

1 **BEFORE THE BOARD OF PODIATRY EXAMINERS**
2 **IN THE STATE OF ARIZONA**

3
4 **In the Matter of:**

5
6 **ALAN GAVECK, D.P.M.**

7 **Holder of License No. 0424**

8 **For the Practice of Podiatry**

9 **In the State of Arizona,**

10 **Respondent.**

Complaint No. 06-04-C

**SECOND AMDENDED FINDINGS OF
FACT, CONCLUSIONS OF LAW AND
ORDER FOR DECREE OF CENSURE**

11 The Arizona State Board of Podiatry Examiners (“the Board”) considered this matter at its
12 public meeting on April 11, 2007. Alan Gaveck, D.P.M. (“Respondent”) and his counsel, Bruce
13 Crawford, appeared before the Board for an informal interview pursuant to the authority vested
14 in the Board by A.R.S. § 32-852.01. The Board voted to issue Findings of Fact, Conclusions of
15 Law and Order after due consideration of the facts and law applicable to this matter.
16

17 Respondent appealed the matter to Superior Court and on May 5, 2008, the Superior
18 Court issued a minute entry order affirming the Board’s decision in Case number LC2007-
19 000539. Respondent further appealed the matter to the Arizona Court of Appeals. On
20 September 1, 2009, The Court of Appeals issued a decision affirming the Board’s decision in
21 part and remanded the matter to the Board. The Arizona Supreme Court denied Respondent’s
22 Petition for Review. The matter came before the Board on April 14, 2010. The Board voted to
23 issue Amended Findings of Fact, Conclusions of Law and Order after due consideration of the
24 facts and law applicable to this matter.
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26

27 On or about June 25, 2010, Respondent filed a Motion for Rehearing and/or Review of
28 the Amended Decision. The matter came before the Board on July 14, 2010. The Board voted

1 to grant Respondent's Motion for Review and reviewed the Order. Upon review, the Board
2 voted to amend the Order to remove the probationary period and continuing education
3 requirements as is reflected in the Second Amended Order.

4 **GENERAL FINDINGS**

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6 1. The Board has jurisdiction over Licensee and the subject matter pursuant to
7 A.R.S. §32-801 et. seq.

8 2. The Board has the authority to hold informal interviews pursuant to A.R.S. §32-
9 852.01. After an informal interview, the Board may take action, including issuing a Decree of
10 Censure, Probation, etc. A.R.S. §32-852.01.

11
12 3. Licensee received sufficient and timely notice of the informal interview.

13 **FINDINGS OF FACT**

14 4. The Arizona State Board of Podiatry Examiners ("Board") is that body public
15 created and empowered pursuant to A.R.S. § 32-900 et seq. to administer the law of the State of
16 Arizona relating to the practice of podiatry.

17 5. Dr. Gaveck is the holder of license number 0424 for practice podiatry in the State of
18 Arizona.

19 6. At all times relevant hereto, Dr. Gaveck was a licensed podiatrist.

20 7. On January 14, 2005, Dr. Gaveck (Respondent) performed a surgical procedure on
21 patient DO to repair a dislocated second toe on the patient's right foot.

22 8. On Sunday January 16, 2005, DO telephoned Respondent complaining of severe
23 pain. Respondent examined DO in her home on that date and found a bluish discolored
24 engorged second toe. Respondent changed DO's surgical dressing.

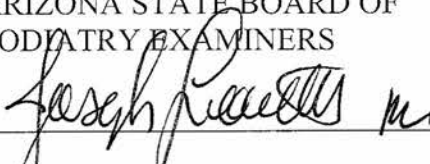
25 9. Respondent again examined DO on January 17, 2005. Respondent recommended
26 that a surgical procedure be performed to decompress the toe. Respondent performed an
27 arthroplasty on the proximal phalanx of the second toe on DO's right foot on or about January
28 20, 2005. Respondent did not obtain written consent from DO for this surgical procedure.

1 **REHEARING/APPEAL RIGHTS**

2 Respondent is hereby notified that this Order is the final administrative decision
3 of the Board and that the Respondent has exhausted his administrative remedies. Respondent is
4 advised that an appeal to superior court in Maricopa County may be taken from this decision
5 pursuant to Title 12, Chapter 7, article 6, within thirty-five (35) days from the date this decision
6 is served.

7
8 DATED this 11 day of August, 2010.

9 ARIZONA STATE BOARD OF
10 PODIATRY EXAMINERS

11 
12 _____
13 Joseph Leonetti, D.P.M.
14 Board President

15 **Original** of the foregoing filed
16 This 11th day of Aug, 2010 with:

17 Arizona State Board of Podiatry Examiners
18 1400 W. Washington, Ste, 230
19 Phoenix, Arizona 85007

20 **Copies** of the foregoing mailed this
21 11th day of Aug, 2010 to:

22 Bruce Crawford
23 Crawford & Kline
24 1920 East Southern Avenue, Suite 101
25 Tempe, AZ 85282

26 Keely Verstegen
27 Attorney General's Office
28 1275 W. Washington
Phoenix, AZ 85007

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