and artifice, **STEPHEN LEE SELDON** and
13 **DEBORAH MARTINEZ SELDON** caused Botox® promotional materials to be displayed and
14 distributed to prospective patients at A New You, when, in fact, patients were not receiving FDA-
15 approved Botox®.

16 27. As part of the scheme and artifice, **STEPHEN LEE SELDON** and
17 **DEBORAH MARTINEZ SELDON** caused a certificate to be displayed on the wall at A New You
18 which identified **STEPHEN LEE SELDON** as having been trained in the application of Botox®,
19 when, in fact, **STEPHEN LEE SELDON** had never attended any training sessions sponsored by
20 Allergan and has no Allergan-approved training in the use of Botox®.

21 28. As part of the scheme and artifice, **STEPHEN LEE SELDON** and
22 **DEBORAH MARTINEZ SELDON** caused patients to sign consent forms prior to receiving
23 cosmetic procedures. These patient consent forms fraudulently represented that the defendant
24 intended to use Botox® on the patients completing the form when, in fact, **STEPHEN LEE**
25 **SELDON** knew he was going to inject his patients with TRItox.

26 . . .

1 29. As part of the scheme and artifice, **STEPHEN LEE SELDON** and
2 **DEBORAH MARTINEZ SELDON** ordered and caused to be ordered thirty-eight (38) 500 I.U. vials
3 of TRItox between October 2003 and September 2004. **STEPHEN LEE SELDON** and **DEBORAH**
4 **MARTINEZ SELDON** paid \$36,925 for a total of 19,000 units (38 vials @ 500 units per vial) of
5 TRItox, approximately half of what Allergan would have charged for an equivalent amount of
6 Botox®.

7 30. As part of the scheme and artifice, **STEPHEN LEE SELDON** and
8 **DEBORAH MARTINEZ SELDON** stopped purchasing Botox® from Allergan in October 2003,
9 the same month they began purchasing or causing to be purchased TRItox from TRI.

10 31. As part of the scheme and artifice, **STEPHEN LEE SELDON** spoke at a
11 seminar in Scottsdale, Arizona, in September 2004, sponsored by TRI, in which he promoted the use
12 of TRItox and claimed that he used it on patients in his practice, notwithstanding the warning on each
13 vial that TRI was for "Research purposes only, not for human use."

14 32. In late November, 2004, the national media publicized the hospitalization of
15 four individuals who had contracted botulism after receiving injections of a non-FDA approved
16 botulinum toxin at an unrelated medical clinic in Florida. Less than two months later, in January
17 2005, as part of the scheme and artifice, **DEBORAH MARTINEZ SELDON** arranged for a secret
18 purchase of, and received, 132 additional vials of TRItox for \$50,000 for use by **STEPHEN LEE**
19 **SELDON** at A New You.

20 33. As part of the scheme and artifice, **STEPHEN LEE SELDON** and **Deborah**
21 **Martinez Seldon** failed to disclose to A New You's patients that:

- 22 a. They were being injected with a different drug than Botox®;
- 23 b. The product they were being injected with was not approved by the
24 FDA; and
- 25 c. They were being injected with a drug labeled "For research purposes
26 only, not for human use."

1 34. As part of the scheme and artifice, **STEPHEN LEE SELDON** and
2 **DEBORAH MARTINEZ SELDON** took steps to conceal their fraudulent use of TRItox, as follows:

3 a. On or about January 12, 2005, **DEBORAH MARTINEZ SELDON**
4 caused to be falsified A New You's computerized medical records by
5 deleting references to "Botox®." and changing these entries to the
6 generic notation "Cosmetic Procedure;"

7 b. On or about September 16, 2005, **STEPHEN LEE SELDON** and
8 **DEBORAH MARTINEZ SELDON** caused twenty-eight (28) vials
9 of TRItox to be returned to the FDA. **STEPHEN LEE SELDON** and
10 **DEBORAH MARTINEZ SELDON** sought to create the misleading
11 impression that they were returning 28 vials of the original 38 vials
12 purchased from TRI. In fact, **STEPHEN LEE SELDON** and
13 **DEBORAH MARTINEZ SELDON** had used all of the original
14 TRItox on the patients at A New You, and were returning vials that
15 were part of **DEBORAH MARTINEZ SELDON**'s secret purchase of
16 132 vials from TRI in January 2005.

17 35. On or about the dates set forth below, in the State and Federal District of
18 Nevada and elsewhere,

19 **STEPHEN LEE SELDON, MD and**
20 **DEBORAH MARTINEZ SELDON,**

21 defendants herein, aided and abetted by each other, for the purpose of executing the scheme and
22 artifice, did knowingly cause packages containing vials of TRItox, to be delivered by United Parcel
23 Service ("UPS"), a private and commercial interstate carrier, according to the directions thereon, from
24 TRI in Arizona to **STEPHEN LEE SELDON** and **DEBORAH MARTINEZ SELDON** in Las
25 Vegas, Nevada, as more specifically described below, with each delivery constituting a separate
26 violation of Title 18, United States Code, Sections 1341 and 2:

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Count	Date of Shipment by UPS (on or about)	Description of Matter Delivered by UPS
1	November 15, 2003	Two vials of TRItox
2	November 29, 2003	Two vials of TRItox
3	January 10, 2004	Two vials of TRItox
4	January 31, 2004	Two vials of TRItox
5	March 6, 2004	Two vials of TRItox
6	March 27, 2004	Two vials of TRItox
7	April 3, 2004	Two vials of TRItox
8	May 1, 2004	Two vials of TRItox
9	June 12, 2004	Two vials of TRItox
10	June 26, 2004	Two vials of TRItox
11	July 10, 2004	Two vials of TRItox
12	August 7, 2004	Two vials of TRItox
13	August 14, 2004	Four vials of TRItox
14	September 18, 2004	Ten vials of TRItox

COUNT FIFTEEN
(Misbranding a Drug While Held for Sale)

36. The Grand Jury incorporates by reference the allegations in Paragraphs One through Thirty-Five, above, as though fully set forth herein.

37. From on or about October 15, 2003, and continuing through on or about September 16, 2005, in the State and Federal District of Nevada, and elsewhere,

**STEPHEN LEE SELDON, MD and
DEBORAH MARTINEZ SELDON,**

defendants herein, with the intent to defraud and mislead, did engage in various acts, and did cause each other and others to engage in various acts, which acts resulted in a drug being misbranded, as

1 defined at 21 U.S.C. § 352(1), while such drug was held for sale after shipment in interstate
2 commerce, in that the defendants **STEPHEN LEE SELDON** and **DEBORAH MARTINEZ**
3 **SELDON**, offered TR1tox, a drug, for sale by injection to patients under the name of a different drug,
4 Botox®, which they knew to be an FDA approved drug sold by Allergan; all in violation of 21 U.S.C.
5 §§ 331(k) and 333(a)(2) and 18 U.S.C. § 2.

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FORFEITURE ALLEGATION
(Mail Fraud)

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1. The allegations contained in Counts One through Thirty-Five of this Criminal Indictment are hereby realleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

2. Upon a conviction of the felony offenses charged in Counts One through Fourteen of this Criminal Indictment,

**STEPHEN LEE SELDON, MD and
DEBORAH MARTINEZ SELDON,**

defendants herein, shall forfeit to the United States of America any property, real or personal, which constitutes or is derived from proceeds traceable to violations of Title 18, United States Code, Section 1341, a "specified unlawful activity" as defined in Title 18, United States Code, Sections 1956(c)(7)(A) and 1961(1)(B), up to \$144,000.00 in United States Currency.

3. If any property being subject to forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), as a result of any act or omission of the defendant -

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third party;
3. has been placed beyond the jurisdiction of the court;
4. has been substantially diminished in value; or
5. has been commingled with other property that cannot be divided

without difficulty; it is the intent of the United States of America, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of properties of the defendant up to \$144,000.00 in United States Currency.

EXHIBIT B

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA

PLAINTIFF,

VS.

STEPHEN LEE SELDON M.D. AND
DEBORAH MARTINEZ SELDON

DEFENDANTS,

2:07-CR-135-KJD-LRL

MINUTES OF THE COURT

DATED: November 19, 2008

PRESENT:
THE HONORABLE **KENT J. DAWSON**, UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: PEGGIE VANNOZZI COURT REPORTER: FELICIA ZABIN

PRESENT FOR PLAINTIFF: CRANE POMERANTZ AND CHRISTINA BROWN

PRESENT FOR DEFENDANTS: RONALD RICHARDS FOR STEPHEN SELDON;
T. LOUIS PALAZZO FOR DEBORAH SELDON

IN COURT PROCEEDINGS: JURY TRIAL, DAY 10

Proceedings begin at 10:25 A.M. Case agent Cliff Wenzek is present. Defendants are present. The jury is present.

Mr. Palazzo presents closing argument on behalf of Defendant Deborah Martinez Seldon. Mr. Pomerantz presents the Government's rebuttal argument.

The bailiff is sworn. The jury retires to deliberate at 11:45 A.M. The alternate jurors are thanked and advised that they may be subject to recall.

Mr. Richards and Mr. Palazzo make oral Rule 29a motions and argue in support. Mr. Pomerantz responds. The Court makes findings for the record and DENIES the Rule 29a motions. Pursuant to stipulation of counsel, Defense exhibits 531 and 532 will not go to the jury.

Proceedings recess at 12:00 noon and reconvene at 2:12 P.M. Mr. Pomerantz, Mr. Richards and Mr. Palazzo are present via telephone. The Court has received a note from the jury. The Court reads the note and indicates to counsel how it intends to answer the note. Counsel do not object to the Court's answer. Proceedings recess at 2:13 P.M.

Proceedings reconvene at 5:10 P.M. The jury is present. The foreperson advises that the jury has reached a verdict. The verdict is read. The jury FINDS Defendant Stephen Lee Seldon, M.D. guilty of the offenses charged in Counts 1 through 15 of the indictment. The jury FINDS Defendant Deborah Martinez Seldon guilty of the offenses charged in Counts 1 through 15 of the indictment. The jury is polled.

The Court thanks the jurors and excuses them. The jury exits at 5:18 P.M.

Sentencing as to both defendants is set for February 19, 2009 at 9:00 A.M. Defendants are continued on personal recognizance bond, with the additional condition of travel restriction. Defendants' travel is restricted to a 300 mile radius of Las Vegas, Nevada. If Defendants have not surrendered their passports, they are to surrender

2:07-cr-135-KJD-LRL
USA vs. Stephen & Deborah Seldon
November 20, 2008
page two

their passports to Pretrial Services.

Proceedings adjourn at 5:22 P.M.

**LANCE S. WILSON, CLERK
U.S. DISTRICT COURT**

/s/
DEPUTY CLERK

EXHIBIT C

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Case No. 08-082-CS-S

Petitioner,

**ORDER OF SUMMARY
SUSPENSION OF
CONTROLLED SUBSTANCES
REGISTRATION**

v.

**STEPHEN LEE SELDON,
Certificate of Registration CS07633,**

Respondent.

On November 18, 2008, STEPHEN LEE SELDON, M.D. was convicted in the United States District Court, District of Nevada (Case No. CR-0135-KJD-LRL) of fourteen counts of Mail Fraud and one count of Adulterating a Drug While Held For Sale all based upon Dr. Seldon's purchase and administration to patients of botulinum neurotoxin type A that was not approved by the FDA. Based upon his conviction, the Board, through its Executive Secretary Larry L. Pinson, is taking an immediate action against Dr. Seldon's controlled substances registration pursuant to NRS 639.2121. Additionally, the convictions also constitute such activity that violates NRS 639.210(4), (11), and (12) and other provisions of Nevada law as may later be determined to be applicable.

Thus, pursuant to NRS 639.2121, Dr. Seldon's controlled substances registration #CS 07633 is hereby suspended until the appropriate documents are prepared and a hearing is held before the Nevada State Board of Pharmacy pursuant to those subsequent documents. Board Staff shall prepare and file the necessary documents to assure Dr. Seldon a full and fair administrative hearing before the Board of Pharmacy after Dr. Seldon's matter is fully resolved in the federal judicial system. Dr. Seldon will

be notified of the time and place of the hearing in the subsequent documents. Until the hearing before the Board of Pharmacy, Dr. Seldon may not prescribe, administer or dispense any controlled substances.

Signed and effective this 24th day of November, 2008.



Larry L. Finson, Pharm.D., Executive Secretary
Nevada State Board of Pharmacy

EXHIBIT D

COPY

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

In The Matter of Charges and
Complaint Against
STEPHEN SELDON, M.D.,
Respondent.

Case No. 08-10701-1

NO. FILED November 7, 2008

[Signature]
CLERK OF THE BOARD

COMPLAINT

The Investigative Committee of the Board of Medical Examiners of the state of Nevada, composed of Charles N. Held, M.D., Chairman, and Jean Stoess, M.A., Member, by and through Lyn E. Beggs, General Counsel for the Nevada State Board of Medical Examiners, having a reasonable basis to believe that Stephen Seldon, M.D., hereinafter referred to as Dr. Seldon, has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

1. Dr. Seldon is currently licensed in active status, and was so licensed by the Nevada State Board of Medical Examiners, hereinafter referred to as "the Board," pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes, at the time of the incidents in question.

2. Patient A is the patient at issue and was a forty-eight year old female at the time of the matter in question.

3. Patient A began to see Dr. Seldon in 2003 when she saw him for a cosmetic injection of Restylane. Patient A continued to see Dr. Seldon over the course of the next four years for a variety of cosmetic procedures including cosmetic injections, a combination face lift, a thread lift and a lower blepheroplasty.

4. Medical records for these procedures are virtually non-existent and do not accurately and completely document the treatment of Patient A.

///

OFFICE OF THE GENERAL COUNSEL

Nevada State Board of Medical Examiners

1105 Terminal Way #301

Reno, Nevada 89502

(775) 688-2559

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1 5. In October 2007, Patient A opted to undergo a tumescent liposuction treatment on a
2 variety of areas, the majority of the liposuction to be performed in her abdominal area. On
3 October 9, 2007 she signed a variety of waivers and a consent form regarding liposuction.

4 6. On October 11, 2007, Patient A presented to Dr. Seldon's office for the liposuction
5 procedure which was begun without the use of general anesthetic or deep sedation as is standard in
6 tumescent liposuction procedures.

7 7. The procedure was not completed as Patient A was apparently experiencing too much
8 pain to continue without anesthesia and accordingly the procedure was not completed.

9 8. Patient A also wrote a check to Dr. Seldon for \$750 with the memo indicating it was
10 for "Dr. Singel, Anesthesiologist." Dr. Singel is a podiatrist, not a medical doctor; however, there is
11 no indication that Patient A was ever made aware of this fact or that she gave an informed consent to
12 have him provide anesthesia during the procedure.

13 9. Patient A returned the following day, October 12, 2007 for performance of the
14 tumescent liposuction procedure and according to the minimal medical record, "twilight" anesthesia
15 was utilized.

16 10. The medical records for the procedure are minimal and are not accurate and
17 complete.

18 11. Patient A was released from Dr. Seldon's office and was provided a prescription for
19 Percocet. She was to return the following morning for a post-operative visit.

20 12. Patient A experienced pain and jitteriness during the night and early morning hours
21 after the procedure and she took some of the prescribed Percocet to relieve her pain. The morning
22 of October 13, 2007, Patient A's son phoned Dr. Seldon's office indicating that he would not be
23 bringing in his mother as she was finally resting after a difficult night.

24 13. Later on October 13, 2007, Patient A's son went to Dr. Seldon's office to obtain a
25 different pain medication for her as it was felt that the Percocet may have caused some of her
26 jitteriness.

27 14. Patient A's son contact Dr. Seldon's office twice more on October 13, 2007, the last
28 time reporting that she was bleeding, including a large amount of blood being found in the toilet

1 15. At no time on October 13, 2007 did Dr. Seldon personally speak with Patient A's
2 son.

3 16. Patient A's son and another family member eventually contacted emergency medical
4 services and she was transported via ambulance to St. Rose Dominican Hospital where she was seen
5 in the emergency room at approximately 7:00 p.m.

6 17. Patient A was admitted to the ICU where her condition worsened. She coded and
7 although resuscitation efforts were made, she eventually died in the early morning hours of
8 October 14, 2007.

9 18. An autopsy report was completed which noted the cause of death as multi-organ
10 failure due to acute microangiopathic hemolytic anemia due to tumescent liposuction procedure.
11 The autopsy report also noted at least thirty-five irregular and curvilinear puncture wounds on the
12 skin on the abdomen, upper legs and buttocks. The underlying soft tissue demonstrated broad areas
13 of hemorrhage and necrosis.

14 Count I

15 19. NRS 630.040 defines malpractice as the failure of a physician, in treating a patient, to
16 use the reasonable care, skill, or knowledge ordinarily used under similar circumstances.

17 20. NRS 630.301(4) provides that malpractice is grounds for initiating disciplinary action
18 against a licensee.

19 21. Dr. Seldon failed to use the reasonable care, skill, or knowledge ordinarily used under
20 similar circumstances when he performed liposuction on Patient A utilizing a high number of
21 incisions which is below the standard of care, and accordingly Dr. Seldon has violated
22 NRS 630.301(4) and thus is subject to discipline.

23 Count II

24 22. Dr. Seldon failed to use the reasonable, care, skill, or knowledge ordinarily used
25 under similar circumstances when he allowed a podiatrist to act as anesthesiologist during the
26 procedure and did not inform Patient A of the fact that the individual was a podiatrist nor gain her
27 informed consent for him to provide the anesthesia; accordingly, Dr. Seldon has violated
28 NRS 630.301(4) and thus he is subject to discipline.

OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
1105 Terminal Way #301
Reno, Nevada 89502
(775) 688-2559

Count III

23. NRS 630.3062(1) provides that failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient is grounds for initiating disciplinary action against a licensee.

24. Dr. Seldon's medical records regarding the diagnosis, treatment and care of Patient A are not complete and accurate records and include little to no information.

25. Dr. Seldon's failure to maintain timely, legible, accurate and complete medical records related to Patient A's care and treatment violates NRS 630.3062(1) and thus he is subject to discipline.

WHEREFORE, the Investigative Committee prays:

1. That the Nevada State Board of Medical Examiners fix a time and place for a formal hearing;

2. That the Nevada State Board of Medical Examiners give Dr. Seldon notice of the charges herein against him, the time and place set for the hearing, and the possible sanctions against him;

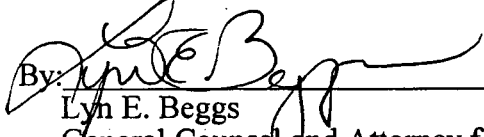
3. That the Nevada State Board of Medical Examiners determine what sanctions it will impose for the violation or violations committed by Dr. Seldon;

4. That the Nevada State Board of Medical Examiners make, issue and serve on Dr. Seldon its findings of facts, conclusions of law and order, in writing, that includes the sanctions imposed; and

5. That the Nevada State Board of Medical Examiners take such other and further action as may be just and proper in these premises.

DATED this 7th day of November, 2008.

INVESTIGATIVE COMMITTEE OF
THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

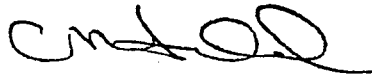
By: 
Lyn E. Beggs
General Counsel and Attorney for the Investigative Committee

1 VERIFICATION

2 STATE OF NEVADA)
3 COUNTY OF DOUGLAS) : ss.

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5 CHARLES N. HELD, M.D., having been duly sworn, hereby deposes and states under
6 penalty of perjury that he is the Chairman of the Investigative Committee of the Nevada State Board
7 of Medical Examiners that authorized the complaint against the Respondent herein; that he has read
8 the foregoing Complaint; and that based upon information discovered in the course of the
9 investigation into a complaint against the Respondent, he believes that the allegations and charges in
10 the foregoing Complaint against the Respondent are true, accurate, and correct.

11 DATED this 7th day of November, 2008.

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15 CHARLES N. HELD, M.D.
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