

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

**In the Matter of the First Amended  
Accusation and Petition to Revoke Probation  
Against:**

**Roberto Hernandez Mariano, M.D.**

**Physician's and Surgeon's  
Certificate No. G 73610**

**Respondent.**

**Case No. 800-2018-048464**

**DECISION**

**The attached Stipulated Surrender of License and Disciplinary 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 May 05, 2023.**

**IT IS SO ORDERED April 28, 2023.**

**MEDICAL BOARD OF CALIFORNIA**



**Reji Varghese  
Interim Executive Director**

1 ROB BONTA  
Attorney General of California  
2 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
3 WENDY WIDLUS  
Deputy Attorney General  
4 State Bar No. 82958  
California Department of Justice  
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6 Telephone: (213) 269-6457  
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*Attorneys for Complainant*

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

12 In the Matter of the Accusation/Petition to  
Revoke Probation Against:

Case No. 800-2018-048464

13 ROBERTO HERNANDEZ MARIANO, M.D.  
5022 Gateway Rd  
14 Alta Loma, CA 91701-1403

OAH No. 2022090632

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

15 Physician's and Surgeon's Certificate No. G  
73610

16 Respondent.  
17

18  
19 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-  
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Reji Varghese (Complainant) is the Interim Executive Director of the Medical Board  
23 of California (Board). He is represented in this matter by Rob Bonta, Attorney General of the  
24 State of California, by Wendy Widlus, Deputy Attorney General.

25 2. Roberto Hernandez Mariano, M.D. (Respondent) is represented in this proceeding by  
26 attorney William C. Fleming, Jr., whose address is: 950 East 3rd Street, Suite 2631, Los Angeles,  
27 CA 90013.  
28

1 3. On March 10, 1992, the Board issued Physician's and Surgeon's Certificate No. G  
2 73610 to Roberto Hernandez Mariño, M.D. (Respondent). That license was in full force and  
3 effect at all times relevant to the charges brought in Accusation/Petition to Revoke Probation No.  
4 800-2018-048464 and will expire on July 31, 2023, unless renewed.

5 **JURISDICTION**

6 4. The Petition to Revoke Probation No. 800-2018-048464 was filed before the Board  
7 on October 17, 2018. The First Amended Accusation and Petition to Revoke Probation was filed  
8 before the Board on September 1, 2022, and is currently pending against Respondent. The First  
9 Amended Accusation and Petition to Revoke Probation and all other statutorily required  
10 documents were properly served on Respondent on September 1, 2022. Respondent timely filed  
11 his Notice of Defense contesting the First Amended Accusation and Petition to Revoke Probation.  
12 A copy of the First Amended Accusation and Petition to Revoke Probation No. 800-2018-048464  
13 is attached as Exhibit A and is incorporated by reference.

14 **ADVISEMENT AND WAIVERS**

15 5. Respondent has carefully read, fully discussed with counsel, and understands the  
16 charges and allegations in the First Amended Accusation and Petition to Revoke Probation No.  
17 800-2018-048464. Respondent also has carefully read, fully discussed with counsel, and  
18 understands the effects of this Stipulated Surrender of License and Order.

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

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

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1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in the First  
3 Amended Accusation and Petition to Revoke Probation No. 800-2018-048464, agrees that cause  
4 exists for discipline and hereby surrenders his Physician's and Surgeon's Certificate No. G 73610  
5 for the Board's formal acceptance.

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

9 CONTINGENCY

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

19 11. The parties understand and agree that Portable Document Format (PDF) and facsimile  
20 copies of this Stipulated Surrender of License and Order shall have the same force and effect as  
21 the originals.

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

24 ORDER

25 **IT IS HEREBY ORDERED THAT** Physician's and Surgeon's Certificate No. G 73610,  
26 issued to Respondent Roberto Hernandez Mariano, M.D., is surrendered and accepted by the  
27 Board.

28 1. The surrender of Respondent's Physician's and Surgeon's Certificate and the

1 acceptance of the surrendered license by the Board shall constitute the imposition of discipline  
2 against Respondent. This stipulation constitutes a record of the discipline and shall become a part  
3 of Respondent's license history with the Board.

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

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

8 4. If Respondent ever files an application for licensure or a petition for reinstatement in  
9 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
10 comply with all the laws, regulations and procedures for reinstatement of a revoked or  
11 surrendered license in effect at the time the petition is filed, and all of the charges and allegations  
12 contained in the First Amended Accusation and Petition to Revoke Probation No. 800-2018-  
13 048464 shall be deemed to be true, correct and admitted by Respondent when the Board  
14 determines whether to grant or deny the petition.

15 5. Respondent shall pay the agency its costs of investigation and enforcement in the  
16 amount of \$13,965 prior to issuance of a new or reinstated license.

17 6. If Respondent should ever apply or reapply for a new license or certification, or  
18 petition for reinstatement of a license, by any other health care licensing agency in the State of  
19 California, all of the charges and allegations contained in the First Amended Accusation and  
20 Petition to Revoke Probation, No. 800-2018-048464 shall be deemed to be true, correct, and  
21 admitted by Respondent for the purpose of any Statement of Issues or any other proceeding  
22 seeking to deny or restrict licensure.

23 //

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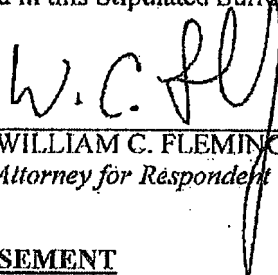
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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney William C. Fleming, Jr. 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: 3-20-23   
ROBERTO HERNANDEZ MARIANO,  
M.D.  
*Respondent*

I have read and fully discussed with Respondent Roberto Hernandez Mariano, M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 3-20-23   
WILLIAM C. FLEMING, JR.  
*Attorney for Respondent*

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: March 21, 2023 Respectfully submitted,  
ROB BONTA  
Attorney General of California  
ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
*Wendy Widlus*  
WENDY WIDLUS  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

First Amended Accusation and Petition to Revoke Probation No. 800-2018-048464

1 XAVIER BECERRA  
Attorney General of California  
2 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
3 VLADIMIR SHALKEVICH  
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Attorneys for Complainant  
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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 First Amended Accusation  
14 and Petition to Revoke Probation Against:

Case No. 800-2018-048464

15 **ROBERTO HERNANDEZ MARIANO, M.D.**  
16 **13701 Riverside Drive, Ste 406**  
17 **Sherman Oaks, CA 91423-2448**

**FIRST AMENDED ACCUSATION  
AND PETITION TO REVOKE  
PROBATION**

18 **Physician's and Surgeon's Certificate**  
19 **No. G 73610,**

20 Respondent.

21 Complainant alleges:

22 **PARTIES**

23 1. William Prasifka (Complainant) brings this First Amended Accusation and Petition to  
24 Revoke Probation (Petition) solely in his official capacity as the Executive Director of the  
25 Medical Board of California (Board).

26 2. On March 10, 1992, the Board issued Physician's and Surgeon's Certificate Number  
27 G 73610 to Roberto Hernandez Mariano, M.D. (Respondent). That license was in full force and  
28 effect at all times relevant to the charges brought herein and will expire on July 31, 2023, unless  
renewed.

3. On or about October 21, 2015, in a prior disciplinary action entitled *In the Matter of  
the Accusation Against Roberto Hernandez Mariano, M.D.* before the Medical Board of



1 California, in Case Number 18-2013-230573, Respondent's license was revoked. However, the  
2 revocation was stayed and Respondent was placed on probation for three years on various terms  
3 and conditions, based on allegations of gross negligence, repeated negligent acts, dishonesty,  
4 failure to maintain adequate and accurate records, and unprofessional conduct. That decision is  
5 now final.

6 4. Petition to Revoke Probation in case number 800-2018-044440 was filed and served  
7 on Respondent on or about October 15, 2018, and is currently pending before the Board.

#### 8 JURISDICTION

9 5. This First Amended Accusation and Petition to Revoke Probation is brought before  
10 the Board under the authority of the following laws. All section references are to the Business  
11 and Professions Code (Code) unless otherwise indicated.

12 6. Section 2227 of the Code states:

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

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

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

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

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

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

26 “(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical  
27 review or advisory conferences, professional competency examinations, continuing education  
28 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.”

7. Section 2234, subdivision (e) of the Code provides that the board shall take action  
against any licensee who is charged with unprofessional conduct to include the commission of  
any act involving dishonesty or corruption which is substantially related to the qualifications,  
functions, or duties of a physician and surgeon.

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1           8.     Section 2261 of the Code states:

2           “Knowingly making or signing any certificate or other document directly or indirectly  
3 related to the practice of medicine or podiatry which falsely represents the existence or  
4 nonexistence of a state of facts, constitutes unprofessional conduct.”

5           9.     Section 810 of the Code states:

6           “(a) It shall constitute unprofessional conduct and grounds for disciplinary action,  
7 including suspension or revocation of a license or certificate, for a health care professional to do  
8 any of the following in connection with his or her professional activities:

9           “(1) Knowingly present or cause to be presented any false or fraudulent claim for the  
10 payment of a loss under a contract of insurance.

11           “(2) Knowingly prepare, make, or subscribe any writing, with intent to present or use the  
12 same, or to allow it to be presented or used in support of any false or fraudulent claim.

13           A(b) It shall constitute cause for revocation or suspension of a license or certificate for a  
14 health care professional to engage in any conduct prohibited under Section 1871.4 of the  
15 Insurance Code or Section 549 or 550 of the Penal Code.

16           “(c) (1) It shall constitute cause for automatic suspension of a license or certificate issued  
17 pursuant to Chapter 4 (commencing with Section 1600), Chapter 5 (commencing with Section  
18 2000), Chapter 6.6 (commencing with Section 2900), Chapter 7 (commencing with Section  
19 3000), or Chapter 9 (commencing with Section 4000), or pursuant to the Chiropractic Act or the  
20 Osteopathic Act, if a licensee or certificate holder has been convicted of any felony involving  
21 fraud committed by the licensee or certificate holder in conjunction with providing benefits  
22 covered by worker’s compensation insurance, or has been convicted of any felony involving  
23 Medi-Cal fraud committed by the licensee or certificate holder in conjunction with the Medi-Cal  
24 program, including the Denti-Cal element of the Medi-Cal program, pursuant to Chapter 7  
25 (commencing with Section 14000), or Chapter 8 (commencing with Section 14200), of Part 3 of  
26 Division 9 of the Welfare and Institutions Code. The board shall convene a disciplinary hearing to  
27 determine whether or not the license or certificate shall be suspended, revoked, or some other  
28 disposition shall be considered, including, but not limited to, revocation with the opportunity to  
petition for reinstatement, suspension, or other limitations on the license or certificate as the  
board deems appropriate.

          “(2) It shall constitute cause for automatic suspension and for revocation of a license or  
certificate issued pursuant to Chapter 4 (commencing with Section 1600), Chapter 5  
(commencing with Section 2000), Chapter 6.6 (commencing with Section 2900), Chapter 7  
(commencing with Section 3000), or Chapter 9 (commencing with Section 4000), or pursuant to  
the Chiropractic Act or the Osteopathic Act, if a licensee or certificate holder has more than one  
conviction of any felony arising out of separate prosecutions involving fraud committed by the  
licensee or certificate holder in conjunction with providing benefits covered by worker’s  
compensation insurance, or in conjunction with the Medi-Cal program, including the Denti-Cal  
element of the Medi-Cal program pursuant to Chapter 7 (commencing with Section 14000), or  
Chapter 8 (commencing with Section 14200), of Part 3 of Division 9 of the Welfare and

1 Institutions Code. The board shall convene a disciplinary hearing to revoke the license or  
2 certificate and an order of revocation shall be issued unless the board finds mitigating  
circumstances to order some other disposition.

3 “(3) It is the intent of the Legislature that paragraph (2) apply to a licensee or certificate  
4 holder who has one or more convictions prior to January 1, 2004, as provided in this subdivision.

5 “(4) Nothing in this subdivision shall preclude a board from suspending or revoking a  
6 license or certificate pursuant to any other provision of law.

7 “(5) Board, as used in this subdivision, means the Dental Board of California, the Medical  
8 Board of California, the Board of Psychology, the State Board of Optometry, the California State  
Board of Pharmacy, the Osteopathic Medical Board of California, and the State Board of  
Chiropractic Examiners.

9 “(6) More than one conviction, as used in this subdivision, means that the licensee or  
10 certificate holder has one or more convictions prior to January 1, 2004, and at least one  
11 conviction on or after that date, or the licensee or certificate holder has two or more convictions  
12 on or after January 1, 2004. However, a licensee or certificate holder who has one or more  
13 convictions prior to January 1, 2004, but who has no convictions and is currently licensed or  
holds a certificate after that date, does not have “more than one conviction” for the purposes of  
this subdivision.

14 “(d) As used in this section, ‘health care professional’ means any person licensed or  
15 certified pursuant to this division, or licensed pursuant to the Osteopathic Initiative Act, or the  
Chiropractic Initiative Act.

16 10. Section 2234 of the Code states, in pertinent part:

17 The board shall take action against any licensee who is charged with unprofessional  
18 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not  
19 limited to, the following:

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

21 11. Section 2236 of the Code states:

22 (a) The conviction of any offense substantially related to the qualifications, functions, or  
23 duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this  
chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction  
24 occurred.

25 (b) The district attorney, city attorney, or other prosecuting agency shall notify the Division  
26 of Medical Quality of the pendency of an action against a licensee charging a felony or  
misdemeanor immediately upon obtaining information that the defendant is a licensee. The notice  
27 shall identify the licensee and describe the crimes charged and the facts alleged. The prosecuting  
agency shall also notify the clerk of the court in which the action is pending that the defendant is  
28

1 a licensee, and the clerk shall record prominently in the file that the defendant holds a license as a  
2 physician and surgeon.

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

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

### 11 COST RECOVERY

12 12. Effective on January 1, 2022, section 125.3 of the Code provides:

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

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

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

27 (d) The administrative law judge shall make a proposed finding of the amount  
28 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.

(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.

1 (g) (1) Except as provided in paragraph (2), the board shall not renew or  
2 reinstate the license of any licensee who has failed to pay all of the costs ordered  
3 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  
7 with the board to reimburse the board within that one-year period for the unpaid  
8 costs.

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

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

14 (j) This section does not apply to any board if a specific statutory provision in  
15 that board's licensing act provides for recovery of costs in an administrative  
16 disciplinary proceeding.<sup>1</sup>

### 17 FACTUAL ALLEGATIONS

#### 18 *United States of America v. Roberto Mariano, et al.*, case number CR 18-00288-SVW

#### 19 (Dishonesty and Health Care Fraud)

20 13. On May 17, 2018, in the United States District Court, for the Central District of  
21 California in a proceeding entitled *United States of America v. Roshanak Khadem, aka "Roxanne*  
22 *Khadem," aka "Roxy Khadem," Gary Jizmejjan, Roberto Mariano, Marina Sarkisyan, Lucine*  
23 *Ilangezyan, aka "Lulu Ilangezyan,"*<sup>2</sup> case number CR 18-00288-SVW, Respondent was indicted.

24 14. A First Superseding Indictment was filed against Respondent and other defendants on  
25 June 18, 2019. Respondent, together with other defendants, was charged in the First Superseding  
26 Indictment with Conspiracy to Commit Health Care Fraud; (18 U.S.C. § 1349; 18 U.S.C. § 1347)  
27 Health Care Fraud; (18 U.S. C. § 2:) Aiding and Abetting and Causing an Act to be Done; (18  
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<sup>1</sup> Effective January 1, 2022, subdivision (k) of Section 125.3, which exempted physicians and surgeons from seeking recovery of the costs of investigation and prosecution by the Board, was repealed.

<sup>2</sup> Roshanak Khadem, aka "Roxanne Khadem," aka "Roxy Khadem," Gary Jizmejjan, Marina Sarkisyan, Lucine Ilangezyan, aka "Lulu Ilangezyan are referred to herein as "other defendants."

1 U.S.C. § 982 (a) (7), Subscribing to a False Income Tax Return; 18 U.S.C. §982 (a) (7) 28 U.S.C.  
2 § 2461 (c) and Criminal Forfeiture.

3 15. According to the First Superseding Indictment, the fraudulent scheme operated, in  
4 substance, as follows:

5 A. Respondent as a physician, together with other defendants who were charged as  
6 his co-conspirators, committed health care fraud while operating two clinics: (1) R&R Med Spa,  
7 which was opened in or around July 2008, and continuing through in or around April 2016 and  
8 (2) NU-Me Aesthetic and Anti-Aging Center (“Nu-Me Spa”), beginning in or around February  
9 2016 through around April 2017, collectively referred here as “Clinics,” both located in the  
10 Central District of California.

11 B. Various Health Insurance Companies, including Anthem, International Longshore  
12 and Warehouse Union – Pacific Maritime Association Benefit Plan (“ILWU-PMA”); Aetna,  
13 United Healthcare; CIGNA Health Management; Health Net; Federal Employees Health Benefits  
14 Program; Blue Shield of California (collectively Health Insurance Companies) reimburse  
15 physicians and other health care providers for medical services, including physician  
16 examinations, allergy testing, ultrasounds, nerve conduction tests, vascular studies, and other  
17 medically necessary services that were rendered to individuals (Beneficiaries) who received  
18 insurance coverage from the Health Insurance Companies.

19 C. The Health Insurance Companies would not reimburse physicians and other health  
20 care providers for medically unnecessary services and for cosmetic procedures provided to  
21 beneficiaries, including skin rejuvenation procedures, facials, laser hair removal and Botox  
22 injections.

23 D. The co-conspirators, would induce Health Insurance Companies’ beneficiaries to  
24 visit the Clinics to receive free or discounted cosmetic procedures if the beneficiaries provided  
25 their health insurance information to the Clinics.

26 E. Once co-conspirators received the insurance information from the beneficiaries,  
27 Respondent, together with several of the other defendants, including an employee and insurance  
28 biller of the Clinics, would submit, and cause to be submitted, false and fraudulent claims for

1 reimbursement for medical services to the Health Insurance Companies. At times, Respondent  
2 and several of the other defendants would submit, and cause to be submitted, false and fraudulent  
3 claims to the Health Insurance Companies for unnecessary medical procedures. At other times,  
4 Respondent, together with his co-conspirators, would submit, and cause to be submitted, false and  
5 fraudulent claims to the Health Insurance Companies for medical procedures that were never  
6 provided to the beneficiaries.

7 F. After the Health Insurance Companies issued payments based on the false and  
8 fraudulent claims, co-conspirators Khadem, Sarkisyan, and Ilangezyan, "would calculate a  
9 'credit,' which would be a portion of the amount that the Health Insurance Companies had paid,  
10 and give this credit to the beneficiaries to use to receive free or discounted cosmetic procedures  
11 from the Clinics. Respondent would provide cosmetic procedures to beneficiaries at the Clinics.

12 G. Khadem and co-conspirator 1 (CC-1), another employee of the Clinics, would  
13 recruit doctors to work part-time at the Clinics (the 'recruited doctors'). Khadem and CC-1  
14 would open bank accounts for the recruited doctors and would retain signatory authority on the  
15 accounts. Khadem and CC-1 would cause the addresses for the recruited doctors on file with the  
16 Health Insurance Companies to be changed to the addresses of the Clinics or post office boxes  
17 near the Clinics, so that Khadem and CC-1 would have access to the payment checks from the  
18 Health Insurance Companies. Respondent, together with Khadem, Sarkisyan, and CC-1, would  
19 keep for themselves a percentage of the funds that the Health Insurance Companies paid for  
20 claims that were submitted under the names of the recruited doctors.

21 H. A co-conspirator, Gary Jizmejian (Jizmejian), who was a Senior Investigator in the  
22 Special Investigations Unit (SIU) for the health insurance company Anthem Blue Cross  
23 (Anthem), would provide confidential information relating to Anthem to Khadem and CC-1,  
24 knowing and intending that co-conspirator Khadem would use the confidential information to  
25 submit, and cause to be submitted, false and fraudulent claims for reimbursement to Anthem.

26 16. On or about November 5, 2020, in the United States District Court, for the Central  
27 District of California, in a proceeding entitled *United States of America v. Roshanak Khadem, aka*  
28 *"Roxanne Khadem," aka "Roxy Khadem," Gary Jizmejian, Roberto Mariano, Marina Sarkisyan,*

1 *Lucine Ilangezyan, aka "Lulu Ilangezyan,"* case number CR 18-00288-SVW, Respondent was  
2 convicted, upon his guilty plea to count 1 of the First Superseding Indictment, of a violation of 18  
3 U.S.C. § 1349 – conspiracy to commit healthcare fraud.

4 ***United States of America v. Roberto Hernandez Mariano, case number CR 17-CR00255***

5 **(False Statement in Bankruptcy)**

6 17. On April 28, 2017, in the United States District Court for the Central District of  
7 California in a proceeding entitled *United States of America v. Roberto Hernandez Mariano*, case  
8 number 17 CR 00255 RHW, Respondent was indicted and charged with False Statement in  
9 Bankruptcy; (18 U.S.C. § 152(3); Concealment of Assets in Bankruptcy; (18 U.S.C. § 152(1);  
10 Causing an Act to Be Done; (18 U.S.C. § 2); and Causing an Act to be Done; (18 U.S.C. § 2 (b)).

11 18. The fraudulent scheme operated, in substance, as follows:

12 A. Beginning in or about 2005 and continuing through at least in or about May 2012,  
13 Respondent resided in a single-family residence located in Pasadena, California (the "Pasadena  
14 Residence"). Respondent had purchased the Pasadena Residence using a loan from Countrywide  
15 Home Loans that was secured by a Deed of Trust on the Pasadena Residence.

16 B. On or about May 22, 2008, Respondent filed, and caused to be filed, in United  
17 States Bankruptcy Court for the Central District of California a bankruptcy petition that was  
18 assigned case name and number, *In re: Roberto Hernandez Mariano*, Case No. 2:08-bk-17106-  
19 EC. In the petition and subsequent schedules, Respondent identified Countrywide Home Loans  
20 as a creditor holding secured claims. The filing of the petition triggered the automatic stay  
21 provisions under the Bankruptcy Code, 11 U.S.C. § 362, which effectively precluded  
22 Respondent's creditors from taking any action to enforce their rights as creditors in the absence of  
23 a court order lifting the automatic stay. On or about July 8, 2008, as a result, in part, of  
24 Respondent failing to appear at the "duly noticed § 341(a) meeting of creditors," this bankruptcy  
25 case was dismissed and the automatic stay was vacated.

26 C. On or about September 14, 2010, Respondent filed, and caused to be filed, in  
27 United States Bankruptcy Court for the Central District of California a bankruptcy petition that  
28 was assigned case name and number, *In re: Roberto Hernandez Mariano*, 2:10-bk-49014-AA. In



1 the petition, Respondent, identified Bank of America, which had acquired Countrywide Home  
2 Loans, as a creditor. The filing of the petition triggered the automatic stay provisions under the  
3 Bankruptcy Code, 11 U.S.C. § 362, which effectively precluded Respondent's creditors from  
4 taking any action to enforce their rights as creditors in the absence of a court order lifting the  
5 automatic stay. On or about October 4, 2010, as a result of Respondent's failure to file required  
6 documents, this bankruptcy case was dismissed and the automatic stay was vacated.

7 D. On or about September 22, 2011, U.S. Bank National Association, as Trustee, for  
8 the benefit of HarborView 2005-10 Trust Fund (the "New Owner") became the lawful owner of  
9 the Pasadena Residence.

10 E. On or about October 26, 2011, the New Owner caused to be issued to Respondent  
11 a Notice to Quit that informed and instructed Respondent that he was required to vacate the  
12 Pasadena Residence and make it available to the New Owner. On or about February 10, 2012,  
13 the New owner filed in Los Angeles County Superior Court an unlawful detainer/eviction action  
14 against Respondent that sought to force Respondent to surrender possession of the Pasadena  
15 Residence to the New Owner.

16 F. On or about April 23, 2012, Respondent filed, and caused to be filed, in United  
17 States Bankruptcy Court for the Central District of California a bankruptcy petition that was  
18 assigned case name and number, *In re: Roberto Hernandez Mariano*, 2:12-bk-24278-BR. In the  
19 petition and subsequent schedules, Respondent identified US Bancorp (the parent corporation of  
20 U.S. Bank, N.A.) as a creditor. The filing of the petition triggered the automatic stay provisions  
21 under the Bankruptcy Code, 11 U.S.C. § 362, which effectively precluded Respondent's creditors  
22 from taking any action to enforce their rights as creditors in the absence of a court order lifting  
23 the automatic stay. On or about May 24, 2012, the New Owner moved for relief from the  
24 automatic stay. On or about July 2, 2012, the bankruptcy court granted the New Owner's motion  
25 for relief from the automatic stay. On or about July 11, 2012, as a result of Respondent's failing  
26 to appear "for examination at the initial Section 341(a) meeting of creditors," this bankruptcy case  
27 was dismissed and the automatic stay was vacated.

28 ///

1           19.       Respondent violated 18 U.S.C. §§ 152(3), 2(b) as follows:

2           A        On or about May 1, 2012, in Los Angeles County, within the Central District of  
3 California, Respondent knowingly and fraudulently made and willfully caused to be made a  
4 materially false declaration and statement under penalty of perjury within the meaning of Title 28,  
5 United States Code, Section 1746, in and in relation to a case under Title 11, United States Code,  
6 namely, bankruptcy case number 2:12-bk-24278 in United States Bankruptcy Court for the  
7 Central District of California, by submitting and declaring under penalty of perjury to be true a  
8 Schedule I - Current Income Of Individual Debtor, which represented that Respondent's monthly  
9 regular income from operation of a business was \$1,400.00 per month when, in fact, as  
10 Respondent well knew, his monthly regular income from operation of a business was  
11 substantially and materially greater.

12          B.        On or about May 1, 2012, in Los Angeles County, within the Central District of  
13 California, Respondent knowingly and fraudulently made, and willfully caused to be made, a  
14 materially false declaration and statement under penalty of perjury within the meaning of Title 28,  
15 United States Code, Section 1746, in and in relation to a case under Title 11, United States  
16 Code, namely, bankruptcy case number 2:12-bk-24278 in United States Bankruptcy Court for the  
17 Central District of California, by submitting and declaring under penalty of perjury to be true a  
18 Statement of Financial Affairs, which represented that defendant MARIANO'S "gross amount of  
19 income" from "employment, trade, or profession, or from operation of [Respondent's] business,  
20 including part-time activities either as an employee or in independent trade or business" was  
21 \$7,000.00 for "2012 YTD," \$35,000.00 for "2011 Employment Income," and \$33,000.00 for  
22 "2010 Employment Income, " when, in fact, as Respondent well knew, his income from  
23 employment or operation of a business for these periods was substantially and materially greater.

24          C.        On or about May 1, 2012, in Los Angeles County, within the Central District of  
25 California, Respondent knowingly and fraudulently made, and willfully caused to be made, a  
26 materially false declaration and statement under penalty of perjury within the meaning of Title 28,  
27 United States Code, Section 1746, in and in relation to a case under Title 11, United States Code,  
28 namely, bankruptcy case number 2:12-bk-24278. in United States Bankruptcy Court for the

1 Central District of California, by submitting and declaring under penalty of perjury to be true a  
2 Schedule B - Personal Property, which represented that the total value of all of Respondent's  
3 personal property was \$1,000, consisting of \$130 "cash on hand," \$120 in a "Chase checking  
4 account," \$50 in "books," \$400 in clothing," and \$300 in "computer and printer," when, in fact, as  
5 Respondent well knew, the total value of his personal property was substantially and materially in  
6 excess of \$1,000, including, in particular., \$30,060.54 held by Respondent in Citibank account  
7 \*\*\*\*8217 (the "Citibank Account") as of May 1, 2012.

8 20. Respondent violated 18 U.S.C. §152(1), 2(b) as follows:

9 D. Beginning on or about April 23, 2012, and continuing through at least on or about  
10 July 11, 2012, in Los Angeles County, within the Central District of California, and elsewhere,  
11 Respondent knowingly and fraudulently concealed, and willfully caused to be concealed, from  
12 the United States Bankruptcy Court, the bankruptcy trustee, and creditors of bankruptcy case  
13 number 2:12-bk-24278, a material amount of property belonging to the bankruptcy estate of  
14 Respondent, namely, the Citibank Account and the \$30,060.54 held by Respondent in the  
15 Citibank Account as of May 1, 2012, by, among other means, on or about May 1, 2012,  
16 submitting and causing to be submitted a Schedule B - Personal Property that listed only a single  
17 "Chase checking account" with a current value of \$120.00 and stated that the total value of all of  
18 Respondent's personal property, including the "Chase checking account," was \$1,000.00.

19 21. On or about October 14, 2020, in the United States District Court for the Central  
20 District of California, in the matter entitled *United States of America vs. Roberto Hernandez*  
21 *Mariano*, case number CR 17-00255-RHW, Respondent was convicted upon his plea of guilty of  
22 a violation of 18 USC §§ 152 (3) and 2(b), false statement in bankruptcy.

23 **FIRST CAUSE TO REVOKE PROBATION**

24 (Failure to Obey All Laws)

25 22. At all times after the October 21, 2015 effective date of Respondent's probation,  
26 Condition 7 stated:

1 "Respondent shall obey all federal, state and local laws, all rules governing the practice of  
2 medicine in California and remain in full compliance with any court ordered criminal probation,  
3 payments, and other orders."

4 23. Respondent's probation is subject to revocation because he failed to comply with  
5 Probation Condition 7. The circumstances are as follows:

6 24. Allegations of Paragraphs 13 through 21 are incorporated herein by reference. Each  
7 of the following is a violation of Probation Condition 7:

8 A. Respondent failed to obey all federal, state and local laws in that, while on  
9 probation with the Board and subject to Condition 7, he engaged in health care fraud in  
10 the manner set forth in the First Superseding Indictment filed on June 18, 2019, in the  
11 United States District Court for the Central District of California in *United States of*  
12 *America v. Roshanak Khadem, aka "Roxanne Khadem," aka "Roxy Khadem," Gary*  
13 *Jizmejjan, Roberto Mariano, Marina Sarkisyan, Lucine Ilangezyan, aka "Lulu*  
14 *Ilangezyan,"* case number CR 18-00288-SVW, asserting violations of Conspiracy to  
15 Commit Health Care Fraud: (18 U.S.C. § 1349; 18 U.S.C. § 1347), Health Care Fraud; (18  
16 U.S.C. § 2:), Aiding and Abetting and Causing an Act to be Done; (18 U.S.C. § 982 (a)  
17 (7), 28 U.S.C. § 2461 (c) and Criminal Forfeiture.

18 B. Furthermore, by virtue of the allegations in the First Superseding Indictment in  
19 case number CR 18-00288-SVW, and his subsequent plea of guilty to Count One therein,  
20 Respondent Roberto Hernandez Mariano violated Condition 7 of his probation by failure  
21 to obey Business and Professions Code sections 810, 2234, subdivision (e), and 2261.

22 C. Furthermore, by virtue of the allegations in the First Superseding Indictment in  
23 case number CR 18-00288-SVW, and his subsequent plea of guilty to Count One therein,  
24 Respondent Roberto Hernandez Mariano, M.D. violated Business and Professions Code  
25 section 2236.

26 D. Furthermore, Respondent Roberto Hernandez Mariano, M.D. failed to obey all  
27 federal, state and local laws in that he was convicted of making false statements in a  
28 bankruptcy proceeding and concealing assets in bankruptcy, in the manner set forth in the

1 Indictment filed in the United States District Court for the Central District of California on  
2 April 28, 2017, in *United States of America v. Roberto Hernandez Mariano*, case number  
3 17 CR 00255 RHW, By virtue of his guilty plea in case number 17 CR 00255 RHW,  
4 Respondent Roberto Hernandez Mariano, M.D. violated Condition 7 of his probation by  
5 the violating Business and Professions Code section 2236.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Conviction of a Crime)**

8 25. Respondent Roberto Hernandez Mariano, M.D. is subject to disciplinary action under  
9 sections 2236 of the Code, in that he was convicted of crimes substantially related to the  
10 qualifications, functions and duties of a physician and surgeon. The circumstances are as follows:

11 26. Allegations of paragraphs 13 through 21, are incorporated herein by reference.

12 27. Respondent is subject to discipline pursuant to Section 2236 because on or about  
13 November 5, 2020, in the United States District Court, for the Central District of California, in a  
14 proceeding entitled *United States of America v. Roshanak Khadem, aka "Roxanne Khadem," aka*  
15 *"Roxy Khadem," Gary Jizmejian, Roberto Mariano, Marina Sarkisyan, Lucine Ilangezyan, aka*  
16 *"Lulu Ilangezyan,"* case number CR 18-00288-SVW, Respondent was convicted, upon his guilty  
17 plea to Count 1 of the First Superseding Indictment, of a violation of 18 U.S.C. § 1349 –  
18 conspiracy to commit healthcare fraud.

19 28. Respondent is subject to discipline pursuant to Section 2236 because on or about  
20 October 14, 2020, in the United States District Court for the Central District of California, in the  
21 matter entitled *United States of America vs. Roberto Hernandez Mariano*, case number CR 17-  
22 00255-RHW, Respondent was convicted upon his plea of guilty of a violation of 18 USC §§ 152  
23 (3) and 2(b), false statement in bankruptcy.

24 **DISCIPLINARY CONSIDERATIONS**

25 29. To determine the degree of discipline, if any, to be imposed on Respondent,  
26 Complainant alleges that on October 21, 2015, Respondent was previously disciplined by the  
27 Board in connection with an action entitled *In the Matter of the Accusation Against Roberto*  
28 *Hernandez Mariano, M.D.*, Case Number 18-2013-230573. In that case, his license was revoked;

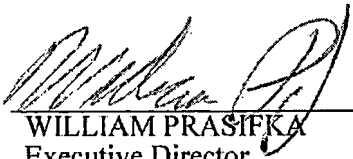
1 however, the revocation was stayed and he was placed on probation for three years upon terms  
2 and conditions, based on allegations of gross negligence, repeated negligent acts, dishonesty acts,  
3 failure to maintain adequate and accurate records, and unprofessional conduct relating to the  
4 medical services to patients. That decision is now final and is incorporated by reference as if fully  
5 set forth.

6 PRAYER

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

- 9 1. Revoking the probation that was granted by Medical Board of California in Case No.  
10 18-2013-230573 and imposing the disciplinary order that was stayed, thereby revoking  
11 Physician's and Surgeon's Certificate No. G 73610 issued to Roberto Hernandez Mariano, M.D.;
- 12 2. Revoking or suspending Physician's and Surgeon's Certificate No. G 73610 issued to  
13 Roberto Hernandez Mariano, M.D.;
- 14 3. Revoking, suspending or denying approval of Roberto Hernandez Mariano, M.D.'s  
15 authority to supervise physician assistants and advanced practice nurses;
- 16 4. Ordering Respondent, Roberto Hernandez Mariano, M.D. to pay the costs of the  
17 Board's investigation and prosecution in this matter;
- 18 5. If placed on probation, ordering Roberto Hernandez Mariano, M.D. to pay the  
19 Medical Board of California the costs of probation monitoring; and
- 20 6. Taking such other and further action as deemed necessary and proper.

21  
22 DATED: SEP 01 2022

  
23 WILLIAM PRASIFKA  
24 Executive Director  
25 Medical Board of California  
26 Department of Consumer Affairs  
27 State of California

28 *Complainant*

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