



STATE OF FLORIDA

DEPARTMENT OF HEALTH

INVESTIGATIVE REPORT

Office: West Palm Beach		Date of Case: 1/17/12		Case Number: 2012-00680	
Subject: DAVID SIMON, DO 2517 Seminole Circle West Palm Beach, Florida 33409 O: 561-955-5283			Source: DET. WILLIAM P. SAMPSON PALM BEACH COUNTY SHERIFF'S OFFICE (PBSO) 3228 Gun Club Road, West Palm Beach, Florida 33406 O: 561-688-4147		
Prefix: OS	License #: 4930	Profession: Osteopathic Physician	Board: Osteopathic Medicine	Report Date: 1/30/12	
Period of Investigation: 1/19/12 – 1/30/12			Type of Report: FINAL		
Alleged Violation: 459.0141; 459.015(1)(l)(pp) - Sexual misconduct in the practice of osteopathic medicine is prohibited; Exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with his or her physician.					
<p>Synopsis: This investigation is predicated upon the receipt of a case summary and completed Complaint Form (EX#1) submitted by Detective WILLIAM SAMPSON with the Palm Beach County Sheriff's Office (PBSO) alleging DAVID SIMON engaged in sexual misconduct with patient [REDACTED] beginning on or around December 2010 at his practice location of 101 S. Federal Highway, Lake Worth, Florida 33460. SIMON was [REDACTED] family practitioner for approximately 11 years and approximately 13 months ago, [REDACTED] began receiving "punishment therapy" from SIMON at his office after the business was closed. The "punishment therapy" involved sadomasochistic behavior by SIMON which included blindfolding, tying up and cuffing [REDACTED] while she was disrobed, whipping [REDACTED] with various whips, sticking objects in [REDACTED] vagina, choking [REDACTED] on one occasion, and clipping clothespins to various parts of [REDACTED] body. [REDACTED] was depressed and also treating with a psychologist and thought that the activities taking place at SIMON's office was therapy since SIMON would state that this would help her. On occasion, [REDACTED] would "please" SIMON by performing oral sex. SIMON was interviewed by SAMPSON who denied that the activities taking place with [REDACTED] were therapy. SIMON insisted that the sadomasochistic behavior was consensual between two adults and the patient doctor relationship ended when the sexual encounters began. SIMON gave consent for PBSO to search SIMON's office and various sexual items were found in an exam room including whips, chains, blindfolds, cuffs, a plastic penis and condoms. SIMON was notified of this investigation via letter dated 1/19/11 (EX#2) and was provided a copy of the case summary and complaint form.</p> <p>DOH licensure database reveals SIMON is a licensed Osteopathic Physician.</p> <p>Patient [REDACTED] was notified of the investigation during an in-person interview on 1/19/12.</p> <p>SIMON is not known to be represented in this matter.</p> <p>As of the submission of this report, SIMON has not responded to the allegations.</p>					
Related Case(s): NA					
Investigator/Date: 1/30/12 			Approved By/Date: 		
CHRIS FERGUSON, Investigator WI 100			MICHELLE MILLER, Manager WI 102		
Distribution: HQ/ISU					

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***EXHIBITS CONTAIN INFORMATION WHICH IDENTIFIES PATIENT(S) BY NAME AND ARE SEALED PURSUANT TO SECTION 456.057(10)(a), FLORIDA STATUTES**

INVESTIGATIVE DETAILSSUMMARY OF EXHIBITS/RECORDS/DOCUMENTS

EX #1 contains the case summary, completed complaint form and initiating documents including a PBSO's Offense Report regarding case number 11160123 which is further explained in Detective SAMPSON's and Officer V. NAVARRO's statement.

EX#4 are correspondences dated 12/17/10 and 1/10/12 from EUBANKS which are further outlined in EUBANKS statement.

EX#5 are documents provided by EUBANKS on 1/19/12 which include signed patient release forms and copies of photographs of text messages taken from [REDACTED] cell phone. According to [REDACTED] SIMON's contact name in [REDACTED] phone is "Dave Poker".

EX#6 is [REDACTED] medical record as provided by EUBANKS in response to subpoena 0071706 which include a Client Information sheet completed by [REDACTED] indicating [REDACTED] began treatment with EUBANKS on 1/6/09 and noted that she was currently taking Effexor, Alproazolam for anxiety and birth control and she had been hospitalized for mental illness and attempted suicide.

Also included are EUBANKS' Progress Notes indicating [REDACTED] presented to EUBANKS :

Progress Note indicated [REDACTED] has seen a significant decline in her emotional state and her behaviors over the past several months. "Client states that she has been drinking alcohol daily in excess and is most concerned about her actions recently in a trip to Las Vegas with a group of men. In the Assessment portion of the progress note dated 4/19/10, EUBANKS indicated that he contacted the family behavioral center and scheduled an appointment for [REDACTED] to speak with an intake coordinator.

The Progress Note dated 6/1/10, indicated [REDACTED] recently visited SIMON who changed her medications and began treatment for manic depression. The Progress Note date 11/23/10 indicated [REDACTED] was confused over the new psychological treatment that SIMON began with [REDACTED] over three weeks ago. SIMON guaranteed the new treatment would cure [REDACTED] psychological issues. "She agreed to comply they spoke in his office during the first meeting and then he had her going to an exam room where he blindfolded her, pulled down her pants and slapped her on the rear, according to the client. She was very confused and unsure but has trusted this Dr. for over 11 years and agreed to a list of tasks.... [REDACTED] began receiving text messages from SIMON regarding the success of her tasks and requested they meet again after hours for another appointment. At the second appointment, SIMON explained the method of treatment was about submission and punishment and even though [REDACTED] completed all the tasks she was still punished. [REDACTED] was taken into an exam room, her clothes were removed, her hands were tied and hung from a cabinet and SIMON began to whip her with various objects. The third visit [REDACTED] made to SIMON's office after the hours of operation was similar to the second meeting; however, she was taken into an exam room to disrobe, placed in stirrups and SIMON used different instruments to inflict pain on [REDACTED] "She stated that she was clear that this was a gross violation of the doctor-patient relationship after this point and after leaving started to experience severe symptoms of depression resulting in self-mutilation and suicidal ideation." The Progress Note dated 11/29/10 indicated [REDACTED] attempted suicide the previous Wednesday by way of overdosing on her prescription medications. The Progress Note dated 12/17/10 indicated [REDACTED] continued to see SIMON after hours for the masochistic

treatment and provided detail of the past sessions. The Progress Note dated 1/20/11 indicated [REDACTED] continued to see SIMON who continues to subject [REDACTED] to physical sadistic treatments. [REDACTED] indicated SIMON changed her medication to include Ambilify which SIMON provides to [REDACTED] for free as long as she continues the after hours therapy sessions. The Progress Note dated 5/11/11 indicated EUBANKS completed a disability application for [REDACTED] and performed a mental status exam to which [REDACTED] scored a 52 out of 63 points indicating [REDACTED] is severely clinically depressed. The next note dated 12/22/11 indicated that [REDACTED] texted EUBANKS stating she could not treat with SIMON any longer due to the increased demands by SIMON and "his punishment getting worse and I have been inpatient due to suicide attempt 4x since July. Please give me some advice. I hate being punished by him...."

Also included in this exhibit is a copy of [REDACTED] BPD Self Test and correspondence dated 12/17/10 and 1/10/12 (also EX#4) from EUBANKS which are further outlined in EUBANKS statement.

EX#7 is [REDACTED] medical records as provided by SIMON in response to subpoena # 0071705 which included a Certification of Completeness of Patient Records; patient information dated 8/31/06; a Physical Exam dated 9/12/06 indicating [REDACTED] is anxious, stressed out; a Psych Complaints dated 3/5/07 indicating [REDACTED] has anxiety; Internal Medicine forms; Gynecological Problem forms; Routine Gynecology Exam forms; Progress Notes indicating the last time [REDACTED] was written a prescription for Prozac was 5/26/11; consent forms; lab results and an office visit history form indicating [REDACTED] last office visit was on 9/27/11 and there continued to be a patient-doctor relationship.

EX#8 is [REDACTED] Patient Profile from Target Pharmacy indicating on 11/12/11 SIMON prescribed [REDACTED] 60 Venflaxine 75mg which is used to treat depression; on 11/22/11 SIMON prescribed [REDACTED] 30 Clonazepam 1mg; on 11/28/11 SIMON prescribed [REDACTED] 28 Amoxicillin 500mg and on 1/17/12 prescribed [REDACTED] 30 Fluoxetine 40mg which is used to treat depression.

Also included in this exhibit are copies of prescriptions from Target Pharmacy indicating SIMON was prescribing [REDACTED] medications in 2011 indicating there continued to be a patient-doctor relationship.

CONFIDENTIAL INDEX TO PATIENT'S NAME IS EX#9

STATEMENT OF DETECTIVE WILLIAM SAMPSON (SOURCE)

PBSO

3228 Gun Club Road,
West Palm Beach, Florida 33406
O: 561-688-4147

SAMPSON provided a Police Offense Report (EX#1) when he submitted the complaint form (EX#1) which is his statement regarding the incident. On 1/20/12, this investigator conducted a telephonic interview with SAMPSON who confirmed what was written in the Offense Report is true. In a combination of these contacts, SAMPSON essentially stated:

- On 12/23/11, he responded to SIMON's office located at 101 S. Federal Highway in Lake Worth in reference to a suspicious incident involving sexual acts between SIMON and SIMON's patient [REDACTED]
- Upon arrival, SAMPSON met with Officer NAVARRO who advised that SIMON and [REDACTED] were in the building. NAVARRO obtained consent from SIMON to search the property. During the search, NAVARRO and another Deputy uncovered numerous sadomasochism related sex

objects including various whips, blindfolds, handcuffs, rope, clothespins and other phallic devices.

- SAMPSON met with [REDACTED] and obtained a sworn statement which was audio taped. [REDACTED] advised that SIMON was her family practitioner and has been treating with him for ten to eleven years. In October 2010, [REDACTED] received a call from SIMON advising she had an irregular Pap smear and they had to watch it. SIMON inquired about [REDACTED] depression to which [REDACTED] responded she had a lot on her mind caring for her parents. SIMON offered to treat her after hours. During the after hours visits, SIMON would blindfold [REDACTED], have her take off all her clothing and referred to this as "Punishment Therapy". On a few occasions, [REDACTED] would perform oral sex on SIMON after the therapy. "Dr. SIMON stated it would make her feel better if she pleased him." These sessions would occur once a month in every room in the facility.
- [REDACTED] advised SAMPSON that the last time the session took place was less than a month ago. [REDACTED] described the last session to SAMPSON which involved [REDACTED] undressing, her hands being tied together in front of her and locked in a closet. SIMON removed her from the closet, placed his hands over her mouth and nose and one hand on her throat. This was the first time SIMON cut off [REDACTED] air supply. [REDACTED] was taken into the employee break room and was tied to a wooden table. SIMON began to whip her lightly, "which was less than usual." SIMON placed metal things on [REDACTED] nipples and pulled the attached chains. SIMON removed ice from the refrigerator and placed the ice on her stomach and inside her. SIMON asked [REDACTED] if it hurt which she replied "yes" and then Simon asked if she wanted more and she replied "no". SIMON stopped using the ice on her and inserted the handle of the whip into her vagina, placed clothespins on her legs, arms and breasts and left her there approximately fifteen minutes. SIMON then took her into another room, tied her to a cabinet and began to whip her front and back. The session lasted approximately 3 hours. After the whipping, SIMON removed the clips and blind fold and they went into his office where [REDACTED] put back on her clothes.
- [REDACTED] stated to SAMPSON all these acts were done with her consent. [REDACTED] did not have to pay for these sessions and her insurance company was not billed. During regular office visits, SIMON would waive her co-pay or pay her cash out of his pocket to cover the co-pay. [REDACTED] also advised SAMPSON that she thought the sessions were therapy not a sexual relationship.
- SAMPSON then interviewed SIMON who advised [REDACTED] had been a patient of his for many years and she was seeing a therapist. SIMON stated [REDACTED] asked him if he was interested in sex toys and requested to have a sadomasochistic relationship with him. SIMON stated he agreed, but stated he could no longer see her as a patient. There were a total of five or six sessions which began approximately a year ago. SIMON explained to SAMPSON that the sadomasochistic relations included light whipping and handcuffing of [REDACTED]. SIMON denied ever using rope to bound [REDACTED], but when SIMON removed his identification from his coat pocket a rope and blindfold fell out. [REDACTED] and SIMON never had intercourse or oral sex. [REDACTED] was never charged for the after hour sessions.
- "Based on the statements by [REDACTED] and Dr. SIMON, the encounters appear to be consensual between adults therefore at this time this report is for informational purposes only."

INVESTIGATOR'S NOTE

SAMPSON is on training for two weeks and once he returns, he will provide copies of the photographs taken of the sexual items located at SIMON's office and a copy of the audio recording of [REDACTED] interview.

INTERVIEW OF [REDACTED] (PATIENT)

On 1/19/12, this investigator along with DOH investigator JAQUELINE MANNING conducted an in person interview with [REDACTED] at EUBANKS office. EUBANKS was present for most of the interview. [REDACTED] essentially stated:

- [REDACTED] began treatment with SIMON ten or eleven years ago when she moved back to Florida and began working for her parents company. SIMON was her primary care physician (PCP).
- On or around January 2009, [REDACTED] began treating with EUBANKS who was referred by SIMON.
- On or around November 2010, [REDACTED] presented to SIMON for a regular gynecological exam. A few days later, she received a call from SIMON advising her of an irregular Pap smear. SIMON asked how she was dealing with depression and advised that he could help her and had some free time after the office was closed and would be willing to help her for free. "I felt like finally someone was going to help me. I was tired of feeling bad and wanting to die."
- The next week, [REDACTED] received a text from SIMON advising her to come to his office. When she arrived, there was no else at the office. "We talked a little in his office and then he took me into an exam room where he lightly slapped my bare buttocks. We went back to his office and he gave me some tasks to complete at home." SIMON referred to the therapy as "Punishment Therapy". SIMON also advised that this type of therapy has been successful with his other patients. Approximately a week later, [REDACTED] received a text from SIMON inquiring about the tasks. SIMON gave [REDACTED] another date to come back for therapy.
- On the second visit, [REDACTED] brought her father because he has Alzheimer's and can't be left alone. "SIMON was very upset that I brought my dad." SIMON advised to leave the father in the waiting room, but [REDACTED] advised he could not be left alone because he would walk out. SIMON then gave [REDACTED] father magazines and locked him in an exam room. SIMON and [REDACTED] went to SIMON's office where he inquired about the tasks and stated even though the tasks were completed, "I still needed to be punished." "SIMON took me into an exam room, I undressed and he blindfolded me. He then tied my hands and legs and somehow hung me from the ceiling. SIMON began to whip me with various objects. It hurt, but I did not want to scream because my father was in the other room. After the whipping, he laid me on the cold floor naked for a while. SIMON then came into the room and told me to get dressed and I was asked to leave.
- Over the past thirteen months, [REDACTED] has approximately had fifteen to twenty of these types of sessions that SIMON called "Punishment Therapy". All the sessions involved [REDACTED] being naked, blindfolded, tied, whipped and placing items in her vagina which at times caused extreme pain.
- The last session which occurred sometime in November 2011, [REDACTED] stated the session was different than normal. [REDACTED] undressed and SIMON tied her hands and feet together and placed her in a closet for an extended period. SIMON removed her from the closet, placed her on the

floor with her face up and began to choke her and cut off all her air supply. She was then taken to the break room, tied to a table, whipped her little, then placed clips with chains on her nipples, then began to rub ice on her body and in her vagina which hurt and SIMON quit once she advised it hurt. SIMON then took the handle of the whip and placed it in her vagina and walked away for a while. SIMON then took her into another exam room and whipped her with various whips. The last session lasted approximately three hours.

- In early December 2011, [REDACTED] attempted suicide and was treated at The Jerome Golden Center for Behavioral Health in West Palm Beach. [REDACTED] attempted suicide four times over the last 6 months and the last time she was very close to succeeding. "I want to die, but can't for my parents sake." She did not feel comfortable seeing SIMON anymore and was avoiding his texts. In late December, SIMON kept texting her to come for an appointment (EX#4) and she couldn't take it anymore. The only way she knew how to get away from SIMON was to "come clean" and notify law enforcement.
- Every session was similar in that she would initially sit in SIMON's office and they would talk for fifteen to twenty minutes. Her medical record was always on his desk. After they talked, she would go into an exam room and the therapy would start. After each session, while naked, SIMON would sit [REDACTED] at his desk and force her to write a statement saying that she liked the therapy and it was consensual. On five or six occasions, she performed oral sex on SIMON at his request after the session was complete. On one occasion, SIMON asked [REDACTED] if she wanted to participate with another girl and that [REDACTED] could whip her, but [REDACTED] declined stating "I do not want to hurt anyone."
- [REDACTED] had been treating with SIMON for approximately eleven years. SIMON was also her parents' doctor which is why [REDACTED] trusted SIMON. When the "Punishment Therapy" started, [REDACTED] thought it was wrong, but trusted SIMON. SIMON was telling her it was going to help her. [REDACTED] boyfriend told her it was wrong and not therapy. EUBANKS also advised [REDACTED] that what was happening at SIMON's office was not therapy. [REDACTED] was scared that SIMON would hurt her if she decided to stop. [REDACTED] also could not pay for some of her psychotropic medications and SIMON would give her samples after the sessions. SIMON would also waive [REDACTED] insurance co-pays when she would treat during regular office hour visits. If [REDACTED] would pay the co-pay, SIMON would give [REDACTED] cash to cover the payment.
- [REDACTED] assumed the after hours was therapy, not a sexual relationship. She was still treating with SIMON during regular office hours when she was sick or needed refills on her prescriptions. [REDACTED] was at JFK Hospital in middle to late December 2011 and calls were placed to SIMON requesting help and SIMON ignored [REDACTED] medical issues, but wanted to know when she was returning for the after hours sessions. [REDACTED] feels really bad and embarrassed about the situation and how SIMON could have taken advantage of her.
- [REDACTED] knew she was doing the right thing when the police officers began to question SIMON about what was going on and SIMON was yelling at the police officers saying [REDACTED] was a lunatic suicidal. [REDACTED] also heard SIMON tell the police that [REDACTED] was a drug addict. "I was very hurt by what he was saying. I have mental issues and want to die, but I am not a drug addict. I thought, how could he be saying those things when he was supposed to be helping me."

STATEMENT OF OFFICER VICTOR NAVARRO (WITNESS)

PBSO

3228 Gun Club Road,
West Palm Beach, Florida 33406
O: 561-688-3000

SAMPSON provided an Offense Report (EX#1) which included a statement from Officer NAVARRO and he essentially stated:

- NAVARRO was the responding officer when he contacted EUBANKS on 12/23/11. A three way conference call transpired between NAVARRO, EUBANKS and [REDACTED]. [REDACTED] advised that SIMON had been doing things to her that she now feels are inappropriate and was scheduled to meet with SIMON later in the day.
- NAVARRO met with [REDACTED] prior to her scheduled appointment with SIMON. [REDACTED] explained that she was receiving unusual therapy from SIMON at his office once it is closed for the day. The therapy included her being naked and choked, tied up, whipped and items placed inside her vagina all while being blindfolded. [REDACTED] advised NAVARRO that she did not think the therapy was appropriate and she did not like the choking, but SIMON says it will help her.
- [REDACTED] asked NAVARRO if he would enter the office after her to confront SIMON. [REDACTED] advised that she is usually placed in the first exam room with white cabinets which is where the whips, handcuffs, clothespins and blindfolds are kept.
- While [REDACTED] was inside SIMON's office, NAVARRO and Deputy PHILLIPS knocked on the door. It should be noted that no other clients or employees were at the office. SIMON opened the door and allowed the officer inside after NAVARRO advised he was investigating a battery case. "SIMON told me he was with a patient." [REDACTED] was observed in the hallway and advised she was ok. After questioning SIMON about the allegations in SIMON's office, SIMON provided a written consent to search the office. "Inside the first treatment room with the white cabinets, Deputy PHILLIPS and I recovered several sexual items, such as whips, chains, blindfolds, cuffs, and a plastic penis. On the top of Dr. SIMON's office cabinet, another plastic penis and condoms were recovered and eventually photographed and placed into evidence.
- NAVARRO notified the Special Investigations Unit of his findings and the case was turned over to SAMPSON for further investigation.

STATEMENT OF ROBERT EUBANKS, LMHC (WITNESS)

Practice

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Lake Worth, Florida 33460

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C: 561-385-9184

On 6/6/11 and subsequent dates, this investigator and DOH Investigator JAQUELINE MANNING conducted an in person interview with EUBANKS at his practice location. EUBANKS also provided correspondence dated 12/17/10 and 1/10/12 (EX#5) outlining his statement. In a combination of these contacts, EUBANKS essentially stated:

- [REDACTED] was referred to him by SIMON and has been treating [REDACTED] since 1/6/09.
- On 11/23/10 during a therapy session with [REDACTED], she described a new therapy described by SIMON as “disciplined based and requiring submission and punishment.” [REDACTED] would go to SIMON’s office after hours and was the only person present.
- [REDACTED] described the sessions to EUBANKS which included [REDACTED] being naked and slapped on the buttocks, tied up with handcuffs and/or rope, whipped with various whips and on one occasion placed into stirrups while “SIMON used various instruments to create extremely painful sensations in her genitals.” At the end of the treatment, SIMON reminded [REDACTED] that this treatment was consensual between two adults and she needed to thank him for the treatment by giving him oral sex. “This fed into her self-mutilating tendencies as she told me, I also felt that I deserved the punishment like, Dr. SIMON said.”
- [REDACTED] insisted to maintain confidentiality and make no reports. On December 17th, [REDACTED] gave EUBANKS permission to file an anonymous report. “She stated she did not want to endanger herself by making a personal report but felt if I did, then others would be protected and it may also help her disengage from this relationship with Dr. SIMON. EUBANKS noticed [REDACTED] emotional state had declined and [REDACTED] admitted to increased self-mutilation and agoraphobia.
- EUBANKS’ filed a report with DOH and law enforcement, but [REDACTED] would not come forward and nothing could be done.
- On 12/23/11, [REDACTED] contacted EUBANKS advising that she could no longer take the fear and intimidation created by SIMON and was willing to cooperate with whoever could help. EUBANKS contacted PBSO and had [REDACTED] contact PBSO

INVESTIGATOR’S NOTE

As of the submission of this report, SIMON has not responded to the allegations. A Supplemental Report will be forwarded to PSU if SIMON responds.