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**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSES OF) **DISCIPLINARY SURRENDER**
DEWEY MACKAY TO PRACTICE AS A) **STIPULATION AND ORDER**
PHYSICIAN AND SURGEON, AND TO)
PRESCRIBE AND ADMINISTER) CASE NO DOPL 2012- 33
CONTROLLED SUBSTANCES IN THE)
STATE OF UTAH)
_____)

Dewey Mackay (“Respondent”) and the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah (“Division”) stipulate and agree as follows

- 1 The Respondent admits the jurisdiction of the Division over the Respondent and over the subject matter of this action
- 2 The Respondent acknowledges that he enters into this Surrender Stipulation and Order (“Stipulation”) knowingly and voluntarily

3 The Respondent understands that he has the right to be represented by counsel in this matter. His signature below signifies that he has been represented by Nathan Crane of Stirba & Associates in this matter.

4 On or about August 18, 2011, the Respondent was convicted of 35 counts of unlawful distribution of a controlled substance following a jury trial in the United States District Court, District of Utah *US v Dewey C MacKay, III*, Case No. 1:10CR0094 DB. An appeal of the Respondent's conviction is currently pending before the Tenth Circuit Court of Appeals *US v Dewey C MacKay, III*, Case No. 12-4001. The Respondent has retired from the practice of medicine. The Respondent's licenses to practice medicine with the State of Utah expire on January 31, 2012, and the Respondent has not sought to renew his licenses.

Due to the Respondent's criminal conviction, his retirement from the practice of medicine, and the expiration of his medical license, Respondent wishes to surrender his license to practice as a physician and surgeon, license number 160581-8905, and his license to prescribe and dispense controlled substances, license number 160581-1205, and all residual rights and privileges attached to these licenses for a period of ten years from the date the Division Director signs this Stipulation ("the effective date of the Stipulation").

Due to the ongoing appeal in the criminal case, nothing in this Stipulation shall be construed as an admission by the Respondent.

5 The Respondent acknowledges that this Stipulation, if adopted by the Director of the Division, will be classified as a public document.

6 The Respondent fully understands and agrees that should he ever intend to practice as a physician and surgeon again, and to prescribe and dispense controlled substances again in the State of Utah, he will have to comply with all of the licensing requirements of the Utah Medical Practice Act, Utah Code Ann § 58-67-101 through -809 and the Utah Medical Practice Act Rules, Utah Admin Code R156-67-101 through -603 after waiting the required ten year surrender period from the effective date of this Stipulation. The Respondent further understands that the Division in no way makes any promises or guarantees that the Respondent will ever be entitled to relicensure as a physician and surgeon after the surrender period created by this Stipulation.

7 Upon approval by the Director of the Division, this Stipulation shall be the final compromise and settlement of this disciplinary administrative matter. The Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and the Respondent waive any claim of bias or prejudice they might otherwise have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

8 This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation. There are no verbal agreements that modify, interpret, construe or affect this Stipulation.

9 The accompanying Order becomes effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director. The Respondent fully understands

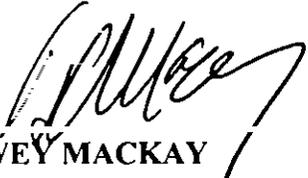
that from the effective date of this Stipulation, he voluntarily gives up his licenses and rights to practice as a physician and surgeon, and to prescribe and dispense controlled substances in the State of Utah. The Respondent further understands that from the effective date of this Stipulation, he loses all residual rights associated with these professional licenses.

10. The Respondent has read each and every paragraph contained in this Stipulation. He understands each and every paragraph contained in this Stipulation, and he has no questions about any paragraph or provision contained in this Stipulation. Further, the Respondent admits that he was not coerced, unduly influenced or bullied in any way into signing this Stipulation.

DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING

RESPONDENT

BY 
NOEL TAXIN
Bureau Manager

BY 
DEWEY MACKAY
Respondent

DATE 1/26/12

DATE 1/26/12

APPROVED AS TO FORM:
MARK L. SHURTLEFF
ATTORNEY GENERAL

BY 
DAN LAU
Counsel for the Division

BY 
NATHAN CRANE
Counsel for the Respondent

DATE 1/26/12

DATE 1/26/12

ORDER

THE ABOVE STIPULATION, in the matter of Dewey Mackay, is hereby approved by the Division of Occupational and Professional Licensing and constitutes my Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is a disciplinary settlement between the Division and the Respondent. The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 27th day of January, 2012

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING

Thad Lelar

Mark D. Steingel
DOPL Director

Thad Lelar, Acting Director
Division of Occupational and
Professional Licensing