

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:	)	
	)	
	)	
<b>SEAN SHAMSABADI STEELE, M.D.</b>	)	<b>Case No. 18-2010-204744</b>
	)	
Physician's and Surgeon's	)	
Certificate Number A 80011	)	
	)	
	)	
Respondent.	)	
_____	)	


**DECISION**

The attached Proposed Decision is hereby adopted by the Medical Board of California, Department of Consumer Affairs, State of California, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on April 17, 2012.

IT IS SO ORDERED March 19, 2012.

MEDICAL BOARD OF CALIFORNIA

By:   
\_\_\_\_\_  
Hedy Chang, Chair  
Panel B

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

SEAN SHAMSABADI STEELE, M.D.

Physician's and Surgeon's  
Certificate No. A 80011,

Respondent.

CASE No. 18-2010-204744

OAH No. 2011050151

**PROPOSED DECISION**

This matter came on regularly for hearing before Roy W. Hewitt, Administrative Law Judge, Office of Administrative Hearings, in San Diego, California on January 17, 18, 19, and 20, 2012.

Deputy Attorney General Tessa L. Heunis represented complainant.

Dr. Sean S. Steele (respondent) personally appeared and was represented by Russell Iungerich, Esq.

Oral and documentary evidence was received and the record remained open until February 3, 2012, so that the parties could submit lists of case citations/statutes. The matter was deemed submitted on February 3, 2012.

**FACTUAL FINDINGS**

1. The Accusation against respondent was filed by Linda K. Whitney (complainant), while acting in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs, State of California (the Board).

2. On July 31, 2002, the Board issued respondent Physician's and Surgeon's Certificate No. A 80011. Respondent's certificate was in full force and effect at all times relevant to the instant proceedings.

3. On December 23, 2008, a Felony Information was filed against respondent. The information alleged that on September 3, 2008, respondent committed the following crimes: Count 1- battery with intent to commit sexual assault; Count 2 - open or gross lewdness; Count 3 - sexual assault; Count 4 - sexual assault; and Count 5- coercion (sexually motivated). Ultimately, on October 26, 2009, in Clark County District Court, State of Nevada, Case No. C250629, as a result of plea negotiations, respondent was convicted, after pleading nolo contendere, of one count of misdemeanor battery. As a result of the conviction respondent was sentenced to pay a \$1,000 fine, complete Impulse Control counseling, and pay restitution to Rose Heart. The facts underlying the conviction establish that the conviction and surrounding circumstances was for conduct/an offense substantially related to the qualifications, functions and duties of a physician and surgeon.

*M.R.'s Testimony*

4. M.R.'s testimony concerning what occurred on September 3 and 4, 2008, is paraphrased, as follows: K.R., a local female Nevada attorney, met respondent through a professional on-line dating service, "It's Just Lunch."<sup>1</sup> K.R. met respondent for lunch, the two discussed their professions and other background information; as a result, the two decided to go on subsequent dates. K.R. and respondent got along fine, and went on two or three uneventful, "nice," dates prior to September 3, 2008.

5. On September 3, 2008, K.R. and respondent went on a date. Respondent planned on drinking during the date so he hired a driver to drive respondent's black Mercedes SUV.

6. Respondent and his driver went to K.R.'s home and picked her up for the date. Respondent and K.R. then traveled<sup>2</sup> back to respondent's residence where they had a drink. K.R. did not finish her drink so she took her drink with her in the car. The two then traveled to the Treasure Island hotel and casino for dinner. Respondent was drinking a "lot of doubles," while K.R. had one regular strength drink and "half a double" that respondent had ordered for her. K.R. had a "little buzz" from drinking. After dinner, K.R. and respondent were driven to the Riviera Casino where they were going to attend a comedy show. The two thought the show was scheduled to start at 8:00 p.m.; however, after arriving at the Riviera they discovered that the show was not going to start until 9:00 p.m. Consequently, the two went to one

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<sup>1</sup> "It's Just Lunch" is a service that provides introductions to professionals wanting to meet other professionals. Clients provide "It's Just Lunch" with their background information. "It's Just Lunch" then does some type of compatibility comparison, and contacts clients to arrange a lunch meeting.

<sup>2</sup> Since they had a driver, K.R. and respondent sat next to each other in the back seat of the Mercedes.

of the casino bars where respondent had a “couple more doubles.” When it was time for the comedy show, K.R. and respondent went into the show area and respondent went to the bar located inside to get another drink. K.R. did not have any more to drink.

7. Respondent was acting strange and K.R., who admittedly had a “buzz” from the alcohol, realized that respondent was “drunk.” Respondent and K.R. sat in the front-row VIP spectator section of the comedy show and respondent actively interacted with the comedian. K.R. was embarrassed by respondent’s conduct. “He was acting strange, ridiculous, he was drunk and was very loud.” At this point K.R. realized that this was going to be her last date with respondent. K.R. and respondent left the comedy show and respondent stopped at a blackjack table to play blackjack. At one point respondent excused himself and went to the restroom. He was only gone for 45 seconds to one minute and when he returned K.R. noticed “white powder around his nose.” K.R. confronted respondent by asking him if he had just done a “line of coke.” Respondent responded by asking, “What’s the big deal? Do you have a problem with blow? What’s the big deal?” Respondent then engaged other people in the “blow” conversation by asking them if they thought cocaine use was any big deal. Respondent continued to gamble. K.R. noticed that respondent’s nose was runny, his eyes were red and he was exhibiting “erratic behavior.” In fact, at one point a pit boss spoke with respondent about his behavior. It was about midnight, K.R. was embarrassed and she wanted to go home. The two left the Riviera Casino.

8. The driver picked K.R. and respondent up in an area behind the Riviera. The two had planned to go to a nearby establishment, the Blue Martini, so K.R., who decided she just wanted to go home, called a friend of hers, told her friend that she was on a date “with this crazy guy,” and asked her friend to pick her up at the Blue Martini night club.

9. K.R. and respondent were sitting side-by-side in the back seat of the Mercedes during the drive to the Blue Martini. During the trip respondent leaned over and began kissing and fondling K.R. K.R. responded by saying, “Okay, okay, enough.” Respondent leaned back to his side of the seat. Then, respondent attacked. Respondent pinned K.R. down and was putting his mouth on her breast area. K.R. testified that respondent began pulling at her jeans and became focused on “my crotch area.” K.R. began beating respondent on his head and screaming at him to stop. The car had darkly tinted windows and the radio had been turned up to a very high volume. Respondent had pulled K.R.’s jeans and panties down and his “hands and mouth were everywhere from the top of my chest down to my vagina.” Respondent was penetrating K.R.’s vaginal and anal area with his fingers and had his mouth in her vaginal area. K.R. was panic stricken. She felt a pain in her crotch area like someone was cutting at her with a knife and she was “real scared.” K.R. just wanted to get out of the car.

10. K.R. does not know why the car stopped, but it did and she tried to get out. At first she was restrained by the driver but then respondent said, "Let her go," and K.R. jumped out of the car, pulled her jeans up, and ran across two lanes of traffic before reaching the curb. K.R. then walked to the nearest open business establishment, an Adult Superstore, went inside and managed to get a ride home. K.R. got home, climbed into bed with her clothes on, and wrapped herself in the bed sheets so that she felt safe and secure (K.R. "felt so violated that [she] just wanted to feel covered") K.R. just lay there with the lights on.

11. On September 4, 2008, after K.R. recovered somewhat from her shock, she called her ex-husband who, like respondent, was also a doctor in the area. K.R. told her ex-husband what had happened. Her ex-husband told her not to bathe and to immediately call the police. K.R. did so, the police arrived and K.R. was transported to the police station and then to the University Medical Center Sexual Assault Unit for examination. A Sexual Assault Nurse Examiner (SANE) examined K.R.<sup>3</sup>

12. K.R. was wearing "Brazilian-cut," lacy underwear that went missing as a result of the attack. K.R. believes that because her pants were never totally removed respondent must have ripped her underwear off during the assault.

#### *Respondent's Testimony*

13. Respondent is licensed to practice medicine in California and Nevada. Currently, respondent is employed at Mountain View Hospital located near his home in Henderson, Nevada.

14. Respondent agreed with K.R.'s testimony as set forth in Findings 4 and 5, above. However, from Finding 5 through 12, respondent vehemently disagreed with K.R.'s testimony concerning their September 3-4, 2008 date.

15. Respondent testified that during their third date K.R. began asking him questions about how much he owed on his house, how many cars he had and whether he wanted children. Respondent denied drinking to excess on September 3, 2008, through the early morning hours of September 4, 2008.<sup>4</sup> Although respondent admitted interacting with the comedian during the comedy show at the Riviera Casino, he testified that it was mutual bantering and that he was not heckling the comedian. Respondent admitted that after the comedy show, while at the black jack table, he excused himself briefly to go to the restroom. Respondent denied using

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<sup>3</sup> The relevant findings are described in Finding 16.

<sup>4</sup> Respondent testified that he never ordered "doubles;" rather he ordered two drinks, vodka and orange juice, one for him and one for K.R. Respondent testified that he only had a couple regular drinks during the entire time and that K.R. had one sake and two cocktails.

cocaine in the restroom, having any white powder on his face in the area of his nose, or being confronted by K.R. about cocaine use. Respondent denied being asked to leave the blackjack table by a casino pit boss. According to respondent shortly after he returned to the blackjack table from the restroom the dealer got “21” and beat the players at the table. There was a lot of commotion and a pit boss came over and “high-fived” someone at the table. Shortly thereafter, respondent and K.R. left the casino and were picked up outside by the driver. Respondent testified that K.R. made arrangements to go to the Blue Martini so they drove off with that goal in mind. During the trip, K.R. became “very friendly.” Her “favorite song” was being played on the radio so K.R. leaned over respondent and reached to the front of the SUV to turn the volume up on the radio. K.R. ended up in respondent’s lap and began kissing respondent in a “more passionate” way. As they reached the Spring Mountain area K.R. “pushed back off [respondent’s] lap.” While doing so, “her pants came down to her upper thigh area.” K.R.’s crotch area/vaginal area was not exposed, however, K.R. became very upset and wanted to get out of the car. Respondent offered to drive K.R. wherever she wanted to go but K.R. insisted on getting out of the car. The driver pulled to the side of the roadway and respondent told the driver to let her out. K.R. got out and left. After K.R. left the vehicle respondent became concerned for her safety because she was acting “erratic,” so he had the driver circle the area to check on K.R. They could not find K.R. so they drove away from the area and respondent tried to call K.R. on her cell phone several times during the day of September 4, 2008.

### *The Medical Evidence*

16. The Sexual Assault Nurse Examiner (SANE) who conducted the sexual assault examination on K.R. on September 4, 2008, testified that when she saw K.R., K.R. was visibly shaken. K.R. answered all of the nurse’s questions and was “very straight forward with her answers.” The pelvic examination was “very painful for her” because she had a one to one-and-a-half inch laceration in the right side of her clitoral hood. K.R. had undergone a clitoral piercing when she was 22 years old (at the time of the hearing K.R. was 33 years old) and had a wire ring with a metal ball placed in her clitoris.<sup>5</sup> It appeared that the ring had been forcefully pulled to the extent that it was broken, though still in the clitoris, the clitoral ring had been “torn through the skin in that area” (i.e., the skin had been severely lacerated, and the ornamental silver ball was missing.) The examining nurse testified that she had never seen an injury “to this extent” in a victim’s clitoral area. The “ragged lacerations<sup>6</sup>” were the largest the nurse had seen “out of approximately 4,000 cases.” The nurse

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<sup>5</sup> K.R. testified that she never removed the ring and/or silver ball attached thereto and that the ring remained in place from the time she had it placed until the incident in respondent’s car on September 4, 2008.

<sup>6</sup> In addition to the one to one-and-a-half inch laceration there was also a separate, smaller laceration, the size and shape of a finger nail, proximate to the larger laceration.

removed the ring from K.R.'s clitoral area, and swabs were taken of K.R.'s breast area, vaginal area, and anal area.

17. The examining nurse testified that the medical evidence was consistent with K.R.'s "history" (i.e., report of what occurred with respondent).

### *The Investigation*

18. Las Vegas Metro Police Department Detective Lora Cody (the detective) was assigned to investigate K.R.'s report of sexual assault. The detective met K.R. at 11:00 a.m. on September 4, 2008, and transported K.R. to the University Medical Center for a sexual assault medical examination (See Finding 16, above.) While the detective was interviewing K.R., K.R. received a telephone call from respondent. K.R. had received other calls from respondent and she had not answered any of them. The detective told K.R. that she wanted K.R. to call respondent and ask him specific questions. After receiving directions on exactly what to ask, K.R. returned respondent's call(s). Respondent answered K.R.'s call and the detective listened to the exchange between respondent and K.R. The detective testified that when K.R. asked respondent why he had attacked her respondent was "apologetic, he did not recall what had happened. He wanted to know why K.R. punched him in the face several times and then jumped out of the car in traffic."

19. The detective went to respondent's house where a search warrant, allowing the search of his vehicle and the obtaining of a blood sample from respondent, was executed at approximately 6:50 p.m. on September 4, 2008. During the search of respondent's car a small ornamental silver ball was found lodged between the rear seatback and seat of the Mercedes. The silver ball was impounded as evidence and K.R. was transported to the scene to see if she could identify the silver ball. K.R. arrived at the scene and identified the silver ball as the piece of jewelry that had been attached to her clitoral ring.

20. No panties or drink glasses were found in the car and the detective testified that it appeared the car had been cleaned; she noticed a bleach-like smell in the car.

21. A blood sample was taken from respondent, respondent said he wanted to speak with a lawyer, and he was arrested.

22. As part of the investigation, the detective reviewed surveillance video tapes from the Riviera Casino and from the Adult Superstore where K.R. sought refuge after the attack.

23. The detective testified that, in relevant part, the Riviera surveillance video showed the following: Respondent left the blackjack table and went to the restroom. Respondent entered the restroom. 45 seconds to one minute later

respondent returned to the gaming table. His demeanor had changed. He was “boisterous,” he was “wiping his nose,” and he was “animated and agitated at the gaming table.” A pit boss approached respondent, held up both his hands and there was a verbal exchange. Respondent and K.R. left the Casino “shortly after [respondent’s] exhibition of bad behavior.”

24. According to the detective, the Adult Superstore surveillance video shows K.R. “run in. She was extremely disheveled, her jeans were open in the front, and she appeared frantic.” The detective further testified that what she saw on the video “corresponded with K.R.’s report.”

#### *Scientific Analysis of the Physical Evidence*

25. The blood sample taken from respondent at 6:50 p.m. on September 4, 2008, was negative for any illegal controlled substances. However, the detective testified that based on her extensive training and experience with drugs, cocaine “metabolizes very quickly in the human body.” No expert testimony was proffered concerning the half-life of cocaine or its derivatives or how long after cocaine use the use could be detected in the blood.

26. Respondent presented the following expert testimony concerning DNA test results of the evidence: the silver metal ball had “mixture DNA detected on it—one male source and one female source—consistent with respondent and the victim” being contributors; and, the breast swabs taken from K.R. also had a “mixture DNA, prominently male, and consistent with respondent” being the contributor. Respondent’s DNA profile is “consistent” with the DNA found on K.R.’s breasts and on the silver ball that had been attached to her clitoral ring.

#### *Respondent’s Testimony Concerning the Physical Evidence and the Test Results*

27. Respondent testified that he knew nothing about a clitoral ring or missing silver ball until September 4, 2008, when the detectives appeared at his house and served the search warrant. Respondent knew nothing about K.R.’s missing underwear, or how any DNA consistent with his DNA profile came to be on the silver ball clitoral jewelry. Respondent denied ever biting on the ring or silver ball, causing the lacerations to K.R.’s clitoral area, or improperly touching K.R. in any manner. During the hearing respondent testified that his DNA may have gotten on K.R.’s breasts because at some point during the infamous car ride respondent “touched [K.R.’s] bare breasts.”

28. Amazingly, respondent had no comment concerning how, based on his recitation of the “facts,” K.R.’s clitoral ring silver ball could have been found in the back seat of his Mercedes.

#### *Prior Inconsistent Statements*



29. On August 26, 2010, respondent was interviewed by California Medical Board personnel. During the interview the following relevant colloquy occurred concerning the car ride to the Blue Martini:

“ Q: And then you guys kiss.

A: Yes. We started kissing. Her arms were around my shoulder as she reached over and we started kissing. I think - -

Q: How long was that kissing:

A: I would say probably about maybe a minute or two minutes.

Q: Okay. So that's – a minute or two minutes, I'd say would qualify as making out; right?

A: Yes. I would – I would definitely characterize it as making out. I would.

Q: Was it just kissing? Was there any fondling or anything like that going on?

A: There was no fondling. I was – I did have my hand sort of in the middle of her back, kind of bracing her as she was sitting, but I was not holding her down or I was not pushing her.

Q: There's no feeling of the breasts or anything like that:

A: No. But, however, she have [sic] and [sic] open – very open type blouse on and I – my body was – my face was touching her neck and upper body.

Q: Okay. But not the actual breasts breasts [sic].

A: I was not – no, I was not. No – no.” (Exh 22, AGO 0308-0309)

Relative to the restroom incident at the Riviera Casino respondent told the Medical Board something very interesting; something he did not mention during his hearing testimony. Respondent admitted going to the restroom and coming out of the restroom; however, during the Medical Board interview respondent stated: “She [K.R.] had also gone to the bathroom and come out and going back to – to what you had said [asked] earlier about when her mood changed, I think that's when I sort of started noticing a change in her behavior. . .” (Exh. 22, AGO 0328)

30. K.R. has made no prior inconsistent statements. Her accounts of what occurred have remained relatively constant over time and were corroborated by the independent evidence.

#### *Credibility Evaluation*

31. The driver of the Mercedes did not appear for the hearing and testify (respondent claimed during the hearing that he tried to locate the driver but could not find him); consequently, the facts underlying respondent's criminal conviction turn on who is more credible—K.R. or respondent. In making the credibility determination the following factors were considered: Incentives to fabricate; whether the story logically flows and accounts for all of the independent physical and circumstantial evidence; prior inconsistent statements; and whether there is any evidence of a consciousness of guilt. When these factors are applied to the evidence there is no doubt that K.R. is telling the truth and respondent is lying.

32. K.R. has no incentive to lie. Although she had filed a civil suit against respondent, that matter had settled via arbitration prior to the instant hearing. Additionally, K.R. had informed her civil attorney that she just wanted to get everything over and she had no interest in participating as a witness in the criminal action against respondent; consequently, respondent was given the benefit of an extremely favorable plea bargain and, at the time of the instant hearing, the criminal matter had also been resolved. Respondent, on the other hand has everything to gain by testifying falsely, under oath, in the present matter. Surely, he realizes that not only will his California certification/license be disciplined but, in all likelihood, based on any California discipline the Nevada State Board of Medical Examiners may elect to institute disciplinary action against respondent and revisit the issue of his remaining licensed to practice medicine in Nevada.

33. K.R.'s recitation of the facts flows logically and accounts for all of the independent, objective evidence. Respondent's story is riddled with inconsistencies and fails to provide any reasonable or rational explanation of the physical evidence. For example, if respondent's story is believed, how did K.R. sustain her injuries to her clitoral area and how did the silver ball that had been attached to her clitoral ring come to be in the rear seat of respondent's Mercedes. Respondent can't account for the physical evidence because the only reasonable explanation is that provided by K.R.—respondent brutally sexually attacked her in the back of the Mercedes and bit and pulled on K.R.'s clitoral ring until it lacerated K.R. and broke, letting the silver ball fall into the area of the back seat between the back rest and seat cushion. Additionally, respondent's own expert testified that DNA consistent with respondent's DNA profile was found on the silver ball and on K.R.'s breasts. Again, K.R. provided the only reasonable explanation for how that could be.

34. Respondent made prior inconsistent statements, K.R. did not. During the Medical Board interview respondent denied touching K.R.'s bare breasts; however, during the instant hearing he testified that he fondled her bare breasts and kissed her in that area.

35. Respondent exhibited a consciousness of guilt when he failed to deny allegations made against him when any ordinary reasonably prudent person in the same or similar circumstances would have denied the allegations. Specifically, during

the telephone call from K.R. that was monitored by the detective, respondent did not deny being hit in the face and head area by K.R. during their car trip toward the Blue Martini. Instead, according to the detective who monitored the phone call respondent was “apologetic, he did not recall what had happened. He wanted to know why K.R. punched him in the face several times and then jumped out of the car in traffic.” This, in legal terms, represents an adopted admission of the truth of K.R.’s allegations.

36. In sum, K.R. is telling the truth and respondent lied to the Medical Board investigators, lied in the civil suit and lied under oath in the present proceedings.

*Respondent’s Failure to Notify the California Medical Board of the Felony Information Filed Against Him in Nevada.*

37. Respondent failed to notify the Board, in writing, within 30 days of the date of occurrence, that Nevada had filed a criminal information against him, charging felonies<sup>7</sup>.

## LEGAL CONCLUSIONS

1. Cause exists for discipline pursuant to Business and Professions Code sections 2227 and 2234, as defined by section 2236 because respondent was convicted of a crime substantially related to the qualifications, functions and duties of a physician and surgeon.

2. Cause exists for discipline pursuant to Business and Professions Code sections 2227 and 2234, because the facts, considered in their entirety, reveal that respondent has engaged, and continues to engage<sup>8</sup>, in conduct which breaches the rules and ethical code of the medical profession and that he engaged and continues to engage<sup>9</sup> in conduct that is unbecoming to a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine.

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<sup>7</sup> Business and Professions Code section 802.1 provides, in pertinent part: “(a)(1) A physician and surgeon . . . shall report either of the following to the entity that issued his or her license: (A) The bringing of an . . . information charging a felony against the licensee.” Business and Professions Code section 802.1, subdivision (B)(2) provides: “The report required by this subdivision shall be made in writing within 30 days of the date of the bringing of the . . . information . . . .”

<sup>8</sup> Not only by committing the sexual assault and battery against K.R. but also by perpetuating his victimization of K.R. by lying to Board investigators, forcing K.R. to testify during the present hearing and by his current lying, while under oath, during the instant hearing.

<sup>9</sup> See footnote 8.

3. Although respondent has no record of any other criminal actions or disciplinary proceedings against him, the instant case is extremely egregious. Although respondent only stands convicted of misdemeanor battery, in truth and in fact, he committed aggravated sexual assault upon K.R. Respondent's conduct represents the antithesis of what is expected of a licensed physician and surgeon. Physician's and surgeons take an oath to help those in need and to do no harm. Instead, respondent savagely attacked K.R. and is unwilling to admit and address his antisocial behavior. Respondent denies having consumed an excessive amount of alcohol or having used cocaine during the events of September 3 and 4, 2008; consequently, there is nothing to mitigate his conduct. The only reasonable conclusion is that respondent suffers from some type antisocial psychological problem that can unexpectedly lead to extreme violence. The only way to ensure public protection is to revoke respondent's certification so that a similar situation will not spontaneously occur with a patient. This will not only protect the public and patients, it will also serve to protect the reputation of the medical profession; a profession that prides itself, and relies upon, public trust and its members' integrity.

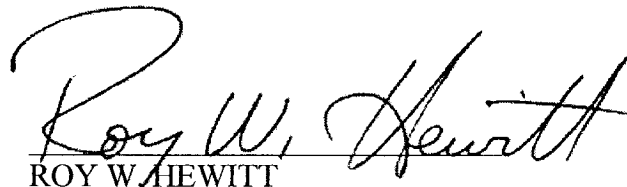
#### ORDERS

WHEREFORE, THE FOLLOWING ORDER is hereby made:

Physician's and Surgeon's Certificate Number A 80011, issued to respondent Sean S. Steele, and all rights appurtenant thereto is/are revoked.

Owing to respondent's previous failure to notify the California Medical Board about his Nevada conviction, the Medical Board is ordered to serve this decision on the Nevada Medical Board and on Mountain View Hospital in Henderson, Nevada.

Dated: February 16, 2012.

A handwritten signature in black ink, reading "Roy W. Hewitt". The signature is fluid and cursive, with a large initial "R" and "H".

ROY W. HEWITT

Administrative Law Judge

Office of Administrative Hearings

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8  
9 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 18-2010-204744

12 **SEAN SHAMSABADI STEELE, M.D.**  
13 **93 Fountainhead Circle**  
14 **Henderson, NV 89052**

**A C C U S A T I O N**

15 **Physician's and Surgeon's Certificate No.**  
**A 80011**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity  
21 as the Executive Director of the Medical Board of California, Department of Consumer Affairs.

22 2. On or about July 31, 2002, the Medical Board of California issued Physician's and  
23 Surgeon's Certificate Number A 80011 to Sean Shamsabadi Steele, M.D. (Respondent). The  
24 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the  
25 charges brought herein and will expire on June 30, 2012, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, be publicly reprimanded, or have such other action taken in relation to discipline as the Division deems proper.

5. Section 2234 of the Code states:

"The Division of Medical Quality<sup>1</sup> shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"...

"(f) Any action or conduct which would have warranted the denial of a certificate.

"..."

6. Unprofessional conduct under Business and Professions Code section 2234 is conduct which breaches the rules or ethical conduct of the medical profession, or conduct which is unbecoming to a member in good standing of the medical profession, and which demonstrated an unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.)

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<sup>1</sup> California Business and Professions Code section 2002, as amended and effective January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in the State Medical Practice Act (Bus. & Prof. Code, §§ 2000, *et seq.*) means the "Medical Board of California," and references to the "Division of Medical Quality" and "Division of Licensing" in the Act or any other provision of law shall be deemed to refer to the Board.

1           7.     Section 2236 of the Code states:

2           “(a) The conviction of any offense substantially related to the qualifications, functions, or  
3 duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this  
4 chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive  
5 evidence only of the fact that the conviction occurred.

6           “(b) The district attorney, city attorney, or other prosecuting agency shall notify the  
7 Division of Medical Quality of the pendency of an action against a licensee charging a felony or  
8 misdemeanor immediately upon obtaining information that the defendant is a licensee. The  
9 notice shall identify the licensee and describe the crimes charged and the facts alleged. The  
10 prosecuting agency shall also notify the clerk of the court in which the action is pending that the  
11 defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds  
12 a license as a physician and surgeon.

13           “(c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours  
14 after the conviction, transmit a certified copy of the record of conviction to the board. The  
15 division may inquire into the circumstances surrounding the commission of a crime in order to fix  
16 the degree of discipline or to determine if the conviction is of an offense substantially related to  
17 the qualifications, functions, or duties of a physician and surgeon.

18           “(d) A plea or verdict of guilty or a conviction after a plea of *nolo contendere* is deemed to  
19 be a conviction within the meaning of this section and Section 2236.1. The record of conviction  
20 shall be conclusive evidence of the fact that the conviction occurred.”

21           8.     Section 802.1 of the Code states:

22           “(a) (1) A physician and surgeon, osteopathic physician and surgeon, and a doctor of  
23 podiatric medicine shall report either of the following to the entity that issued his or her license:

24                   “(A) The bringing of an indictment or information charging a felony against the  
25 licensee.

26                   “(B) The conviction of the licensee, including any verdict of guilty, or plea of guilty  
27 or no contest, of any felony or misdemeanor.

“(2) The report required by this subdivision shall be made in writing within 30 days of the date of the bringing of the indictment or information or of the conviction.

“(b) Failure to make a report required by this section shall be a public offense punishable by a fine not to exceed five thousand dollars (\$5,000).

## FIRST CAUSE FOR DISCIPLINE

(Conviction of Crime)

9. Respondent is subject to disciplinary action under sections 2227 and 2234, as defined by section 2236, of the Code, in that he has been convicted of an offense substantially related to the qualifications, functions, or duties of a physician and surgeon. The circumstances are as follows:

10. On or about October 26, 2009, in the case entitled *The State of Nevada vs. Sean Shamsabadi Steele*, Clark County District Court, Case No. C250629, respondent pled *nolo contendere* to the offense of misdemeanor battery. Respondent was sentenced to pay a \$1,000.00 fine, complete Impulse Control counseling, and pay restitution in an amount to be determined to Rose Heart for a sexual assault exam.

11. The facts and circumstances underlying respondent's conviction are as follows: On or about September 3, 2008, respondent and a female acquaintance, K.R., after having dinner and seeing a comedy show, were in the rear passenger seat of respondent's vehicle, which was being driven by respondent's driver. Respondent and K.R. were kissing. At some point, K.R. became uncomfortable and asked respondent to stop. Respondent did not do so, and instead he pulled down K.R.'s pants and underwear. K.R. continued to tell respondent to stop, but he pushed his head into her vaginal area and penetrated her vagina with his tongue. K.R. continued to protest and struck respondent around his head with her fists. Respondent did not stop, and at some point bit down on K.R.'s vagina, tearing a body piercing out of her clitoris. Respondent then forced his fingers into her anus and vagina. K.R. continued to scream and ask respondent to stop what he was doing. At some point, the vehicle came to a stop and K.R. was able to exit the vehicle and seek help.



1 12. On or about September 4, 2008, respondent was arrested by Las Vegas Metropolitan  
2 Police following receipt of a complaint that he had sexually assaulted K.R.

3 SECOND CAUSE FOR DISCIPLINE

4 (Unprofessional Conduct)

5 13. Respondent is further subject to disciplinary action under sections 2227 and 2234 of  
6 the Code, in that he has engaged in conduct which breaches the rules or ethical code of the  
7 medical profession, or conduct that is unbecoming to a member in good standing of the medical  
8 profession, and which demonstrates an unfitness to practice medicine, as more particularly  
9 alleged hereinafter:

10 (a) Paragraphs 9 through 12 above, are hereby incorporated by reference as if fully  
11 set forth herein.

12 (b) On or about December 23, 2008, in the matter entitled *The State of California v.*  
13 *Sean Shamsabadi Steele*, Clark County District Court, Case No. C250629, the Clark County  
14 District Attorney brought forth Information charging respondent with three felony counts:  
15 (1) Count 1: Battery with Intent to Commit Sexual Assault, a violation of Nevada Revised  
16 Statutes 200.400, a felony; (2) Count 3: Sexual Assault, a violation of Nevada Revised  
17 Statutes 200.364, 200.366; and, (3) Count 4: Sexual Assault, a violation of Nevada Revised  
18 Statutes 207.193, 175.547, a felony, as required by section 802.1 of the Code. Respondent  
19 did not report to the Board the Felony Complaint filed against him.

20 PRAYER

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged.  
22 and that following the hearing, the Medical Board of California issue a decision:

23 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 80011,  
24 issued to respondent Sean Shamsabadi Steele, M.D.;

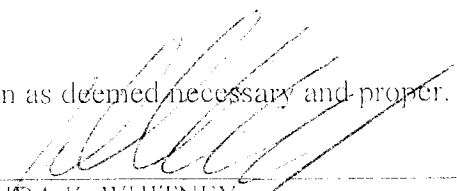
25 2. Revoking, suspending or denying approval of respondent Sean Shamsabadi Steele,  
26 M.D.'s authority to supervise physician's assistants, pursuant to section 3527 of the Code;

27 3. Ordering respondent Sean Shamsabadi Steele, M.D. to pay the Medical Board of  
28 California, if placed on probation, the costs of probation monitoring; and

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4. Taking such other and further action as deemed necessary and proper.

DATED: **January 19, 2011**

  
LINDA K. WHITNEY  
Executive Director  
Medical Board of California  
State of California  
*Complainant*

SD2010703404  
accusation.rtf