

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
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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
	LICENSE AND ORDER

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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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JURISDICTION

8 4. Accusation No. 800-2019-054326 was filed before the Board, and is currently
9 pending against Respondent. The Accusation and all other statutorily required documents were
10 properly served on Respondent on July 14, 2022. Respondent timely filed his Notice of Defense
11 contesting the Accusation. A copy of Accusation No. 800-2019-054326 is attached as Exhibit A
12 and incorporated by reference.

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ADVISEMENT AND WAIVERS

18 5. Respondent has carefully read, and understands the charges and allegations in
19 Accusation No. 800-2019-054326. Respondent also has carefully read, and understands the
20 effects of this Stipulated Surrender of License and Order.

21 6. Respondent is fully aware of his legal rights in this matter, including the right to a
22 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
23 his own expense; the right to confront and cross-examine the witnesses against him; the right to
24 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
25 the attendance of witnesses and the production of documents; the right to reconsideration and
26 court review of an adverse decision; and all other rights accorded by the California
27 Administrative Procedure Act and other applicable laws.

28 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
every right set forth above.

CULPABILITY

 8. Respondent understands that the charges and allegations in Accusation No. 800-2019-
054326, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and
Surgeon's Certificate.

 9. For the purpose of resolving the Accusation without the expense and uncertainty of
further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
basis for the charges in the Accusation and that those charges constitute cause for discipline.
Respondent hereby gives up his right to contest that cause for discipline exists based on those
charges.

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

4 **CONTINGENCY**

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

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

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

19 **ORDER**

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

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

26 2. Respondent shall lose all rights and privileges as a Physician and Surgeon in
27 California as of the effective date of the Board's Decision and Order.
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1 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
2 issued, his wall certificate on or before the effective date of the Decision and Order.

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

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

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

16 **ACCEPTANCE**

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

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22 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
4 State Bar No. 200896
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9 **BEFORE THE**
10 **MEDICAL BOARD OF CALIFORNIA**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 800-2019-054326

14 **MICHAEL STEVEN SINEL, M.D.**
15 **1212 5th Street, Suite 1-456**
16 **Santa Monica, CA 90401**

A C C U S A T I O N

17 **Physician's and Surgeon's Certificate**
18 **No. G 65692,**

Respondent.

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.

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1 **JURISDICTION**

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

5 4. Section 2004 of the Code states:

6 The board shall have the responsibility for the following:

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

9 (b) The administration and hearing of disciplinary actions.

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

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

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

14 (f) Approving undergraduate and graduate medical education programs.

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

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

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

19 5. Section 2220 of the Code states:

20 Except as otherwise provided by law, the board may take action against all
21 persons guilty of violating this chapter. The board shall enforce and administer this
22 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:

23 (a) Investigating complaints from the public, from other licensees, from health
24 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
25 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
26 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.

6. Section 2227 of the Code states:

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

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

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

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

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

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

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

28 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 8. Section 2236 of the Code states:

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

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

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

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

27 9. Section 490 of the Code states:

28 (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
conclusive proof of the validity of the order of payment and the terms for payment.

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

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

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

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

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

13 FIRST CAUSE FOR DISCIPLINE

14 (Conviction of a Substantially Related Crime)

15 12. Respondent Michael Steven Sinel, M.D. is subject to disciplinary action under section
16 2236 of the Code in that he was convicted of a crime substantially related to the qualifications,
17 functions, or duties of a physician. The circumstances are as follows:

18 13. On or about June 16, 2016, in the case of *United States of America v. Michael Steven*
19 *Sinel*, United States District Court for the Central District of California case number 2:16-cr-
20 00412-FMO-3, Respondent was charged with violating Title 18 United States Code section 371
21 (conspiracy to solicit, receive, and pay illegal remuneration for health care referrals).

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

26 15. Respondent was sentenced on May 14, 2021, to serve eighteen months of probation,
27 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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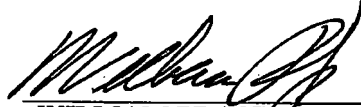
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PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number G 65692, issued to Michael Steven Sinel, M.D.;
2. Revoking, suspending or denying approval of Michael Steven Sinel, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Michael Steven Sinel, M.D., to pay the Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: JUL 14 2022



WILLIAM PRASIFKA
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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