

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

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In the Matter of Charges and Complaint

Case No. 23-12518-1

Against:

FILED

AJUMOBI CHARLES AGU, M.D.,

SEP 19 2023

Respondent.

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: W. Small

FIRST AMENDED COMPLAINT

The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners (Board) hereby issues this formal Complaint against Ajumobi Charles Agu, M.D., (Respondent), a licensed physician in Nevada. After investigating this matter, the IC has a reasonable basis to believe that Respondent has violated provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act).

The IC alleges the following facts:

1. Respondent is currently licensed in suspended status (License No. 8857). Respondent was issued his license by the Board on November 23, 1998, pursuant to the provisions of NRS Chapter 630.

2. On November 15, 2022, Respondent entered into a Settlement Agreement (Agreement) with the IC, and the Board accepted, approved, adopted, and subsequently filed the Agreement on December 2, 2022.

3. Per the terms of the Agreement, Respondent was to submit to and pass all five (5) sections of the Ethics and Boundaries Assessment Services (EBAS) examination within sixty (60) days of the Board's acceptance, adoption, and approval of the Agreement. The Agreement was
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¹ The Investigative Committee of the Nevada State Board of Medical Examiners, at the time this formal Complaint was authorized for filing, was composed of Board members Bret W. Frey, M.D., Carl N. Williams, Jr., M.D., FACS, and Col. Eric D. Wade, USAF (Ret.).

1 accepted, approved and adopted on December 2, 2022, which required completion of the terms in
2 the Agreement on or before January 31, 2023.

3 4. Additionally, Respondent was to perform ten (10) hours of Continuing Medical
4 Education relating to the best practices in medical record keeping within six (6) months from the
5 date of the Board's acceptance, adoption, and approval of the Agreement or June 2, 2023.

6 5. Respondent registered for the EBAS examination on March 14, 2023, for an
7 April 25, 2023, exam date.

8 6. On March 17, 2023, Board staff received notice from EBAS that the Respondent
9 failed all five (5) sections of the EBAS examination he took on April 25, 2023.

10 7. On June 28, 2023, Respondent furnished a certificate of completion for the
11 aforementioned ten (10) hours of Continuing Medical Education with a completion date of
12 June 26, 2023, twenty-four (24) days after the deadline for completion.

13 8. On June 30, 2023, following the Respondent's failure to comply with the terms of
14 the Agreement, his license to practice medicine was summarily suspended. On July 6, 2023,
15 Respondent was served with an Order of Suspension and Notice of Hearing and on July 14, 2023,
16 Respondent was served with the Complaint.

17 9. An Order to Show Cause Hearing was conducted on July 27, 2023, which was
18 attended by Respondent and Counsel for the IC where it was found that the IC had met its burden
19 of proof to maintain the suspension of Respondent's license to practice medicine.

20 10. On consideration of the testimony provided at the Order to Show Cause hearing,
21 on August 10, 2023, the IC elected to lift the suspension of Respondent's license.

22 11. On or about August 29, 2023, a prescriber activity report from the Nevada State
23 Board of Pharmacy was retrieved that indicated that Respondent was, in fact, practicing medicine
24 while his license was suspended.

25 12. Despite the Respondent's prohibition from the practice of medicine during the
26 period of his suspension from July 6, 2023, through August 10, 2023, Respondent continued to
27 engage in the practice of medicine without an active Nevada medical license, in violation of the

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1 IC's Order of Suspension, by writing no less than fifty-eight (58) prescriptions for controlled
2 substances.

3 **COUNT I**

4 **NRS 630.3065(2)(a) - Knowing or Willful Failure to Comply with a Board Order**

5 13. All of the allegations in the above paragraphs are hereby incorporated by reference
6 as though fully set forth herein.

7 14. NRS 630.3065(2)(a) provides that the knowing or willful failure to comply with an
8 order of the Board constitutes grounds for initiating disciplinary action.

9 15. Respondent knowingly or willfully failed to comply with an order of the Board
10 when he failed all five (5) sections of the EBAS examination. Additionally, Respondent did not
11 timely complete his CME hours by the June 2, 2023, deadline and completed them instead on
12 June 26, 2023, twenty-four (24) days after the date ordered by the Board.

13 16. By reason of the foregoing, Respondent is subject to discipline by the Board as
14 provided in NRS 630.352.

15 **COUNT II**

16 **NRS 630.3065(2)(a) - Knowing or Willful Failure to Comply with a Board Order**

17 17. All of the allegations in the above paragraphs are hereby incorporated by reference
18 as though fully set forth herein.

19 18. NRS 630.3065(2)(a) provides that the knowing or willful failure to comply with an
20 order of the Board constitutes grounds for initiating disciplinary action.

21 19. Respondent knowingly or willfully failed to comply with an order of the Board
22 when he continued to practice medicine from July 6, 2023, through August 10, 2023, by
23 prescribing controlled substances to patients despite the June 30, 2023, Order of Suspension.

24 20. By reason of the foregoing, Respondent is subject to discipline by the Board as
25 provided in NRS 630.352.

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1 **WHEREFORE**, the Investigative Committee prays:

2 1. That the Board give Respondent notice of the charges herein against him and give
3 him notice that he may file an answer to the Complaint herein as set forth in NRS 630.339(2)
4 within twenty (20) days of service of the Complaint;

5 2. That the Board set a time and place for a formal hearing after holding an Early
6 Case Conference pursuant to NRS 630.339(3);

7 3. That the Board determine what sanctions to impose if it determines there has been
8 a violation or violations of the Medical Practice Act committed by Respondent;

9 4. That the Board award fees and costs for the investigation and prosecution of this
10 case as outlined in NRS 622.400;

11 5. That the Board make, issue, and serve on Respondent its findings of fact,
12 conclusions of law and order, in writing, that includes the sanctions imposed; and

13 6. That the Board take such other and further action as may be just and proper in these
14 premises.

15 DATED this 19th day of September, 2023.

16 INVESTIGATIVE COMMITTEE OF THE
17 NEVADA STATE BOARD OF MEDICAL EXAMINERS

18 By: _____

19 IAN J. CUMINGS
20 Deputy General Counsel
21 9600 Gateway Drive
22 Reno, NV 89521
23 Tel: (775) 688-2559
24 Email: icummings@medboard.nv.gov
25 Attorney for the Investigative Committee
26
27
28

VERIFICATION

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

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

DATED this 19th day of September, 2023.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:


BRET W. FREY, M.D.
Chairman of the Investigative Committee

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

* * * * *

In the Matter of the Charges and Complaint

Case No.: 23-12518-1

Against:

AJUMOBI CHARLES AGU, M.D.,

Respondent.

FILED

MAR 13 2025

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: _____

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

The above-entitled matter came on regularly for decision before the Nevada State Board of Medical Examiners (Board), on March 7, 2025, at the Board's office located at 325 E. Warm Springs Road, Suite 225, Las Vegas, NV 89119, on the Complaint filed herein. Ajumobi Charles Agu, M.D., (Respondent), who was duly served with notice of the adjudication, was present and not represented by counsel. The adjudicating members of the Board participating in these Findings of Fact, Conclusions of Law, and Order (FOFCOL) were: Nick M. Spirtos, M.D., F.A.C.O.G., Ms. Maggie Arias-Petrel, Chowdhury H. Ahsan, M.D., Ph.D., FACC, Ms. Pamela J. Beal, Joseph Olivarez, P.A.-C, Jason B. Farnsworth, RRT, MBA. Rosalie M. Bordelove, J.D., Chief Deputy Attorney General, served as legal counsel to the Board.

The Board, having received and read the Complaint and exhibits admitted in the matter and filed into the record in this case, the "Findings and Recommendation," prepared by the current Hearing Officer, Patricia Halstead, Esq., who presided over the hearing, and the transcript of the hearing, proceeded to make a decision pursuant to the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act), NRS Chapter 622A, and NRS Chapter 233B, as applicable.

The Board, after due consideration of the record, evidence and law, and being fully advised in the premises, makes its FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER in this matter, as follows:

FINDINGS OF FACT

I.

Respondent held a license to practice medicine in the State of Nevada issued by the Board at all relevant times.

II.

On June 30, 2023, the Investigative Committee (IC) filed an Order of Summary Suspension and Notice of Hearing, which was served on Respondent on July 7, 2023. The IC then filed their formal Complaint on July 11, 2023. The formal Complaint alleged Respondent violated one (1) violation of the Medical Practice Act that constitutes grounds for initiating disciplinary action against a licensee, as follows: Count I, violation of NRS 630.3065(2)(a), Knowing or Willful Failure to Comply with a Board Order. Respondent was served with the formal Complaint by Federal Express on July 14, 2023. Respondent did not answer or file a response to the allegations set forth in the Complaint. Pursuant to NAC 630.460(4), the allegations of the Complaint are deemed generally denied if an answer is not filed.

III.

An Early Case Conference was held by then Hearing Officer, Charles Woodman, Esq., on August 2, 2023, at which Respondent and counsel for the IC, Senior Deputy General Counsel Ian J. Cumings (Mr. Cumings), appeared telephonically. As a result of the Early Case Conference, the Pre-Hearing Conference was scheduled for August 11, 2023, with the formal hearing calendared to commence on October 2, 2023. Respondent was served the Notice and Order Scheduling Pre-Hearing Conference and Hearing on August 2, 2023.

Respondent was represented by attorney Alia Najjar, Esq. On August 10, 2023, and in accordance with discussions had with Ms. Najjar, an Order Lifting the Summary Suspension was signed and filed by the IC and served upon Respondent.

On September 19, 2023, a second Order of Suspension and Notice of Hearing and a First Amended Complaint was filed by the IC after learning of additional information it did not have at the time the suspension was lifted. The Order of Suspension and Notice of Hearing and First Amended Complaint were personally served upon Respondent on September 19, 2023. The First

1 Amended Complaint alleges as follows: Counts I and II, two (2) violations of
2 NRS 630.3065(2)(a), Knowing or Willful Failure to Comply with a Board Order.

3 A "Stipulation and Order to Vacate the Hearing on the Summary Suspension, set for
4 October 19, 2023, and for Dr. Agu to Remain Suspended Pending Resolution by the Parties," was
5 filed on October 23, 2023.

6 On February 21, 2024, a Notice and Order Scheduling Early Case Conference was filed.
7 The Early Case Conference took place on February 26, 2024, and a "Notice and Order Scheduling
8 Pre-Hearing Conference and Hearing" was issued by then Hearing Officer, Charles Woodman,
9 Esq., scheduling the Pre-Hearing Conference for May 6, 2024, and scheduled the formal hearing
10 for June 17, 2024, and June 18, 2024.

11 At the time fixed for the Pre-Hearing Conference, legal counsel for the IC, Mr. Cumings,
12 and Respondent appeared telephonically. At the Pre-Hearing Conference, counsel for the IC
13 provided the Hearing Officer with the mandated Pre-Hearing Conference Disclosures and had
14 copies of both the Pre-Hearing Conference Statement and the mandated Pre-Hearing Disclosures
15 available for the parties. Respondent was timely and properly served with the Pre-Hearing
16 Conference Statement and the mandated Pre-Hearing Disclosures in accordance with NRS and
17 NAC Chapters 630, NRS Chapters 241, 622A and 233B, and the requirements of due process.

18 An Order Continuing Hearing was issued and filed on June 17, 2024, by then Hearing
19 Officer Charles Woodman, Esq., and on August 20, 2024, Patricia Halstead, Esq., was appointed
20 as hearing officer to oversee the matter, as the prior Hearing Officer no longer served as a hearing
21 officer for the Board.

22 On September 11, 2024, Hearing Officer Patricia Halstead, Esq., issued an Order
23 Scheduling Status Conference which was served on Respondent by Certified Mail and received
24 September 14, 2024. During the noticed status conference held on September 19, 2024, the
25 formal hearing was set for November 26, 2024. An Order Scheduling Hearing was issued by the
26 hearing officer and was filed on September 20, 2024. Respondent received the Order Scheduling
27 Hearing via certified mail on September 23, 2024.

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IV.

On November 26, 2024, a contested case hearing was held before the Hearing Officer to receive evidence and to hear arguments of both parties. Legal counsel for the IC, Mr. Cumings and Respondent appeared.

On or about December 11, 2024, the Hearing Officer received the complete Record of Proceedings, including the transcript of the testimony received and the exhibits admitted. Upon receipt of the Record of Proceedings, the hearing was closed. The Hearing Officer issued her Findings and Recommendations, which were filed on January 21, 2025, and was personally served upon Respondent on January 25, 2025.

The matter was scheduled for final adjudication on March 7, 2025, at a regularly scheduled Board meeting. The notice of the adjudication was mailed to Respondent on February 4, 2025, via first class certified mail with return receipt requested, and Respondent received and signed for said notice on February 10, 2025.

A copy of the adjudication materials, as well as the Investigative Committee's Memorandum of Costs and Disbursements and Attorney's Fees was sent to Respondent on February 14, 2025.

V.

Pursuant to NRS 622A.300(5)(a), the Findings and Recommendations of the Hearing Officer are hereby approved by the Board in their entirety, with modification to the discipline, and are hereby specifically incorporated and made part of this Order by reference. A copy of the Findings and Recommendations filed January 21, 2025, are attached hereto as **Exhibit 1**.

VI.

In accord with the Findings and Recommendations, the Board hereby finds that Count I set forth in the First Amended Complaint, and as recapitulated in Paragraph III above, has been established by a preponderance of the evidence.

VII.

If any of the foregoing Findings of Fact is more properly deemed a Conclusion of Law, it may be so construed.

CONCLUSIONS OF LAW

I.

The Board has jurisdiction over Respondent's medical license and the First Amended Complaint, and an adjudication of this matter by the Board members as set forth herein is proper.

II.

Respondent was timely and properly served with the Complaint and First Amended Complaint, and all notices and orders in advance of the hearing and adjudication thereon, in accord with NRS and NAC Chapters 630, NRS Chapters 241, 622A and 233B, and the requirements of due process.

III.

With respect to the allegations of the First Amended Complaint, the Board concludes that Respondent has violated NRS 630.3065(2)(a), as alleged in Count I. Accordingly, Respondent is subject to discipline pursuant to NRS 630.352.

IV.

The Board finds that, pursuant to NRS 622.400, it may recover from Respondent reasonable attorneys' fees and costs incurred by the Board as part of its investigative, administrative and disciplinary proceedings against Respondent is appropriate. The Board has reviewed the Investigative Committee's Memorandum of Costs and Disbursements and Attorneys' Fees, and the Board finds them to be the actual fees and costs incurred by the Board as part of its investigative, administrative and disciplinary proceedings against Respondent, and finds them to be reasonable based on: (1) the abilities, training, education, experience, professional standing and skill demonstrated by Board staff and attorneys; (2) the character of the work done, its difficulty, its intricacy, its importance, the time and skill required, the responsibility imposed and the prominence and character of the parties where, as in this case, they affected the importance of the litigation; (3) the work actually performed by the Board's attorneys and staff, and the skill, time and attention given to that work; and (4) the product of the work and benefits to the Board and the people of Nevada that were derived therefrom.

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V.

If any of the foregoing Conclusions of Law is more properly deemed a Finding of Fact, it may be so construed.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause appearing therefore,

IT IS HEREBY ORDERED that:

1. Respondent's license to practice medicine shall be reinstated following successful completion of a physical and mental examination to assess his competence and ability to practice medicine pursuant to NRS 630.352;

2. Respondent shall pay a fine of two thousand five hundred dollars (\$2,500) within sixty (60) days of the date of service of this Order;

3. Respondent shall reimburse the Board the reasonable costs and expenses actually incurred in the investigation and prosecution of this case in the amount of five thousand seven hundred fifty-three dollars and sixty-seven cents (\$5,753.67), which amount Respondent shall be paid within sixty (60) days of the date of service of this Order;

4. Pursuant to NRS 630.352(4)(e), a written public reprimand shall be issued to Respondent; and

4. Respondent's discipline shall be reported to the appropriate entities, including the National Practitioner Databank (NPDB), as required by law.

IT IS SO ORDERED.

DATED this 13th day of March, 2025.

NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
NICK M. SPIROS, M.D., F.A.C.O.G.,
President of the Board

CERTIFICATION

I certify that the foregoing is the full and true original FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER on file in the office of the Board of Medical Examiners in the matter of AJUMOBI CHARLES AGU, M.D., Case No. 23-12518-1.

I further certify that Nick M. Spirtos, M.D., F.A.C.O.G., is the President of the Nevada State Board of Medical Examiners and that full force and credit is due to his official acts as such; and that the signature to the foregoing ORDER is the signature of said Nick M. Spirtos, M.D., F.A.C.O.G.

IN WITNESS THEREOF, I have hereunto set my hand in my official capacity as Secretary-Treasurer of the Nevada State Board of Medical Examiners.

DATED this 13th day of March, 2025.

NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: Maggie Arias-Petrel
MAGGIE ARIAS-PETREL
Secretary-Treasurer and Public Member of the Board