

1 and/or judicial action, concerning the matters set forth herein. Respondent affirmatively agrees
2 that this Consent Agreement shall be irrevocable.

3 3. Respondent understands that this Consent Agreement or any part of the Agreement
4 may be considered in any future disciplinary action by the Board against him.

5 4. Respondent understands that acceptance of this Consent Agreement does not
6 preclude any other agency, subdivision or officer of this State from instituting any other civil or
7 criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.

8 5. Respondent understands that this Consent Agreement deals with Board Complaint
9 No. 07-37-M involving allegations of unprofessional conduct against Respondent. The
10 investigation into this case against Respondent shall be concluded upon the Board's adoption of
11 this Consent Agreement.

12 6. All admissions made by Respondent in this Consent Agreement are made solely for
13 the final disposition of this matter, and any related administrative proceedings or civil litigation
14 involving the Board and Respondent. Therefore, any admissions made by Respondent in this
15 Consent Agreement are not intended for any other use, such as in the context of another
16 regulatory agency's proceedings, or civil or criminal proceedings, whether in the State of
17 Arizona or in any other state or federal court.

18 7. Respondent acknowledges and agrees that, upon signing this Consent Agreement and
19 returning this document to the Board's Executive Director, Respondent may not revoke his
20 acceptance of the Consent Agreement or make any modifications to the document, regardless of
21 whether the Consent Agreement has been issued by the Board's Chairman. Any modification to
22 this original document is ineffective and void unless mutually approved by the parties in writing.


23 8. Respondent understands that the foregoing Consent Agreement shall not become
24 effective unless and until adopted by the Board and signed by its Chairman.

1 9. Respondent understands and agrees that if the Board does not adopt this Consent
2 Agreement, he will not assert as a defense that the Board's consideration of this Consent
3 Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

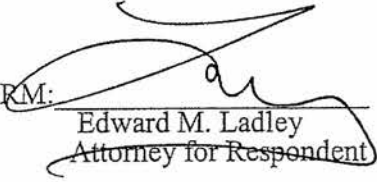
4 10. Respondent understands that this Consent Agreement is a public record that may be
5 publicly disseminated as a formal action of the Board, and shall be reported as required by law to
6 the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

7 11. Respondent understands that any violation of this Consent Agreement constitutes
8 unprofessional conduct under A.R.S. § 32-854.01(21) (violating any formal order, probation or
9 stipulation of the board) and may result in disciplinary action under A.R.S. § 32-852.01.

10
11 DATED: 7/17/08

12 SIGNED: 
Brandon Kim, D.P.M.
Respondent

13
14 APPROVED AS TO FORM:


Edward M. Ladley
Attorney for Respondent

15
16
17 **FINDINGS OF FACT**

18 1. The Board is the duly constituted authority for the regulation and control of the
19 practice of podiatry in the State of Arizona.

20 2. Respondent holds license no. 0571 to practice podiatry in the State of Arizona.

21 3. On or about February 11, 2004 patient C.D. presented to Respondent for a second
22 opinion following an injury to her left ankle in November of 2003.

23 4. Respondent examined C.D., diagnosed her with at least a grade 2 ankle sprain and
24 suspicion of an increased possibility of a 50% tear to a rupture of her ATFL. An ultrasound
25 confirmed significant partial tearing of the ATFL. Fibrosis and synovitis were also noted.

26 5. On June 15, 2004, Respondent performed a modified Broström procedure
27 and placed a Mitek anchor device in the fibula.
28

