

**STATE OF ILLINOIS  
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION  
DIVISION OF PROFESSIONAL REGULATION**

ILL. DEPT. OF FINANCIAL AND PROFESSIONAL REGULATION  
13 DEC 16 PM 1:35  
CLERK OF THE COURT

DEPARTMENT OF PROFESSIONAL REGULATION )  
of the State of Illinois, Complainant, )  
)  
v. ) No. 2013-06999  
)  
BRIAN MURRAY, M.D., )  
License No. 036.126661, Respondent. )

**COMPLAINT**

NOW COMES THE DIVISION OF PROFESSIONAL REGULATION of the  
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of  
Illinois (“Department”), by its Deputy Director of Statewide Enforcement, Sherry L. Eshoo, and  
as its Complaint against Brian Murray, M.D. (“Respondent”), states as follows:

**COUNT I**

1. Respondent is presently the holder of a Certificate of Registration as a Physician and Surgeon in the State of Illinois, License Number 036.126661, issued by the Department. Said license is presently in Active status.
2. The Department has jurisdiction to investigate complaints and to bring this action pursuant to 20 ILCS 2105/2105-15(a)(5) and 225 ILCS 60/36.
3. At all relevant times, Respondent was practicing as a Physician and Surgeon in the State of Illinois.
4. Respondent is a general practice physician.
5. On or about August 7, 2013, Good Intentions, LLC, opened a walk-in facility located at 1723 N. Ashland Avenue in Chicago, Illinois (hereinafter “the Clinic”).
6. In August 2013, Respondent was a physician associated with the Clinic.
7. During August 2013, individuals interested in qualifying for medical cannabis (hereinafter “Applicants”) filled out paperwork and paid a ninety-nine dollar (\$99) registration fee at the Clinic.

8. The Clinic “was established to help Illinoisans take the necessary steps to become qualified medical cannabis cardholders.” *About Good Intentions*, GOOD INTENTIONS, <http://www.goodintentionschicago.com/about.html> (last visited December 6, 2013)
9. On or about August 7, 2013, Department Investigators conducted a field investigation of the Clinic.
10. On or about August 7, 2013, Department Investigators, during a visual inspection of the Clinic observed the following:
  - a. There was a sign in the front window of the Clinic advising “medical marijuana may be right for you.”
  - b. There were no file cabinets or other storage devices that could securely store patient records.
  - c. The exam rooms had no examination tables or medical equipment.
  - d. One exam room had a mattress on the floor and a refrigerator and microwave.
11. On or about August 7, 2013, during questioning by Department Investigators, Respondent indicated the following:
  - a. He was pre-qualifying patients for medical cannabis.
  - b. He was not conducting examinations.
  - c. He was not diagnosing conditions.
  - d. His plan was to make the Clinic a medical clinic that specialized in prescribing medical cannabis to those that qualify.
  - e. He wanted to get a head start on the change in state law legalizing medical cannabis.
12. On or about August 7, 2013, Respondent provided Department Investigators with the paperwork Applicants were filling out.
13. The Clinic paperwork contained a release which included the following statements:
  - a. “Patients understand that they have a primary physician to treat their conditions, or will obtain one within 30 days.”
  - b. “The doctor/patient relationship is limited to the appropriateness of certification and the patient agrees that medical follow-up will be provided by the primary care physician.”

14. In August 2013, Respondent was not conducting medical examinations of any Applicants.
15. The Compassionate Use of Medical Cannabis Pilot Program Act (hereinafter “the Medical Cannabis Act”), 410 ILCS 130, does not take effect until January 1, 2014.
16. In August 2013, none of the Applicants were under the Respondent’s care for a debilitating medical condition, as defined in the Medical Cannabis Act 410 ILCS 130/10(h).
17. At all relevant times, it was illegal to use, possess, or distribute cannabis in the State of Illinois.
18. In August 2013, the Rules for Administration of the Medical Cannabis Act had yet to be promulgated.
19. As currently enacted, under the Medical Cannabis Act, “[a] physician may not ... accept, solicit, or offer any form of remuneration from or to a qualifying patient, primary caregiver, cultivation center, or dispensing organization, including each principal officer, board member, agent, and employee other than accepting payment from a patient for the fee associated with the examination required prior to certifying a qualifying patient.” 410 ILCS 130/35(b)(1).
20. As currently enacted, under the Medical Cannabis Act, a certification for medical cannabis “can only be made in the course of a bona fide physician-patient relationship, after the physician has completed an assessment of the qualifying patient's medical history, reviewed relevant records related to the patient's debilitating condition, and conducted a physical examination.” 410 ILCS 130/10(y).
21. Respondent charged Applicants a fee for pre-certification for medical cannabis without conducting physical examinations.
22. Respondent charged Applicants a fee for pre-certification for medical cannabis without establishing a legitimate physician-patient relationship.
23. The foregoing acts and/or omissions of Respondent are grounds for revocation or suspension of a Certificate of Registration pursuant to 225 ILCS 60/22(A)(5), relying on the Rules for the Administration of the Medical Practice Act, Illinois Administrative Code Title 68, Section 1285.240(a)(1)(A); 60/22(A)(6), and (31).

WHEREFORE, based on the foregoing allegations, the DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, DIVISION OF PROFESSIONAL REGULATION, of the State of Illinois, by Sherry L. Eshoo, its Deputy Director of Statewide Enforcement, prays that


the Physician and Surgeon License of BRIAN MURRAY, M.D., be suspended, revoked, or otherwise disciplined.

## COUNT II

- 1-7. The Department realleges paragraphs 1 through 7 of Count I as paragraphs 1 through 7 of Count II.
8. Good Intentions, LLC is a limited liability corporation organized in the State of Michigan.
9. Good Intentions, LLC is wholly owned by Tammy Jacobi.
10. Tammy Jacobi is neither a licensed physician nor a licensed health care worker in the state of Illinois.
11. The foregoing acts and/or omissions of Respondent are grounds for revocation or suspension of a Certificate of Registration pursuant to 225 ILCS 60/22(14), for violation of the Medical Practice Act's prohibition against fee splitting.

WHEREFORE, based on the foregoing allegations, the DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, DIVISION OF PROFESSIONAL REGULATION, of the State of Illinois, by Sherry L. Eshoo, its Deputy Director of Statewide Enforcement, prays that the Physician and Surgeon License of BRIAN MURRAY, M.D., be suspended, revoked, or otherwise disciplined.

**DEPARTMENT OF FINANCIAL AND PROFESSIONAL  
REGULATION, DIVISION OF PROFESSIONAL  
REGULATION, of the State of Illinois**

By:   
\_\_\_\_\_  
Sherry L. Eshoo  
Deputy Director of Statewide Enforcement

Fred E. Moore  
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Illinois Department of Financial and Professional Regulation  
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STATE OF ILLINOIS  
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION  
DIVISION OF PROFESSIONAL REGULATION

DEPARTMENT OF FINANCIAL AND )  
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of the State of Illinois, Complainant, )  
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BRIAN MURRAY, M.D., )  
License No. 036.126661, Respondent. )

No. 2013-06999

CLERK OF THE COURT

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ILL. DEPT. OF FINANCIAL AND PROFESSIONAL REGULATION

**NOTICE OF PRELIMINARY HEARING**

To: Brian Murray, M.D.  
1501 W Addison St  
Chicago, IL 60613-3613

PLEASE TAKE NOTICE that on Monday, JANUARY 27, 2014, at 1:00 p.m., you are directed to appear before the Administrative Law Judge for the Illinois State Medical Disciplinary Board of the Division of Professional Regulation of the Department of Financial and Professional Regulation of the State of Illinois (Department) located at the James R. Thompson Center, 100 West Randolph Street, 9<sup>th</sup> Floor, Suite 9-100, Chicago, Illinois 60601, at which time a hearing date will be set. You are requested to present any and all routine motions you may wish to have heard regarding the charges contained in the attached Complaint. Any motions presented on the above date should be served on the Adjudicative Services Unit of the Department of Professional Regulation, at 100 West Randolph Street, Suite 9-300, Chicago, Illinois 60601, at least three (3) business days in advance of the scheduled meeting.

Your appearance on the scheduled date is mandatory and failure to so appear may result in the selection of a hearing date in your absence, unless a continuance has been secured in advance of the meeting. Your appearance may be made personally or through an Illinois attorney.

It is required that you file an ANSWER UNDER OATH AND PENALTY OF PERJURY to the attached Complaint with the Division of Professional Regulation of the Department of Financial and Professional Regulation within twenty (20) days of the date this Notice was mailed. The Answer should address each numbered paragraph of the Complaint. The Answer shall be signed under oath and your signature must be verified by a notary public who affixes the notary seal to the document. For each paragraph, the Answer should either:

- a) admit the allegation in the paragraph,
- b) deny the allegation in the paragraph, or
- c) state under oath that you have insufficient information with which to admit or deny the allegation in the paragraph.


PLEASE BE ADVISED that the failure to file a verified Answer may subject you to being held in default. If you are held in default, the Board will assume the allegations to be true and will

issue a recommendation based upon those facts without a hearing being held. These proceedings are held pursuant to the jurisdiction granted to the Department to investigate complaints and to bring this action pursuant to 20 Ill. Comp. Stat. § 2105-15(a)(5) and 225 Ill. Comp. Stat. § 60/36 (2009, as amended).

RULES OF PRACTICE IN ADMINISTRATIVE HEARINGS IN THE DEPARTMENT OF PROFESSIONAL REGULATION AND BEFORE COMMITTEES OR BOARDS OF SAID DEPARTMENT, AS WELL AS PRACTICE ACTS AND RULES MAY BE REQUESTED BY CALLING THE FORMS UNIT AT 312/814-1695.

PLEASE BE ADVISED THAT YOU WILL HAVE TO SHOW A STATE ISSUED PHOTO IDENTIFICATION AND GO THROUGH A METAL DETECTOR IN ORDER TO GAIN ACCESS TO THE BUILDING.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL  
REGULATION of the State of Illinois

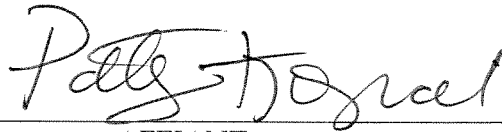
BY:   
Fred E. Moore  
Attorney for the Department

Fred E. Moore  
Staff Attorney, Medical Prosecutions  
Illinois Department of Financial and Professional Regulation  
Division of Professional Regulation  
100 W. Randolph Street, Suite 9-300  
Chicago, Illinois 60601  
312-793-0513

STATE OF ILLINOIS     )  
  )  
COUNTY OF COOK        )

ss: 2013-06999

**UNDER PENALTY OF PERJURY**, as provided by law, Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that I caused copies of the NOTICE OF PRELIMINARY HEARING and COMPLAINT to be deposited in the United States mailbox located at 100 West Randolph Street, Chicago, Illinois 60601, by both regular mail and certified mail, return receipt requested in envelopes with proper postage affixed and addressed to all parties at the addresses listed on the above NOTICE, prior to 5:00 p.m. on the 16 day of December, 2013.



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AFFIANT

Batch #: 3241  
Article #: 71054522644000033859  
Date/Time: 12/16/2013 1:43:11 PM  
Code: FRED MOORE  
Code2: 2013-6999  
File #: PRELIMINARY HEARING 1-27  
Internal File #: JAN 27, 2014 AT 1:00PM

Certified Mail No.: \_\_\_\_\_  
2013-6999  
BRIAN MURRAY, M.D.  
1501 W. ADDISON ST  
CHICAGO, IL 60613