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10 **BEFORE THE**
11 **MEDICAL BOARD OF CALIFORNIA**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

15 **SAMI SELIM ELIAS, M.D.**
79 Marseille
Laguna Niguel, CA 92677-5407

16 **Physician's and Surgeon's Certificate**
17 **No. C 42061,**

18 Respondent.

Case No. 800-2023-097328

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

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20 **FINDINGS OF FACT**

21 1. On or about November 12, 2024, Complainant Reji Varghese, in his official capacity
22 as the Executive Director of the Medical Board of California, Department of Consumer Affairs,
23 filed Accusation No. 800-2023-097328 against Sami Selim Elias, M.D. (Respondent) before the
24 Medical Board of California.

25 2. On or about November 25, 1985, the Medical Board of California (Board) issued
26 Physician's and Surgeon's Certificate No. C 42061 to Respondent. The Physician's and
27 Surgeon's Certificate expired on December 31, 2020, and has not been renewed. A true and

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1 correct copy of the Certificate of Licensure is attached as Exhibit A to the accompanying Default
2 Decision Evidence Packet.¹

3 3. On or about November 12, 2024, Sharee Woods, an employee of the Medical Board
4 of California, served by Certified Mail a copy of the Accusation No. 800-2023-097328, Statement
5 to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes to
6 Respondent's address of record with the Board, which was and is: 79 Marseille, Laguna Niguel,
7 CA, 92677-5407. A copy of the Accusation, the related documents, and declaration of service are
8 attached as Exhibit B.

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c).

11 5. On or about December 9, 2024, the aforementioned documents were returned by the
12 U.S. Postal Service marked "Return to Sender. Not Deliverable as Addressed." A copy of the
13 returned envelope is attached as Exhibit C.

14 6. On or about December 3, 2024, having not yet received the Notice of Defense,
15 Deputy Attorney General Karolyn M. Westfall prepared a Courtesy Notice of Default, informing
16 Respondent that his failure to file a Notice of Defense within 14 calendar days of the notice
17 would result in the Board proceeding with a Default Decision against his license. The Courtesy
18 Notice of Default along with the Accusation, the related documents, and declaration of service
19 was mailed to Respondent by both regular and certified mail to his address of record with the
20 Board, and was emailed to Respondent at his last known email address, which was and is:
21 sameliasmd@cox.net. (Exhibit D, Declaration of Deputy Attorney General, Karolyn M. Westfall,
22 ¶ 6.) Shortly thereafter, a notification was received that the email was returned as undeliverable.
23 (Exhibit D, ¶ 7.)

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27 ¹ All exhibits are true and correct copies of the originals and are attached to the
28 accompanying Default Decision Evidence Packet. The Default Decision Evidence Packet is
hereby incorporated by reference, in its entirety, as if fully set forth herein.

1 7. Government Code section 11506 states, in pertinent part:

2 (c) The respondent shall be entitled to a hearing on the merits if the respondent
3 files a notice of defense, and the notice shall be deemed a specific denial of all parts
4 of the accusation not expressly admitted. Failure to file a notice of defense shall
5 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
6 may nevertheless grant a hearing.

7 8. To date, Respondent has not filed a Notice of Defense. (Exhibit D, ¶ 8.)

8 9. Respondent failed to file a Notice of Defense within 15 days after service upon him
9 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
10 800-2023-097328.

11 10. California Government Code section 11520 states, in pertinent part:

12 (a) If the respondent either fails to file a notice of defense or to appear at the
13 hearing, the agency may take action based upon the respondent's express admissions
14 or upon other evidence and affidavits may be used as evidence without any notice to
15 respondent.

16 11. Pursuant to its authority under Government Code section 11520, the Board finds
17 Respondent is in default. The Board will take action without further hearing and, based on
18 Respondent's express admissions by way of default and the evidence before it as contained in the
19 separate accompanying Default Decision Evidence Packet, Exhibits A through F, finds that the
20 allegations in Accusation No. 800-2023-097328, and each of them, separately and severally, are
21 true and correct.

22 12. Section 118 of the Code² states:

23 (a) The withdrawal of an application for a license after it has been filed with a
24 board in the department shall not, unless the board has consented in writing to such
25 withdrawal, deprive the board of its authority to institute or continue a proceeding
26 against the applicant for the denial of the license upon any ground provided by law or
27 to enter an order denying the license upon any such ground.

28 (b) The suspension, expiration, or forfeiture by operation of law of a license
 issued by a board in the department, or its suspension, forfeiture, or cancellation by
 order of the board or by order of a court of law, or its surrender without the written
 consent of the board, shall not, during any period in which it may be renewed,
 restored, reissued, or reinstated, deprive the board of its authority to institute or
 continue a disciplinary proceeding against the licensee upon any ground provided by
 law or to enter an order suspending or revoking the license or otherwise taking
 disciplinary action against the licensee on any such ground.

² All section references are to the Business and Professions Code (Code) unless otherwise indicated.

1 (c) As used in this section, "board" includes an individual who is authorized by
2 any provision of this code to issue, suspend, or revoke a license, and "license"
3 includes "certificate," "registration," and "permit."

4 13. Section 820 of the Code states:

5 Whenever it appears that any person holding a license, certificate or permit
6 under this division or under any initiative act referred to in this division may be
7 unable to practice his or her profession safely because the licentiate's ability to
8 practice is impaired due to mental illness, or physical illness affecting competency,
9 the licensing agency may order the licentiate to be examined by one or more
10 physicians and surgeons or psychologists designated by the agency. The report of the
11 examiners shall be made available to the licentiate and may be received as direct
12 evidence in proceedings conducted pursuant to Section 822.³

13 14. Section 821 of the Code provides that the licentiate's failure to comply with an order
14 issued under section 820 shall constitute grounds for the suspension or revocation of the
15 licentiate's certificate or license.⁴

16 15. Section 822 of the Code states:

17 If a licensing agency determines that its licentiate's ability to practice his or her
18 profession safely is impaired because the licentiate is mentally ill, or physically ill
19 affecting competency, the licensing agency may take action by any one of the
20 following methods:

21 (a) Revoking the licentiate's certificate or license.

22 (b) Suspending the licentiate's right to practice.

23 (c) Placing the licentiate on probation.

24 (d) Taking such other action in relation to the licentiate as the licensing agency
25 in its discretion deems proper.

26 The licensing section shall not reinstate a revoked or suspended certificate or
27 license until it has received competent evidence of the absence or control of the
28 condition which caused its action and until it is satisfied that with due regard for the
public health and safety the person's right to practice his or her profession may be
safely reinstated.

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³ An Order compelling examinations pursuant to Section 820 complies with state
procedural due process. (*Alexander D. v. State Board of Dental Examiners* (1991) 231
Cal.App.3d 92, 96-96.) Section 820 also complies with constitutional privacy interests. (*Kees v.*
Medical Board of California (1992) 7 Cal.App.4th 1801, 1814.)

⁴ The Court of Appeal has upheld the Board's authority to discipline a licensee for failure
to comply with an Order to submit to examinations. With regards to disciplinary action taken
pursuant to Section 821, all that is relevant is that the licensee did not comply with the Order.
(*Lee v. Board of Registered Nursing* (2012) 209 Cal.App.4th 793, 798.)

1 16. Section 2234 of the Code, states, in pertinent part, that the board shall take action
2 against any licensee who is charged with unprofessional conduct.

3 17. Unprofessional conduct under Business and Professions Code section 2234 is conduct
4 which breaches the rules or ethical code of the medical profession, or conduct which is
5 unbecoming a member in good standing of the medical profession, and which demonstrates an
6 unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564,
7 575.)

8 18. Business and Professions Code section 125.3 states, in pertinent part:

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

15 19. Respondent has subjected his Physician's and Surgeon's Certificate No. C 42061 to
16 disciplinary action under sections 2227 and 821, of the Code, in that Respondent failed to comply
17 with an Order issued pursuant to section 820 of the Code, as more particularly alleged hereinafter:

18 a) On or about September 23, 2020, Respondent got into a verbal argument with a
19 garbage truck driver after the driver failed to pick up the garbage bins outside
20 Respondent's home. The garbage truck driver informed Respondent that he had
21 not paid his bill, suggested he contact the office to dispute the bill, and drove
22 away. Respondent then got into his own vehicle and followed the garbage truck
23 around the neighborhood. At some point, when the garbage truck was stopped,
24 Respondent approached the garbage truck driver with a knife. Respondent then
25 tried to open the driver's door of the garbage truck and said to the driver, "I'm
26 going to kill you, [expletive]." The police were called to the scene and
27 Respondent was subsequently placed under arrest. (Exhibit E, Declaration of
28 Special Investigator Chris Jensen, ¶ 4.)

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- 1 b) On or about December 8, 2023, the Board issued an Order Granting Petition to
2 Compel Mental and Physical Examinations of Respondent (Order). (Exhibit E, ¶
3 7.)
- 4 c) On or about December 15, 2023, Special Investigator Chris Jensen (Investigator
5 Jensen) mailed the Order to Respondent by regular and certified mail to his
6 address of record with the Board, along with a letter informing Respondent that
7 his physical evaluation had been scheduled for January 15, 2024, and his mental
8 evaluation had been scheduled for January 16, 2024. (Exhibit E, ¶ 8.)
- 9 d) On or about January 11, 2024, Investigator Jensen mailed the Order to
10 Respondent by regular and certified mail to his address of record with the Board,
11 along with a letter informing Respondent that his physical evaluation had been
12 rescheduled for January 22, 2024. (Exhibit E, ¶ 9.)
- 13 e) On or about January 16, 2024, Respondent failed to appear for his scheduled
14 mental evaluation. (Exhibit E, ¶ 10.)
- 15 f) On or about January 18, 2024, Investigator Jensen received a phone call from
16 Respondent's family member. Respondent's family member informed
17 Investigator Jensen that she had received his letters, but that Respondent was
18 unable to attend the scheduled appointments. Respondent then got on the phone
19 call and informed Investigator Jensen that he was suffering from a serious medical
20 condition, that he cannot practice medicine, and his license is expired. (Exhibit E,
21 ¶ 11.)
- 22 g) On or about January 22, 2024, Respondent failed to appear for his scheduled
23 physical evaluation. (Exhibit E, ¶ 12.)

24 20. Respondent has further subjected his Physician's and Surgeon's Certificate No.
25 C 42061 to disciplinary action under sections 2227 and 2234 of the Code, in that Respondent has
26 engaged in conduct which breaches the rules or ethical code of the medical profession, or conduct
27 which is unbecoming to a member in good standing of the medical profession, and which

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1 demonstrates an unfitness to practice medicine, as more particularly alleged in paragraphs 19(a)
2 through 19(g), above, which are hereby incorporated by reference as if fully set forth herein.

3 21. The costs of investigation and enforcement of the case prayed for in the Accusation
4 total, \$6,882.00 (Exhibit D, ¶ 14, and Exhibit F, Declaration of Investigative Activity).

5 **DETERMINATION OF ISSUES**

6 1. Based on the foregoing findings of fact, Respondent Sami Selim Elias, M.D. has
7 subjected his Physician's and Surgeon's Certificate No. C 42061 to discipline.

8 2. A copy of the Accusation and the related documents and Declaration of Service are
9 attached as Exhibit B in the accompanying Default Decision Evidence Packet.

10 3. The Board has jurisdiction to adjudicate this case by default.

11 4. Pursuant to Business and Professions Code section 125.3, the Board is authorized to
12 order Respondent to pay the Board the reasonable costs of investigation and enforcement of the
13 case prayed for in the Accusation total \$6,882.00, based on the certification of prosecution costs
14 (\$4,511.25) contained in Exhibit D, and declaration of investigative activity (\$2,370.75), both
15 contained in Exhibit F in the accompanying Default Decision Evidence Packet.

16 5. The Medical Board of California is authorized to revoke Respondent's Physician's
17 and Surgeon's Certificate based upon the following violations alleged in the Accusation:

- 18 a. Respondent failed to comply with an order of examination issued pursuant to
19 section 820 of the Code, and
20 b. Respondent engaged in general unprofessional conduct.

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ORDER

IT IS SO ORDERED that Physician's and Surgeon's Certificate No. C 42061, heretofore issued to Respondent Sami Selim Elias, M.D., is revoked. Respondent Sami Selim Elias, M.D., is ordered to pay the Board the costs of the investigation and enforcement of this case in the amount of \$6,882.00.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The Board in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on FEB 13 2025.

It is so ORDERED JAN 14 2025

Jenna Jones for
Reji Varghese, Executive Director
FOR THE MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

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

13 In the Matter of the Accusation Against:

Case No. 800-2023-097328

14 **SAMI SELIM ELIAS, M.D.**
15 **79 Marseille**
Laguna Niguel, CA 92677-5407

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
17 **No. C 42061,**

18 Respondent.

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20 **PARTIES**

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

24 2. On or about November 25, 1985, the Medical Board issued Physician's and
25 Surgeon's Certificate No. C 42061 to Sami Selim Elias, M.D. (Respondent). The Physician's and
26 Surgeon's Certificate expired on December 31, 2020, and has not been renewed.

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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 2227 of the Code states, in pertinent part:

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

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

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

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

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

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

...

5. Section 118 of the Code states:

(a) The withdrawal of an application for a license after it has been filed with a board in the department shall not, unless the board has consented in writing to such withdrawal, deprive the board of its authority to institute or continue a proceeding against the applicant for the denial of the license upon any ground provided by law or to enter an order denying the license upon any such ground.

(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

(c) As used in this section, "board" includes an individual who is authorized by any provision of this code to issue, suspend, or revoke a license, and "license" includes "certificate," "registration," and "permit."

1 6. Section 820 of the Code states:

2 Whenever it appears that any person holding a license, certificate or permit
3 under this division or under any initiative act referred to in this division may be
4 unable to practice his or her profession safely because the licentiate's ability to
5 practice is impaired due to mental illness, or physical illness affecting competency,
6 the licensing agency may order the licentiate to be examined by one or more
7 physicians and surgeons or psychologists designated by the agency. The report of the
8 examiners shall be made available to the licentiate and may be received as direct
9 evidence in proceedings conducted pursuant to Section 822.¹

10 7. Section 821 of the Code provides that the licentiate's failure to comply with an order
11 issued under section 820 shall constitute grounds for the suspension or revocation of the
12 licentiate's certificate or license.²

13 8. Section 822 of the Code states:

14 If a licensing agency determines that its licentiate's ability to practice his or her
15 profession safely is impaired because the licentiate is mentally ill, or physically ill
16 affecting competency, the licensing agency may take action by any one of the
17 following methods:

18 (a) Revoking the licentiate's certificate or license.

19 (b) Suspending the licentiate's right to practice.

20 (c) Placing the licentiate on probation.

21 (d) Taking such other action in relation to the licentiate as the licensing agency
22 in its discretion deems proper.

23 The licensing section shall not reinstate a revoked or suspended certificate or
24 license until it has received competent evidence of the absence or control of the
25 condition which caused its action and until it is satisfied that with due regard for the
26 public health and safety the person's right to practice his or her profession may be
27 safely reinstated.

28 9. Section 2234 of the Code, states, in pertinent part, that the board shall take action
29 against any licensee who is charged with unprofessional conduct.

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¹ An Order compelling examinations pursuant to Section 820 complies with state
32 procedural due process. (*Alexander D. v. State Board of Dental Examiners* (1991) 231
33 Cal.App.3d 92, 96-96.) Section 820 also complies with constitutional privacy interests. (*Kees v.*
34 *Medical Board of California* (1992) 7 Cal.App.4th 1801, 1814.)

35 ² The Court of Appeal has upheld the Board's authority to discipline a licensee for failure
36 to comply with an Order to submit to examinations. With regards to disciplinary action taken
37 pursuant to Section 821, all that is relevant is that the licensee did not comply with the Order.
38 (*Lee v. Board of Registered Nursing* (2012) 209 Cal.App.4th 793, 798.)

1 10. Unprofessional conduct under Business and Professions Code section 2234 is conduct
2 which breaches the rules or ethical code of the medical profession, or conduct which is
3 unbecoming a member in good standing of the medical profession, and which demonstrates an
4 unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564,
5 575.)

6 **COST RECOVERY**

7 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
8 administrative law judge to direct a licensee found to have committed a violation or violations of
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
10 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
11 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
12 included in a stipulated settlement.

13 **FIRST CAUSE FOR DISCIPLINE**

14 **(Failure to Comply with Order of Examination)**

15 12. Respondent has subjected his Physician's and Surgeon's Certificate No. C 42061 to
16 disciplinary action under sections 2227 and 821, of the Code, in that Respondent failed to comply
17 with an Order issued pursuant to section 820 of the Code, as more particularly alleged hereinafter:

18 13. On or about September 23, 2020, Respondent got into a verbal argument with a
19 garbage truck driver after the driver failed to pick up the garbage bins outside Respondent's
20 home. The garbage truck driver informed Respondent that he had not paid his bill, suggested he
21 contact the office to dispute the bill, and drove away. Respondent then got into his own vehicle
22 and followed the garbage truck around the neighborhood. At some point, when the garbage truck
23 was stopped, Respondent approached the garbage truck driver with a knife. Respondent then
24 tried to open the driver's door of the garbage truck and said to the driver, "I'm going to kill you,
25 [expletive]." The police were called to the scene and Respondent was subsequently placed under
26 arrest.

27 14. On or about December 8, 2023, the Board issued an Order Granting Petition to
28 Compel Mental and Physical Examinations of Respondent (Order).

15. On or about December 15, 2023, a Board investigator mailed the Order to Respondent by regular and certified mail to his address of record with the Board, along with a letter informing Respondent that his physical evaluation had been scheduled for January 15, 2024, and his mental evaluation had been scheduled for January 16, 2024.

16. On or about January 11, 2024, a Board investigator mailed the Order to Respondent by regular and certified mail to his address of record with the Board, along with a letter informing Respondent that his physical evaluation had been rescheduled for January 22, 2024.

17. On or about January 16, 2024, Respondent failed to appear for his scheduled mental evaluation.

18. On or about January 18, 2024, the Board investigator received a phone call from Respondent's family member. Respondent's family member informed the investigator that she had received his letters, but that Respondent was unable to attend the scheduled appointments. Respondent then got on the phone call and informed the investigator that he was suffering from a serious medical condition, that he cannot practice medicine, and his license is expired.

19. On or about January 22, 2024, Respondent failed to appear for his scheduled physical evaluation.

SECOND CAUSE FOR DISCIPLINE

(General Unprofessional Conduct)

20. Respondent has further subjected his Physician's and Surgeon's Certificate No. C 42061 to disciplinary action under sections 2227 and 2234 of the Code, in that Respondent has engaged in conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming to a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine, as more particularly alleged in paragraphs 12 through 19, above, which are hereby incorporated by reference as if fully set forth herein.

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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 No. C 42061, issued to Respondent Sami Selim Elias, M.D.;

2. Revoking, suspending, or denying approval of Respondent Sami Selim Elias, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Respondent Sami Selim Elias, 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: NOV 12 2024



REJI VARGHESE
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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