

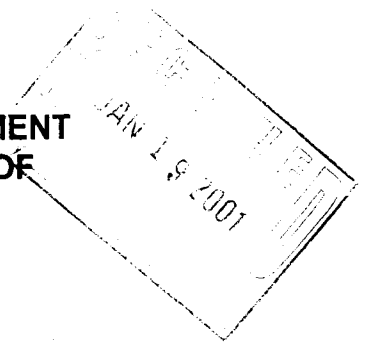
1                                   **BEFORE THE BOARD OF MEDICAL EXAMINERS**  
2                                   **IN THE STATE OF ARIZONA**

3 **In the Matter of:**

4  
5 **JAN A. MAYER, M.D.**  
6 **Holder of License No. 17938**  
7 **For the Practice of Medicine**  
8 **In the State of Arizona**

9 **Re: Investigation No. MD-00-0813**

**CONSENT AGREEMENT  
FOR SURRENDER OF  
ACTIVE LICENSE**



10  
11                                   **CONSENT AGREEMENT**

12           By mutual agreement and understanding, between the Arizona Board of Medical  
13 Examiners (hereafter "Board") and Jan A. Mayer, M.D., the parties agree to the  
14 following disposition of this matter.

15       1.   Dr. Mayer acknowledges that he has read this Consent Agreement and the  
16 attached Findings of Fact, Conclusions of Law and Order; and, he is aware of and  
17 understands the content of the documents. Dr. Mayer acknowledges that he  
18 understands he has the right to consult with legal counsel regarding this matter and has  
19 done so or chooses not to do so.

20       2.   Dr. Mayer understands that by entering into this Consent Agreement for  
21 issuance of the foregoing Order he voluntarily relinquishes any rights to a hearing or  
22 judicial review in state or federal court on the matters of fact or law alleged in the Order  
23 or to challenge this Consent Agreement and the Order in its entirety as issued by the  
24 Board and waives any other cause of action related thereto or arising from said Board  
25 Orders.

26       3.   Dr. Mayer acknowledges and understands that this Consent Agreement and the  
27 Order will not become effective until approved by the Board and signed by its Executive  
28 Director.

29       4.   Dr. Mayer agrees, pursuant to Arizona Revised Statutes Sec. 32-1458, that he  
30 shall not submit an application for reinstatement in less than five years from the date of  
surrender of his license. In the event the conviction of Dr. Mayer is reversed on appeal  
he may submit an application for reinstatement immediately.

1 5. All admissions made by Dr. Mayer are solely for final disposition of this matter  
2 and any subsequent related administrative proceedings or civil litigation involving the  
3 Board and Dr. Mayer. Therefore, said admissions by Dr. Mayer are not intended or  
4 made for any other use, such as in the context of another state or federal government  
5 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona  
6 or any other state or federal court.

7 6. Dr. Mayer acknowledges and agrees that, upon signing this agreement, and  
8 returning this document (or a copy thereof) to the Board's Executive Director, Dr. Mayer  
9 may not revoke acceptance of the Consent Agreement and Order or make any  
10 modifications to the document, although said Consent Agreement and Order has not  
11 yet been accepted by the Board and issued by the Executive Director. Any  
12 modifications to this Consent Agreement and Order are ineffective and void unless  
13 mutually approved by the parties.

14 7. Dr. Mayer further understands that this Consent Agreement and Order, once  
15 approved and signed, shall constitute a public record document that may be publicly  
16 disseminated as a formal action of the Board.

17 8. If any part of the Consent Agreement and Order is later declared illegal or  
18 otherwise unenforceable, the remainder of the Order in its entirety shall remain in force  
19 and effect.

20 REVIEWED AND ACCEPTED this  
21 15<sup>th</sup> day of January 2001

JAN A. Mayer, M.D. As Power of Attorney To  
JAN A. MAYER, M.D.

#### 22 23 FINDINGS OF FACT

24 1. BOMEX is the duly constituted authority for the regulation and control of the  
25 practice of medicine in the State of Arizona.

26 2. Dr. Mayer is the holder of License No. 17938 for the practice of medicine in the  
27 State of Arizona.

28 3. On April 10, 2000, Jan A. Mayer, M.D., entered into a plea agreement  
29 under which he pled guilty to thirteen (13) counts of mail fraud, a federal violation.  
30

1 4. Dr. Mayer was sentenced pursuant to the plea agreement on November 17,  
2 2000, to an executed sentence of thirty six (36) months and ordered to pay restitution of  
3 \$398,000.

4 5. All parties waive any further findings of fact.

5  
6 **CONCLUSIONS OF LAW**

7 1. BOMEX possesses jurisdiction over the subject matter hereof and over Jan A.  
8 Mayer, M.D.

9 2. The conduct and circumstances described in paragraphs 3 and 4 above  
10 constitute unprofessional conduct pursuant to A.R.S. §32-1401(25) (d) "Committing a  
11 felony, whether or not involving moral turpitude, or a misdemeanor involving moral  
12 turpitude. In either case, conviction by any court of competent jurisdiction or a plea of  
13 no contest is conclusive evidence of the commission."

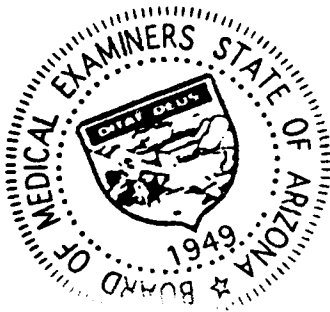
14  
15 **ORDER**

16 Based upon the above Findings of Fact and conclusions of Law and pursuant to  
17 the authority granted to the Board by A.R.S. § 41-1092.07(F)(5) and A.R.S. § 32-  
18 1451(S)(1) and (2), IT IS HEREBY ORDERED that License No. 17938, issued to Jan A.  
19 Mayer, M.D., for the practice of allopathic medicine in the State of Arizona, be deemed  
20 surrendered and that Jan A. Mayer, M.D. immediately return his License No. 17938 to  
21 the Board.

22 DATED and effective this 21<sup>st</sup> day of February, 2000.

23 BOARD OF MEDICAL EXAMINERS  
24 OF THE STATE OF ARIZONA

25 (SEAL)



26 By

27 Claudia Foutz

28 CLAUDIA FOUTZ

29 Executive Director, or

30 TOM ADAMS

Assistant Director, Regulation

1 ORIGINAL of the foregoing filed ,  
2 23rd day of February, 2000, with:

3 The Arizona Board of Medical Examiners  
4 9545 E. Doubletree Ranch Road  
5 Scottsdale, AZ 85258

6 Copy of the foregoing mailed by Certified ,  
7 Mail this 22 day of December, 2000, to:

8 Eric L. Mayer  
9 Attorney at Law  
10 2020 First Indiana Plaza  
11 135 North Pennsylvania St.  
12 Indianapolis IN 46204  
13 Attorney for Dr. Mayer

14 EXECUTED COPY of the foregoing mailed by  
15 Certified Mail this 23rd day of February, 2000, to:

16 Jan A. Mayer, M.D.  
17 2020 First Indiana Plaza  
18 135 North Pennsylvania St.  
19 Indianapolis IN 46204

20 EXECUTED COPY of the foregoing hand-delivered  
21 this 23rd day of February, 2000, to:

22 Richard Albrecht, Assistant Attorney General  
23 Legal Counsel to the Board  
24 Arizona Board of Medical Examiners  
25 9545 E. Doubletree Ranch Road  
26 Scottsdale, AZ 85258

27 *Amelia A. Jumer*  
28  
29  
30

## **DURABLE GENERAL POWER OF ATTORNEY**

Know all men by these presents, that I, JAN A. MAYER, of Nashville, Tennessee, do hereby make, constitute, and appoint my brother, ERIC L. MAYER, as my true and lawful attorney-in-fact for me and in my name, place, and stead, and on my behalf, for my use and benefit:

1. To ask, demand, sue for and receive all manner of goods, chattels, rents, sums of money, and demands whatsoever, due or hereafter to become due and owing to me, and to make, execute acquittance, releases, satisfactions, or other discharges for those items.

2. To make, execute, endorse, accept, and deliver in my name or in the name of my attorney all checks, notes, drafts, warrants, acknowledgments, agreements and all other instruments in writing, of any nature, as my attorney-in-fact may deem necessary to protect my interests.

3. To execute, acknowledge and deliver any and all contracts, deeds, leases, assignments of mortgage, extensions of mortgage, satisfactions of mortgage, releases of mortgage, subordination agreements, and any other related instrument or agreement affecting any and all property presently mine or hereinafter acquired, located anywhere, which my attorney-in-fact may deem necessary or advantageous for my interests.

4. To commence, and prosecute and/or defend on my behalf, any suits or actions or other legal or equitable proceedings for the recovery of any of my lands or for any goods, chattels, and debts due or to become due or belonging to me, and to prosecute, maintain, and discontinue them if he so decides.

5. To take all steps and remedies necessary and proper for the conduct and management of my business affairs and for the recovery, receiving, obtaining, and holding possession of any lands, tenements, rents or real estate, goods and chattels, debts, interest, demands, duties, sum or sums of money or any other thing whatsoever, located anywhere, that is, are, or shall be, by my attorney-in-fact, thought to be due, owing, belonging to or payable to me in my own right or otherwise.

6. To perform all those things which shall be expedient and necessary for the conduct of my affairs as fully as I could do if personally present, hereby ratifying and confirming whatever my attorney shall do or cause to be done.

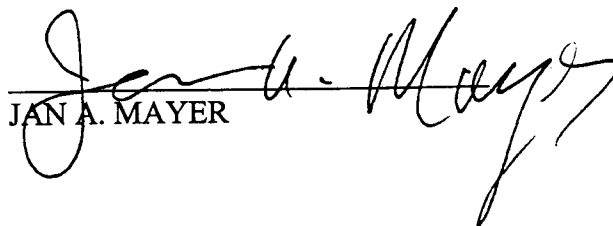
7. Without in any manner limiting the generality of the foregoing, my attorney-in-fact shall be vested with and, in the application of his best judgment and discretion on my behalf, shall have full power and authority to exercise all and each of the rights and powers specifically enumerated in Section 34-6-109 of the Tennessee Code Annotated, to which reference is hereby made and the language of which is incorporated herein by this reference as though the same were set forth herein verbatim.

8. This instrument shall be construed and interpreted as a general power of attorney. The enumeration of specific items, rights, acts, or powers herein shall not limit or restrict, and is not to be construed or interpreted as limiting or restricting, the general powers herein granted to my attorney-in-fact.

9. The rights, powers, and authority of my attorney-in-fact granted in this instrument shall commence and be in full force and effect on the date of execution of this instrument and such rights, powers, and authority shall remain in full force and effect thereafter until I give notice in writing that such power is terminated, but such revocation shall not affect the validity or binding nature of any action taken pursuant to this power of attorney prior to such revocation.

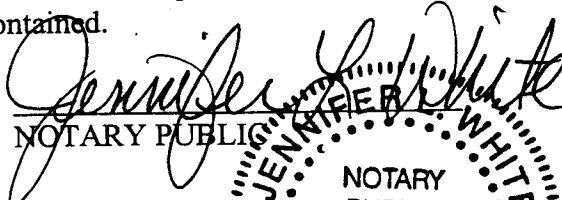
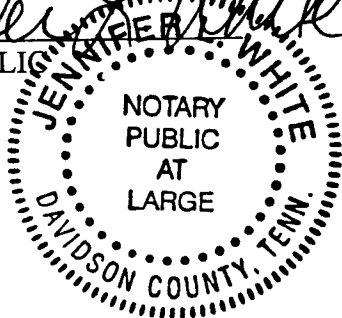
10. This power of attorney is intended to be a durable power of attorney and, pursuant to the Tennessee Uniform Durable Power of Attorney Act, Tennessee Code Annotated Section 34-6-102, this power of attorney shall not be affected by the subsequent disability or incapacity of the principal, but shall remain in full force and effect even though the principal becomes physically or mentally disabled or incapacitated.

DATED this the 17 day of Nov, 2000.

  
JAN A. MAYER

STATE OF TENNESSEE )  
COUNTY OF DAVIDSON )

On this the 17<sup>th</sup> day of November, 2000, personally appeared before me, JAN A. MAYER, known to me to be the person described above, and who executed the foregoing Durable General Power of Attorney in my presence and who upon oath acknowledged that he executed said instrument for the purposes therein contained.

  
NOTARY PUBLIC  


My Commission Expires: 3-29-03

My Commission Expires MAR. 29, 2003