

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

**In the Matter of the Accusation Against:**

**Michael Steven Sinel, M.D.**

**Physician's and Surgeon's  
Certificate No. G 65692**

**Respondent.**

**Case No. 800-2019-054326**

**DECISION**

**The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on March 3, 2023.**

**IT IS SO ORDERED February 24, 2023.**

**MEDICAL BOARD OF CALIFORNIA**



**Reji Varghese  
Interim Executive Director**

1 ROB BONTA  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 MARSHA E. BARR-FERNANDEZ  
Deputy Attorney General  
4 State Bar No. 200896  
300 South Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6249  
6 Facsimile: (916) 731-2117  
*Attorneys for Complainant*  
7

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

11 In the Matter of the Accusation Against:

Case No. 800-2019-054326

12 **MICHAEL STEVEN SINEL, M.D.,**

OAH No. 2022080562

13 Respondent.

**STIPULATED SURRENDER OF  
14 LICENSE AND ORDER**

15  
16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
17 entitled proceedings that the following matters are true:

18 **PARTIES**

19 1. Reji Varghese (Complainant) is the Deputy Director of the Medical Board of  
20 California (Board). He brought this action solely in his official capacity and is represented in this  
21 matter by Rob Bonta, Attorney General of the State of California, by Marsha E. Barr-Fernandez,  
22 Deputy Attorney General.

23 2. MICHAEL STEVEN SINEL, M.D. (Respondent) is representing himself in this  
24 proceeding and has chosen not to exercise his right to be represented by counsel.

25 3. On or about May 15, 1989, the Board issued Physician's and Surgeon's Certificate  
26 No. G 65692 to MICHAEL STEVEN SINEL, M.D. (Respondent). The Physician's and  
27 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in  
28 Accusation No. 800-2019-054326 and will expire on March 31, 2023, unless renewed.

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10. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Physician's and Surgeon's Certificate without further process.

## CONTINGENCY

11. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

**ORDER**

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 65692, issued to Respondent MICHAEL STEVEN SINEL, M.D., is surrendered and accepted by the Board.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a Physician and Surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2019-054326 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$7,765.00 prior to issuance of a new or reinstated license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 800-2019-054326 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

## ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 02/14/2023

Michael Sinel

MICHAEL STEVEN SINEL, M.D.

Respondent

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**ENDORSEMENT**

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
for consideration by the Medical Board of California of the Department of Consumer Affairs.

DATED: \_\_\_\_\_

Respectfully submitted,

ROB BONTA  
Attorney General of California  
JUDITH T. ALVARADO  
Supervising Deputy Attorney General

MARSHA E. BARR-FERNANDEZ  
Deputy Attorney General  
*Attorneys for Complainant*

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**ENDORSEMENT**

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
for consideration by the Medical Board of California of the Department of Consumer Affairs.

DATED: February 14, 2023

Respectfully submitted,

ROB BONTA  
Attorney General of California  
JUDITH T. ALVARADO  
Supervising Deputy Attorney General

*Marsha E. Barr-Fernandez*

MARSHA E. BARR-FERNANDEZ  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 800-2019-054326**



1 ROB BONTA  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 MARSHA BARR-FERNANDEZ  
Deputy Attorney General  
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9 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2019-054326

13 **MICHAEL STEVEN SINEL, M.D.**  
14 **1212 5th Street, Suite 1-456**  
**Santa Monica, CA 90401**

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

15 **Physician's and Surgeon's Certificate**  
16 **No. G 65692,**

17 **Respondent.**  
18

19 **PARTIES**

20 1. William Prasifka (Complainant) brings this Accusation solely in his official capacity  
21 as the Executive Director of the Medical Board of California, Department of Consumer Affairs  
22 (Board).

23 2. On or about May 15, 1989, the Medical Board issued Physician's and Surgeon's  
24 Certificate Number G 65692 to Michael Steven Sinel, M.D. (Respondent). The Physician's and  
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
26 herein and will expire on March 31, 2023, unless renewed.

27 ///

28 ///

## JURISDICTION

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

4. Section 2004 of the Code states:

The board shall have the responsibility for the following:

(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

(b) The administration and hearing of disciplinary actions.

(c) Carrying out disciplinary actions appropriate to findings made by a panel or an administrative law judge.

(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of disciplinary actions.

(e) Reviewing the quality of medical practice carried out by physician and surgeon certificate holders under the jurisdiction of the board.

(f) Approving undergraduate and graduate medical education programs.

(g) Approving clinical clerkship and special programs and hospitals for the programs in subdivision (f).

(h) Issuing licenses and certificates under the board's jurisdiction.

(i) Administering the board's continuing medical education program.

5. Section 2220 of the Code states:

Except as otherwise provided by law, the board may take action against all persons guilty of violating this chapter. The board shall enforce and administer this article as to physician and surgeon certificate holders, including those who hold certificates that do not permit them to practice medicine, such as, but not limited to, retired, inactive, or disabled status certificate holders, and the board shall have all the powers granted in this chapter for these purposes including, but not limited to:

(a) Investigating complaints from the public, from other licensees, from health care facilities, or from the board that a physician and surgeon may be guilty of unprofessional conduct. The board shall investigate the circumstances underlying a report received pursuant to Section 805 or 805.01 within 30 days to determine if an interim suspension order or temporary restraining order should be issued. The board shall otherwise provide timely disposition of the reports received pursuant to Section 805 and Section 805.01.

1 (b) Investigating the circumstances of practice of any physician and surgeon  
2 where there have been any judgments, settlements, or arbitration awards requiring the  
3 physician and surgeon or his or her professional liability insurer to pay an amount in  
4 damages in excess of a cumulative total of thirty thousand dollars (\$30,000) with  
5 respect to any claim that injury or damage was proximately caused by the physician's  
6 and surgeon's error, negligence, or omission.

7 (c) Investigating the nature and causes of injuries from cases which shall be  
8 reported of a high number of judgments, settlements, or arbitration awards against a  
9 physician and surgeon.

10 6. Section 2227 of the Code states:

11 (a) A licensee whose matter has been heard by an administrative law judge of  
12 the Medical Quality Hearing Panel as designated in Section 11371 of the Government  
13 Code, or whose default has been entered, and who is found guilty, or who has entered  
14 into a stipulation for disciplinary action with the board, may, in accordance with the  
15 provisions of this chapter:

16 (1) Have his or her license revoked upon order of the board.

17 (2) Have his or her right to practice suspended for a period not to exceed one  
18 year upon order of the board.

19 (3) Be placed on probation and be required to pay the costs of probation  
20 monitoring upon order of the board.

21 (4) Be publicly reprimanded by the board. The public reprimand may include a  
22 requirement that the licensee complete relevant educational courses approved by the  
23 board.

24 (5) Have any other action taken in relation to discipline as part of an order of  
25 probation, as the board or an administrative law judge may deem proper.

26 (b) Any matter heard pursuant to subdivision (a), except for warning letters,  
27 medical review or advisory conferences, professional competency examinations,  
28 continuing education activities, and cost reimbursement associated therewith that are  
agreed to with the board and successfully completed by the licensee, or other matters  
made confidential or privileged by existing law, is deemed public, and shall be made  
available to the public by the board pursuant to Section 803.1.

### STATUTORY PROVISIONS

7. Section 2234 of the Code, states:

The board 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:

(a) Violating or attempting to violate, directly or indirectly, assisting in or  
abetting the violation of, or conspiring to violate any provision of this chapter.

...

1 (e) The commission of any act involving dishonesty or corruption that is  
2 substantially related to the qualifications, functions, or duties of a physician and  
3 surgeon.

4 ...

5 8. Section 2236 of the Code states:

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

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

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

24 (d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is  
25 deemed to be a conviction within the meaning of this section and Section 2236.1.  
26 The record of conviction shall be conclusive evidence of the fact that the conviction  
27 occurred.

28 9. Section 490 of the Code states:

(a) In addition to any other action that a board is permitted to take against a  
licensee, a board may suspend or revoke a license on the ground that the licensee has  
been convicted of a crime, if the crime is substantially related to the qualifications,  
functions, or duties of the business or profession for which the license was issued.

(b) Notwithstanding any other provision of law, a board may exercise any  
authority to discipline a licensee for conviction of a crime that is independent of the  
authority granted under subdivision (a) only if the crime is substantially related to the  
qualifications, functions, or duties of the business or profession for which the  
licensee's license was issued.

(c) A conviction within the meaning of this section means a plea or verdict of  
guilty or a conviction following a plea of nolo contendere. Any action that a board is  
permitted to take following the establishment of a conviction may be taken when the  
time for appeal has elapsed, or the judgment of conviction has been affirmed on  
appeal, or when an order granting probation is made suspending the imposition of  
sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of  
the Penal Code.

1 (d) The Legislature hereby finds and declares that the application of this section  
2 has been made unclear by the holding in *Petropoulos v. Department of Real Estate*  
3 (2006) 142 Cal.App.4th 554, and that the holding in that case has placed a significant  
4 number of statutes and regulations in question, resulting in potential harm to the  
5 consumers of California from licensees who have been convicted of crimes.  
6 Therefore, the Legislature finds and declares that this section establishes an  
7 independent basis for a board to impose discipline upon a licensee, and that the  
8 amendments to this section made by Chapter 33 of the Statutes of 2008 do not  
9 constitute a change to, but rather are declaratory of, existing law.

10 10. Section 2305 of the Code states:

11 The revocation, suspension, or other discipline, restriction or limitation  
12 imposed by another state upon a license or certificate to practice medicine issued by  
13 that state, or the revocation, suspension, or restriction of the authority to practice  
14 medicine by any agency of the federal government, that would have been grounds for  
15 discipline in California of a licensee under this chapter [Chapter 5, the Medical  
16 Practice Act] shall constitute grounds for disciplinary action for unprofessional  
17 conduct against the licensee in this state.

#### 18 COST RECOVERY

19 11. Section 125.3 of the Code states:

20 (a) Except as otherwise provided by law, in any order issued in resolution of a  
21 disciplinary proceeding before any board within the department or before the  
22 Osteopathic Medical Board, upon request of the entity bringing the proceeding, the  
23 administrative law judge may direct a licensee found to have committed a violation or  
24 violations of the licensing act to pay a sum not to exceed the reasonable costs of the  
25 investigation and enforcement of the case.

26 (b) In the case of a disciplined licensee that is a corporation or a partnership, the  
27 order may be made against the licensed corporate entity or licensed partnership.

28 (c) A certified copy of the actual costs, or a good faith estimate of costs where  
actual costs are not available, signed by the entity bringing the proceeding or its  
designated representative shall be prima facie evidence of reasonable costs of  
investigation and prosecution of the case. The costs shall include the amount of  
investigative and enforcement costs up to the date of the hearing, including, but not  
limited to, charges imposed by the Attorney General.

(d) The administrative law judge shall make a proposed finding of the amount  
of reasonable costs of investigation and prosecution of the case when requested  
pursuant to subdivision (a). The finding of the administrative law judge with regard  
to costs shall not be reviewable by the board to increase the cost award. The board  
may reduce or eliminate the cost award, or remand to the administrative law judge if  
the proposed decision fails to make a finding on costs requested pursuant to  
subdivision (a).

(e) If an order for recovery of costs is made and timely payment is not made as  
directed in the board's decision, the board may enforce the order for repayment in any  
appropriate court. This right of enforcement shall be in addition to any other rights  
the board may have as to any licensee to pay costs.

1 (f) In any action for recovery of costs, proof of the board's decision shall be  
2 conclusive proof of the validity of the order of payment and the terms for payment.

3 (g) (1) Except as provided in paragraph (2), the board shall not renew or  
4 reinstate the license of any licensee who has failed to pay all of the costs ordered  
5 under this section.

6 (2) Notwithstanding paragraph (1), the board may, in its discretion,  
7 conditionally renew or reinstate for a maximum of one year the license of any  
8 licensee who demonstrates financial hardship and who enters into a formal  
9 agreement with the board to reimburse the board within that one-year period for the  
10 unpaid costs.

11 (h) All costs recovered under this section shall be considered a reimbursement  
12 for costs incurred and shall be deposited in the fund of the board recovering the costs  
13 to be available upon appropriation by the Legislature.

14 (i) Nothing in this section shall preclude a board from including the recovery of  
15 the costs of investigation and enforcement of a case in any stipulated settlement.

16 (j) This section does not apply to any board if a specific statutory provision in  
17 that board's licensing act provides for recovery of costs in an administrative  
18 disciplinary proceeding.

### 19 FIRST CAUSE FOR DISCIPLINE

#### 20 (Conviction of a Substantially Related Crime)

21 12. Respondent Michael Steven Sinel, M.D. is subject to disciplinary action under section  
22 2236 of the Code in that he was convicted of a crime substantially related to the qualifications,  
23 functions, or duties of a physician. The circumstances are as follows:

24 13. On or about June 16, 2016, in the case of *United States of America v. Michael Steven*  
25 *Sinel*, United States District Court for the Central District of California case number 2:16-cr-  
26 00412-FMO-3, Respondent was charged with violating Title 18 United States Code section 371  
27 (conspiracy to solicit, receive, and pay illegal remuneration for health care referrals).

28 14. On or about June 19, 2017, Respondent was convicted, by way of a plea of guilty, of  
the crime of conspiracy to solicit, receive, and pay illegal remuneration for health care referrals,  
in violation of Title 18 United States Code section 371, as charged in Count 1 (one) of the  
Indictment.

15 15. Respondent was sentenced on May 14, 2021, to serve eighteen months of probation,  
16 pay fines and fees, and complete six months of home detention.

1        16. Respondent was ordered to pay to the United States a special assessment of \$100 and  
2 a fine in the amount of \$56,000.

3                                    **SECOND CAUSE FOR DISCIPLINE**

4                                    **(Unprofessional Conduct: Dishonest and Corrupt Acts)**

5        17. Respondent Michael Steven Sinel, M.D. is subject to disciplinary action under section  
6 2234, subdivision (e) of the Code in that he engaged in dishonest and corrupt acts. The  
7 circumstances are as follows:

8        18. The allegations of the First Cause for Discipline, paragraphs 12 through 16, are  
9 incorporated herein by reference as if fully set forth.

10                                   **THIRD CAUSE FOR DISCIPLINE**

11                                   **(Revocation of License by Another State)**

12        19. Respondent Michael Steven Sinel, M.D. is subject to disciplinary action under Code  
13 section 2305, in that Respondent's medical license issued in New York State was revoked. The  
14 circumstances are as follows:

15        20. On or about August 29, 1986, Respondent was authorized to practice medicine in  
16 New York State by the issuance of license number 167706 by the New York State Education  
17 Department.

18        21. On or about March 22, 2022, the New York State Department of Health, State Board  
19 for Professional Medical Conduct, revoked Respondent's medical license due to his conviction in  
20 the matter of *United States of America v. Michael Steven Sinel*, United States District Court for  
21 the Central District of California case number 2:16-cr-00412-FMO-3 as more fully set forth in  
22 paragraphs 10 through 14 which are incorporated herein by reference.

23        22. The revocation of Respondent's New York State medical license is grounds for  
24 discipline of Respondent's California Physician's and Surgeon's Certificate and constitutes  
25 unprofessional conduct pursuant to sections 2234, subdivision (a), as defined by section 2305 of  
26 the Code.

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1 **PRAYER**

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


4 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 65692,  
5 issued to Michael Steven Sinel, M.D.;

6 2. Revoking, suspending or denying approval of Michael Steven Sinel, M.D.'s authority  
7 to supervise physician assistants and advanced practice nurses;

8 3. Ordering Michael Steven Sinel, M.D., to pay the Board the costs of the investigation  
9 and enforcement of this case, and if placed on probation, the costs of probation monitoring; and

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

11  
12 DATED: JUL 14 2022

13   
14 WILLIAM PRASIFKA  
15 Executive Director  
16 Medical Board of California  
17 Department of Consumer Affairs  
18 State of California  
19 Complainant

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