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

In the Matter of the Second Amended Accusation Against: Alfred David Villasenor, M.D. Physician's and Surgeon's Certificate No. A 141670 Respondent.	Case No. 800-2019-062735

DECISION

The attached Proposed Decision 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 August 20, 2021.

IT IS SO ORDERED July 22, 2021.

MEDICAL BOARD OF CALIFORNIA

By: Richard E. Thorp MD
Richard E. Thorp, M.D., Chair
Panel B

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

In the Matter of the Second Amended Accusation against:

ALFRED DAVID VILLASENOR, M.D., Respondent

Agency Case No. 800-2019-062735

OAH No. 2020070261

PROPOSED DECISION

Erin R. Koch-Goodman, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter on May 10 through 12, 2021, from Sacramento, California.

Aaron Lent, Deputy Attorney General (DAG), represented William Prasifka (complainant), Executive Director, Medical Board of California (Board), Department of Consumer Affairs.

Jonathan C. Turner, Attorney at Law, Law Office of Jonathan Turner, represented Alfred David Villasenor, M.D. (respondent), who also appeared.

Evidence was heard, the record was closed, and the matter was submitted for decision on May 12, 2021.

FACTUAL FINDINGS

Jurisdictional Matters

1. On March 30, 2016, the Board issued Physician and Surgeon Certificate Number A 141670 (Certificate) to respondent. The Certificate will expire on July 31, 2021, unless renewed or revoked.

2. On December 2, 2020, complainant, in his official capacity, made and served a Second Amended Accusation[1] seeking to discipline respondent's Certificate for violating Business and Professions Code[2] sections 2234, 2236, and 802.1. More specifically, complainant alleges respondent exhibited unprofessional conduct when he: was arrested on September 11, and November 20, 2019; convicted of two crimes substantially related to the qualifications, functions, or duties of a physician and surgeon, on March 8, 2018, and September 28, 2020; and failed to report the same two convictions, as well as a federal felony inditement on March 5, 2020, to the Board. On May 6, 2020, respondent filed a Notice of Defense and request for hearing.[3]

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[1] An Accusation was made and served on February 19, 2020. A First Amended Accusation was made and served on June 24, 2020.

[2] All further statutory references are to the Business and Professions Code unless otherwise specified.

[3] On May 6, 2020, respondent filed a Notice of Defense and request for hearing in *pro se*. Thereafter, he obtained representation and on May 8, 2020, counsel filed a Notice of Defense and request for hearing on behalf of respondent.

Background

3. In June 2016, respondent, his pregnant wife, and their two minor children were living in student housing at the University of California, San Francisco (UCSF). At the time, respondent was completing a one-year residency in family and community medicine at the UCSF Medical Center. On June 10, 2016, respondent and his wife had a verbal argument. The police were called, and respondent was arrested on charges of domestic violence (DV). During his arrest, UCSF police confiscated from respondent: two rifles, two pistols, and ammunition for the same. Thereafter, respondent and his wife physically separated, with respondent's wife moving to southern California with the couple's two minor children.

4. On June 24, 2016, the San Francisco County Superior Court issued a Criminal Protective Order – Domestic Violence (DV Order), under Penal Code section 136.2, restraining respondent from having any contact with or being within 150 yards of his wife for three years or until June 24, 2019. The DV Order included standard warnings and notices. It also included a notice regarding firearms: precluding respondent's ownership, possession, or purchase of a firearm; requiring him to relinquish any firearms during the period of the DV Order; and under federal law, precluding him from owning, accepting, transporting, or possessing firearms or ammunition.

5. While in southern California, respondent's wife gave birth to the couple's third child. One month later, in July 2016, respondent and his wife reconciled. Respondent found work as a family practice physician in Chico, and he and his family relocated there. Respondent and his wife bought a home where they lived together with their three minor children.

6. On February 1, 2017, respondent and his wife had another verbal argument. The police were called, and respondent was arrested on charges of violating the DV Order; specifically, being within 150 feet of his wife. Thereafter, respondent and his wife physically separated, with respondent moving out of the family home.[4]

Conduct at Issue

2018 Conviction - Butte County, Case No. 17CM00637

7. On March 8, 2018, in the Butte County Superior Court, Case No. 17CM00637 (2018 Conviction), respondent pled no contest to, and was convicted of, violating Penal Code section 273.6, subdivision (a) (knowingly and intentionally violating a court order), a misdemeanor. The Court issued a new DV Order, again precluding respondent from contacting his wife for a period of three years or until March 7, 2021. The court also sentenced respondent to three years of formal probation, including the requirement to abstain from alcohol and drugs; and ordered him to pay fines and fees. Respondent also signed and initialed a Proposition 63: The Safety of All Act of 2016 acknowledgment form, indicating he had been advised/instructed by the court and counsel that he was precluded from owning, possessing, or purchasing a firearm or ammunition; he also was required to relinquish

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[4] Respondent's conduct on June 10, 2016, and February 1, 2017, was not considered for discipline in this matter; the incidents were known to the Board and no action was taken within the three-year statute of limitations. (Bus. & Prof. Code, § 2230.5.) The background is provided for the sole purpose of understanding the circumstances leading up to the facts at issue.

all firearms. Respondent failed to report the 2018 Conviction to the Board within 30 days.

PROBATION VIOLATION

8. On April 5, 2018, respondent's probation officer requested a urine sample and respondent obliged. The urine sample was sent to Redwood Toxicology Laboratory for testing and the results were positive for alcohol. On April 17, 2018, Deputy Probation Officer Rose Lenhardt filed a Petition for Hearing Re: Violation of Probation (Petition). On June 7, 2018, the Petition was heard, and the Court revoked and reinstated probation, adding attendance at a minimum of two 12-step meetings per week and a SCRAM[5] ankle monitor.

SEPTEMBER 2019 ARREST

9. In March 2019, respondent moved into a home on Roycroft Lane with his then-girlfriend and her two minor children. On September 11, 2019, respondent and his girlfriend had a fight, both verbal and physical. The police were called, and respondent's girlfriend was arrested on DV charges. Chico police questioned respondent and confiscated from him: a modified, semi-automatic AR-15 rifle with an extended magazine, a flash suppressor, and a pistol grip; two loaded, semi-automatic pistols without manufacturer's markings, serial numbers, or any other required identifiers (also known as ghost guns); and ammunition for the same. All of the weapons are illegal to own in California. Respondent was arrested for possessing

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[5] SCRAM is an acronym for Secure Continuous Remote Alcohol Monitoring bracelet.

illegal firearms and ammunition and possession of the same being a violation of the March 8, 2018 DV Order.

10. On October 17, 2019, the Butte County District Attorney filed a Felony Complaint against respondent, Case No. 19CF06749 (October Complaint), alleging felony and misdemeanor charges for possession of an assault weapon and ammunition, unlawful firearm activity in violation of the March 8, 2018 DV Order, and possession of firearms with identification numbers removed. Thereafter, a warrant was issued for respondent's arrest.

NOVEMBER 2019 ARREST

11. On November 20, 2019, respondent's vehicle was found submerged in the Sacramento River off of the Pine Creek Launch Ramp in the Bidwell-Sacramento River State Park in Butte County. Search and rescue personnel found no one in the vehicle. The rangers researched the vehicle and found respondent to be the vehicle's owner; they contacted Chico police and reported the whereabouts of respondent's vehicle. Then, the rangers attempted to personally contact respondent: by cellular telephone, calling and visiting Chico Direct Care, and appearing at respondent's home on Roycroft Lane, but to no avail.

12. At the Roycroft home, the rangers met three Chico police officers, who had been dispatched to conduct a welfare check on respondent. Together, law enforcement repeatedly banged on the front door of the Roycroft home but got no answer. The group searched the exterior of the house and found an empty pistol magazine and holster in the backyard, open windows, and an unlocked sliding glass door. The Chico police officers determined exigent circumstances existed, and with the rangers, they entered respondent's home with weapons drawn. In the house, law

enforcement repeatedly announced their presence, calling for anyone present to make themselves known; they heard nothing. In addition, law enforcement made oral reports to one another after inspecting/clearing each room of the house. At the end of a hallway, they found a closed door and entered the room together. One officer saw movement under a comforter piled on the floor and quickly lifted the comforter to find respondent hiding underneath. Respondent was wearing body armor on his upper body, lying in a prone position, looking through the scope of a loaded and modified AR-15 rifle, with the safety off, pointed at the door through which law enforcement had just entered. Respondent was handcuffed, and officers conducted a search of the home and garage. In addition to the AR-15 rifle found with respondent, officers found a .308 caliber rifle; two handguns, including a 9 millimeter semi-automatic handgun with fake serial numbers engraved on them; two collapsible batons; two full 10 round .40 caliber Glock magazines; a gas mask; and a permanent resident card with the name "Martin Fredrick Jonas." All of the weapons are illegal to own in California. Law enforcement confiscated the weapons and ammunition. Respondent was arrested on the felony warrant in Case No. 19CF06749 (October Complaint); possessing illegal firearms and ammunition; and possession of the same being a violation of the March 8, 2018 DV Order.

13. On November 22, 2019, in the Butte County Superior Court, the District Attorney filed a Felony Complaint, Case No. 19CF07608 (November Complaint), alleging felony and misdemeanor charges against respondent for the possession of an assault weapon and ammunition, unlawful firearm activity in violation of the March 8, 2018 DV Order, possession of firearms with identification numbers removed, and possession of two batons. As a result, on November 26, 2019, in the 2018 Conviction case, the Court again revoked and reinstated respondent's formal three-year probation or until November 26, 2022, for failing to obey all laws. The Court cited to

respondent's November 2019 arrest, and his subsequent arraignment in the November Complaint. On January 2, 2020, the Court ordered respondent to be held without bail in both the October and November Complaints.

COMPLAINT AND ARREST, EASTERN DISTRICT OF CALIFORNIA, CASE NO. 2:20-CR-00050-KJM

14. On January 30, 2020, in the United States District Court, Eastern District of California, a criminal complaint and request for an arrest warrant was filed, Case No. 2:20-CR-00050-KJM (Federal Complaint), against respondent, alleging he was a prohibited person in possession of ammunition based upon his arrests on September 11, and November 20, 2019. As a result, on February 20, 2020, the Butte County Superior Court dismissed the October and November Complaints. The same day, in the 2018 Conviction matter, the Court again revoked and reinstated respondent's formal three-year probation or until February 20, 2023, for failing to obey all laws. The Court cited to respondent's Federal Complaint. On or about February 21, 2020, a federal warrant was issued, and respondent was arrested and transferred from State custody to federal custody. He has remained incarcerated to date. He appeared at hearing with the permission of the federal court.

15. On March 5, 2020, a federal indictment issued, charging respondent with two counts of violating 18 United States Code section 922(g)(8) (prohibited person in possession of ammunition) on September 11 and November 20, 2019. Respondent failed to report the indictment to the Board within 30 days. On September 28, 2020, respondent pled guilty and was convicted of violating count two, illegally possessing ammunition on November 20, 2019. Respondent failed to report the conviction to the Board within 30 days. Respondent is currently scheduled to be sentenced on May 24, 2021.

Aggravation, Mitigation, and Rehabilitation

16. Respondent is 38 years old. He is married, but separated from his wife, and is the father to three minor children. He is a first generation Mexican American. He graduated from high school in June 2001 and had planned to attend California Polytechnic University Pomona (Pomona) in the fall, but the September 11 attacks on New York changed his focus. He enlisted in the United States Air Force (USAF) in February 2002 and served as an Airman First Class, inspecting fighter aircrafts. During his service, he was deployed to Qatar in support of operations Iraqi Freedom and Enduring Freedom. He was honorably discharged in 2005. When he returned home, he enlisted in the California Army National Guard (2006 to 2008) and helped evacuate the San Diego area during wildfires in 2007. He also served in the Air Force Reserves (2008 to 2010) as a staff sergeant, inspecting cargo and transport aircraft.

17. Respondent completed a Bachelor of Science in biology at Pomona in 2010 before completing his medical degree at the University of Southern California (USC), Keck School of Medicine, in 2014. Thereafter, he completed a one-year residency in general surgery at the New York Medical College, Metropolitan Hospital Center, followed by a one-year residency in family and community medicine at the UCSF Medical Center. He was licensed to practice in California in March 2016. His medical experience includes practicing family medicine as a solo practitioner in a community clinic with Ampla Health Family Medical Clinic (Ampla) for eight months; in a group office setting with Argyll Medical Group (Argyll) for two months; and in private practice at his own clinic, Chico Direct Care, for two years. Additionally, for almost two years, he worked part-time providing wound care at several skilled nursing facilities. First working for AmeriWound LLC, and thereafter, contracting independently with

California Park Rehabilitation Hospital, Country Crest Post Acute and Shadowbrook Health Care.

18. Respondent testified at hearing. He freely acknowledged his problems with the law. Looking back, he believes several things contributed to his downward spiral: his mental health, amplified by his military service and his failed marriage; the stresses of a private practice; and his physical health. First, he thinks his military service profoundly changed him. Both during his service career and after, he felt overwhelmed by the images of exploding buildings and the Iraqi and Afghani people being displaced, wounded, and killed by the fighting. He felt personally responsible for the death and destruction of the war because US bombs were being dropped from the airplanes he inspected. He internalized his feelings and was regularly overcome by guilt and shame. He also developed feelings of fear and anxiety, with ongoing concerns about his personal safety and the safety of those around him. Because the military provided him extensive weapons training, respondent considers himself capable of safely using the same. Since his military service, respondent has possessed firearms to protect himself and his family, but he has never used firearms to threaten anyone.

19. Second, when respondent opened Chico Direct Care, the practice itself caused him a great deal of grief. While he had a number of patients follow him from Ampla and Argyll, he also accepted a large number of referral patients from two local physicians: one who retired, and another physician who moved out of the Chico area. Many of the referral patients had been diagnosed with chronic pain and had been prescribed large numbers of opioids. However, at the same time, the Board was changing the allowable daily Morphine Milligram Equivalents (MME) and respondent was forced to reduce opioid prescriptions and treat some patients for opioid

addiction. These same patients often exhibited drug-seeking behaviors and became quite angry with respondent at his clinic in front of other patients. Notwithstanding, respondent never called the police. Further, respondent repeatedly found homeless people sleeping outside the clinic, and at times, he feared for his safety while working at the clinic. He bought pepper spray for his medical assistant and body armor to wear when he was alone at the clinic.

20. Third, respondent has had several chronic physical health issues over the last four years. In August 2016, he was admitted to the hospital for eight days for gallstones and pancreatitis. On February 1, 2017, respondent passed out at work. A medical assistant gave him an injection for nausea, and he went to the hospital emergency department (ED). At the ED, respondent was found to have high blood sugars and was diagnosed with diabetes; respondent believes his repeated pancreatitis damaged the insulin-producing cells in his pancreas causing the diabetes.

21. Fourth, respondent's marriage was never stable. He never wanted to marry his college girlfriend, but he felt he had no choice once she became pregnant. The two fought often and she was always yelling at him for something. In medical school, respondent and his wife sought marital counseling and respondent saw a psychologist for talk therapy on an individual basis. In June 2016, while living in the UCSF family housing, a fight erupted between he and his wife. Respondent was arrested and the UCSF police confiscated several guns and ammunition from him. Then, the court issued a DV Order against him and his pregnant wife moved to Los Angeles with their two minor children. Less than a month later, respondent and his wife reconciled and moved to Chico together with their kids. They bought a house together and again attended marital counseling, but they could never really make their

relationship work. Their fight on February 1, 2017, all but ended their marriage for good.

22. On February 1, 2017, after his diabetes diagnosis, the ED discharged respondent, directing him to get something to eat and rest. Respondent drove himself home, picking up fast food on the way. At home, he poured himself a glass of wine and sat down at the kitchen table to eat. His wife asked him to do something and respondent asked if he could eat first. His wife picked up his food and threw it across the room and then walked out of the house via the laundry room and an open garage door. Respondent got up from the table, locked the laundry room door, picked up his food, and sat down at the table to eat it. When his wife tried to get back into the house, she found the laundry room door locked and called the police. The police arrived and arrested respondent for violating the DV Order because he was within 150 feet of his wife. Thereafter, respondent and his wife separated, and respondent moved out of the family home. In March 2018, respondent pled guilty to violating the 2016 DV Order. In April 2018, his probation officer asked him to take an alcohol test and he tested positive. However, respondent denies consuming any alcohol. He believes it was his insulin levels, high blood sugar, a yeast infection, and/or exposure to wound care supplies or hand sanitizer. Nonetheless, respondent pled no contest because his attorney said he would not prevail at trial.

23. In April/May 2019, respondent's wife called the police again and reported him for pushing her during their custody exchange of the children. Police contacted respondent and reminded him he was still precluded from being within 150 feet of his wife. Respondent indicated he thought he and his wife were permitted to see each other during a kid exchange, but after talking with police, he realized his understanding was incorrect. In June 2019, respondent's wife filed for 90 percent

custody of the children. Since then, respondent has been restricted to only supervised visits with his children and he and his wife communicate only through their attorneys.

24. Finally, in October 2018, respondent tried to move on and began dating another woman, but things did not work out for him again. In March 2019, he and his girlfriend moved into a home together with her two minor sons. Respondent believes his new relationship and living status made his wife jealous. As a means of getting his attention, his wife reported to him she had been diagnosed with breast cancer. He became quite concerned about his wife and kids. At the same time, the relationship with his girlfriend was not doing well; respondent described his girlfriend as abusive. Then, in June/July 2019, respondent's girlfriend had a miscarriage.

25. At this point, respondent felt like everything in his life was falling apart. He was overwhelmed. He decided to try and "push through," hoping everything would work out. Unfortunately, on September 11, 2019, he and his girlfriend got into an argument in the master bedroom of their home on Roycroft. She slapped respondent twice, and repeatedly grabbed at his shirt and ripped it. Respondent tried to exit the bedroom, but his girlfriend blocked the door. The girlfriend's mother was also at the home and respondent yelled out to her to call the police. When the police arrived, respondent was standing outside by his car, which was loaded with his camping equipment so he could stay elsewhere. Both respondent and his girlfriend were arrested: she was arrested for DV and he was arrested for violating the DV Order and terms of probation, based on his possession of firearms and ammunition. The police confiscated the weapons and ammunition from respondent.

26. After his September 2019 arrest, respondent continued to practice at Chico Direct Care, but he felt lost. He did not know how to cope with everything that was happening. He started drinking, mostly vodka; and the more he drank, the less he

could feel. He could not sleep, so he started vaping THC (tetrahydrocannabinol) to help. When vaping did not suffice, respondent began smoking cannabis as well as drinking. The drinking and drug use led respondent to become quite paranoid.

27. On November 16 (Saturday) or 17 (Sunday), 2019, respondent drove himself to Chico Direct Care. He found the clinic had been broken into and ransacked. He assumed an angry patient and/or addict had entered to find drugs. He was scared, but he did not call the police. He left his car at the clinic and walked home. At home, he continued to drink. The next day, he walked back to clinic and found his car was gone. He believed he was being targeted for drugs and was afraid of being kidnapped or killed, so he did not report the theft to the police. He again walked home and continued to drink. On November 20, 2019, he heard voices outside his home. He did not respond because he thought the people were there to hurt him and might be impersonating law enforcement. He was hoping they would simply leave. As the voices got closer, respondent hid on the floor of the master bedroom, under a comforter, with a loaded semi-automatic rifle pointed at the bedroom door. When officers entered the master bedroom, respondent remained as still as possible under the comforter. Then, an officer moved the comforter and respondent saw law enforcement uniforms. He immediately released hold of the weapon and complied with all commands. He has been in jail ever since.

28. When respondent was arrested and taken to jail, he was in shock. He sobered and began to process what had happened: why had he been drinking; when could he have stopped all this; why did he not ask for help. He reprioritized his life. He joined the jailhouse 12-step program and he has "reconnected with his creator." He is also practicing mindfulness. He has taken parenting classes and he wants to see his kids again. He has not seen his children in almost two years.

29. With hindsight, respondent knows what he did was wrong. Respondent is not pointing fingers or blaming anyone. His behavior was his own. Respondent admitted, between June 2016 and November 2019, he bought and possessed multiple firearms and ammunition in violation of the DV Order and his criminal probation. In addition, on several occasions, he built illegal firearms, ordering the gun parts online, manufacturing the remaining components at home, and putting the weapons together himself. Nonetheless, respondent adamantly denies ever threatening anyone with his firearms. In fact, he never even told his girlfriend that there were firearms in the house and garage. Respondent also admitted buying body armor online and wearing the same at his clinic when he was alone, as well as on November 20, 2019. Respondent also admitted buying a fake identification card online, so he could pretend to be the cleaning person at his clinic if anyone tried to break in looking for drugs from the physician/owner.

30. Today, respondent is awaiting sentencing. After sentencing, respondent hopes to put his life back together. This includes completing the divorce with his wife, securing visitations with his children, and seeking medical help, hopefully, from the Veteran's Administration (VA). He would like to obtain placement in a VA facility for both in-patient and outpatient services, to deal with his depression and his substance abuse. While incarcerated, he was prescribed an anti-depressant, which has helped him feel better. He would like to work through the root cause of all of his issues. In addition, he believes he will have a successful recovery now that he has people supporting him including, his parents, brothers, and friends.

31. Finally, respondent desperately wants to practice medicine again. He feels like he has a purpose in life, to care for others. He believes medicine is his calling. He would like to serve an indigent population and learn more about pain management

and opioid dependency and drug-seeking behaviors. He believes he can be an asset to the medical profession and his patients' lives.

CHARACTER TESTIMONY AND LETTERS OF SUPPORT

32. Respondent offered character testimony from Laura Nishimura, his mother, John Villasenor, his brother, and Tammy Zenda and Misty Robles, former patients. He offered letters of support from several former patients, including Sheryl Morrell, David Parker (unsigned), Ms. Robles, Ms. Zenda, Victoria Valdez (unsigned); his lifelong friend, Curtis Goodman; his brothers John Villasenor and Brian Nishimura and his step-father Deane Nishimura; and his medical assistant Yesenia Pena. They all describe respondent with glowing accounts of his kindness, care and medical prowess. However, none of them were aware of the circumstances underlying his arrests and/or the specifics of his convictions. Therefore, none can speak to any change or rehabilitation since his criminal acts. As such, the testimony and letters are entitled to less weight with regard to the authors' assessment of respondent's character. (*Seide v. Committee of Bar Examiners of the State Bar of California* (1989) 49 Cal.3d 933, 940 ["If the character witnesses were not aware of the extent or seriousness of respondent's criminal activities, their evaluation of his character carries less weight"].)

REPORTS TO THE BOARD

33. Respondent admitted not reporting his March 8, 2018 conviction to the Board within 30 days. However, he believes he discussed the conviction with the Board investigator in August 2018; and he thought the Board closed the file citing insufficient evidence. He also admitted not reporting his March 5, 2020 federal indictment and his September 28, 2020 federal conviction. However, respondent has been in-custody since November 20, 2019, with limited ability to correspond with the Board, and on

January 9, 2020, respondent signed three Stipulated Orders (Penal Code section 23), agreeing to cease and desist practicing medicine until the conclusion of all criminal proceedings; hand-delivered to him for signatures in the Butte County Superior Court by DAG Lent, on behalf of the Board. Thus, the Board was aware of respondent's ongoing plight, and based on the same, knew he was not practicing medicine and/or a risk to the public. Therefore, no harm occurred from his failure to report to the Board and the Board was well aware of his criminal conduct at all times relevant.

Analysis

34. The facts are not in dispute. Respondent was licensed to practice medicine for less than four years, during which he repeatedly violated the law, causing a DV Order to be issued against him, obtaining two convictions with repeated probation violations and two arrests. Respondent admitted to repeatedly buying, owning and possessing firearms and ammunition, and as well as purchasing, modifying and possessing illegal firearms. Finally, respondent failed to report his convictions and indictment to the Board. Therefore, cause exists to discipline respondent's Certificate.

35. Currently, respondent is not practicing medicine and is not a risk to public safety. He has been incarcerated since November 19, 2020, and he is set to be sentenced on May 24, 2021. In addition, on January 9, 2020, he agreed not to practice medicine until all criminal proceedings have been concluded. As such, respondent's safety to practice medicine must be evaluated based upon his conduct between March 30, 2016, and November 20, 2019.

36. In sum, respondent's conduct exhibited extremely poor decision-making; a complete lack of good judgement; a failure to understand right from wrong; as well

as an inability to manage his own activities of daily living. More specifically, respondent has repeatedly shown an unwillingness to follow the law. At all times, respondent was aware that possessing firearms and ammunition was illegal, but he repeatedly did it anyway. He was also aware it was illegal to possess modified firearms or firearms without serial numbers and identification markings, but he repeatedly did it anyway. Taken together, respondent's behavior is cause for a great deal of concern. At this time, the Board has no evidence respondent has been rehabilitated or that his behavior and judgement will change after he is released from custody. Respondent provided no evidence of successful treatment or a new view regarding following the law. At most, respondent is truly sorry he has been incarcerated.

37. At this time, respondent's judgment and behavior are dangerous to the public and antithetical to the practice of medicine; his behavior brings into serious question his professional integrity and fitness to hold a medical license. In other words, respondent's conduct has breached the rules and ethical code of the medical profession; is unbecoming of a member in good standing of the medical profession; and displays a general unfitness to practice. His conduct, in all regards, establishes that he repeatedly acted with a lack of integrity and in an unprofessional matter. Given all of the above, license revocation is the only appropriate discipline in this matter.

LEGAL CONCLUSIONS

1. "The purpose of the State Medical Practice Act (§ 2000 et seq.) is to assure the high quality of medical practice; in other words, to keep unqualified and undesirable persons and those guilty of unprofessional conduct out of the medical profession." (*Shea v. Bd. of Medical Examiners* (1978) 81 Cal.App.3d 564, 574–575.) For the Board, protection of the public is the highest priority. (§ 2229.) As such, the Board

is required to take disciplinary action against any licensee who has engaged in unprofessional conduct. (§ 2234.) Notwithstanding, license discipline is not to punish an errant practitioner, but "to protect the public from incompetent practitioners by eliminating those individuals from the roster of state-licensed professionals." (*Fahmy v. Medical Bd. of California* (1995) 38 Cal.App.4th 810, 817;*Camacho v. Youde* (1979) 95 Cal.App.161, 164; *Bryce v. Board of Medical Quality Assurance* (1986) 184 Cal.App.3d 1471, 1476.)

2. Section 2234 provides that "(u)nprofessional conduct includes, but is not limited to" certain enumerated conduct. In other words, section 2234 does not limit unprofessional conduct to only the conduct specifically enumerated. In fact, many actions defined by the Legislature as unprofessional conduct are found outside the Medical Practice Act: excessive prescribing (§ 725), sexual abuse of patients (§ 726), and insurance fraud (§ 810).

> This does not mean, however, that an overly broad connotation is to be given the term "unprofessional conduct;" it must relate to conduct which indicates an unfitness to practice medicine. (See *Cartwright v. Bd. of Chiropractic Examiners* (1976) 16 Cal.3d 762, 767 and *Morrison v. State Bd. of Education* (1969) 1 Cal.3d 214, 229.) Unprofessional conduct is that conduct which breaches the rules or ethical code of a profession, or conduct which is unbecoming a member in good standing of a profession." (*Bd. of Education v. Swan* (1953) 41 Cal.2d 546, 553.)

(*Shea v. Bd. of Medical Examiners*, supra, 81 Cal.App.3d at p. 575.)

3. In this case, complainant alleges cause to discipline respondent's Certificate based upon his unprofessional conduct. Specifically, complainant alleges respondent engaged in unprofessional conduct when he: was arrested on September 11, and November 20, 2019; convicted of two crimes substantially related to the qualifications, functions, or duties of a physician and surgeon, on March 8, 2018, and September 28, 2020, and failed to report the same two convictions, as well as a federal felony indictment on March 5, 2020, to the Board.

4. Section 2236 states: "[t]he conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this chapter."

> [A] crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license, certificate or permit under the Medical Practice Act if to a substantial degree it evidences present or potential unfitness of a person holding a license, certificate or permit to perform the functions authorized by the license, certificate or permit in a manner consistent with the public health, safety or welfare.

(Cal. Code Regs., tit. 16, § 1360.)

On March 18, 2018, respondent was convicted of violating Penal Code section 273.6, subdivision (a) (knowingly and intentionally violating a court order), a misdemeanor; being within 150 feet of his wife. On September 28, 2020, respondent was convicted of violating 18 United States Code section 922(g)(8) (prohibited person in possession of ammunition) for his conduct on November 20, 2019. Respondent's convictions are

substantially related to the practice of medicine because, among other things, they indicate an unwillingness to follow the law, a substantial lack of good judgement, and a general unfitness to practice.

5. Section 802.1 requires a physician to, within 30 days, report to the Board, in writing: "(A) The bringing of an indictment or information charging a felony against the licensee. (B) The conviction of the licensee, including any verdict of guilty, or plea of guilty or no contest, of any felony or misdemeanor." (subd. (a)(1).) The facts are not in dispute. Respondent failed to report his two convictions and federal indictment to the Board within 30 days.

6. The matters set forth in the Factual Findings have been considered and cause exists for disciplinary action under sections 2234, 2236, and 802.1. Respondent's blatant and repeated disregard for the law, the issuance of a DV Order and the unlawful possession of firearms including illegal firearms and ammunition, is a clear breach of the rules or ethical code governing the medical profession; is conduct unbecoming a member in good standing of the medical profession; and exhibits a general unfitness to practice.

7. Respondent has been incarcerated since the initial Accusation was filed. Thus, he has been under criminal supervision and has not had any time to show self-motivated efforts toward rehabilitation. As such, respondent is unable to provide any evidence of rehabilitation to suggest he is capable of safely practicing medicine or being a lawful citizen. At this time, respondent should devote himself fulltime to his care, treatment, and rehabilitation. He should reapply to the Board when he can adequately show self-discipline, insight, and sustained, unsupervised good behavior.

ORDER

Physician's and Surgeon's Certificate No. A 141670 issued to respondent Alfred David Villasenor, M.D. is REVOKED.

DATE: July 6, 2021

ERIN R. KOCH-GOODMAN

Administrative Law Judge

Office of Administrative Hearings

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

In the Matter of the Second Amended Accusation Against: **Alfred David Villasenor, M.D.** **2233 Nord Ave., Ste. 1** **Chico, CA 95926-3078** **Physician's and Surgeon's Certificate No. A 141670,** Respondent.	Case No. 800-2019-062735 **SECOND AMENDED ACCUSATION**

PARTIES

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

2. On or about March 30, 2016, the Medical Board issued Physician's and Surgeon's Certificate No. A 141670 to Alfred David Villasenor, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2021, unless renewed.

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JURISDICTION

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

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

> "The board shall take action against any licensee who is charged with unprofessional conduct.[1] In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:
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> "(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.
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> "...
>
> "(e) The commission of any act involving dishonesty or corruption which is substantially related to the qualifications, functions, or duties of a physician and surgeon."
>
> "(f) Any action or conduct which would have warranted the denial of a certificate."
>
> "..."

6. Section 2236 of the Code, states in pertinent part:

> "(a) The conviction of an offense substantially related to the qualifications, functions, or 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 convocation occurred.
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> "...
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> "(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section and Section 2236.1. The record of conviction shall be conclusive evidence of the fact that the conviction

[1] Unprofessional conduct under California and Business Code section 2234 is conduct which breaches the rules of the 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. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.)

occurred."

7. California Code of Regulations, title 16, section 1360, states:

"For the purposes of denial, suspension or revocation of a license, certificate or permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license, certificate or permit under the Medical Practice Act if to a substantial degree it evidences present or potential unfitness of a person holding a license, certificate or permit to perform the functions authorized by the license, certificate or permit in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include but not be limited to the following: Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision of the Medical Practice Act."

8. Section 802.1 of the Code states:

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

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

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

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

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

FACTS

March 8, 2018, Conviction of Violation of Cal. Penal Code §273.6(a)

9. On or about February 1, 2017, at approximately 10:00 p.m., within the County of Butte, Chico Police Department Officers were dispatched to a residence regarding a domestic disturbance. Prior to arriving at the scene, officers confirmed that there was a domestic violence restraining order which had been served on the Respondent in court on June 24, 2011 in the matter of the *People of the State of California v. Alfred Villasenor* in San Francisco County Superior Court, Case No. 16010897.

10. Officers interviewed the Respondent and his wife and learned that they had been living together in violation of the domestic violence restraining order, they both admitted that

they knew living together was a violation of the domestic violence restraining order, and that on this day they had a verbal argument during which Respondent locked his wife out of the residence.

11. Based on the totality of the circumstances and the officers' training and experience, Respondent was arrested and charged in a criminal proceeding entitled *People of the State of California v. Alfred David Villasenor* in Butte County Superior Court, Case No. 17CM00637 for violating: California Penal Code §273.6, subdivision (a), a misdemeanor [knowingly and intentionally violate a court order, to wit, a domestic relations restraining order].

12. On or about March 8, 2018, Respondent pled no contest to violating California Penal Code §273.6, subdivision (a), a misdemeanor in the *People of the State of California v. Alfred David Villasenor* in Butte County Superior Court, Case No. 17CM00637. Respondent was sentenced to three (3) years of probation which included being subject to a new domestic violence criminal protective order. Respondent also executed a Proposition 63: Safety For All Act of 2016 acknowledgement regarding firearms and ammunition restrictions and penalties.

13. On or about April 17, 2018, the Butte County Probation Office filed a petition in *People of the State of California v. Alfred David Villasenor* in Butte County Superior Court, Case No. 17CM00637 for violating his terms of probation. Specifically, Respondent provided a urine sample on April 5, 2018, that subsequently tested positive for alcohol in violation of his probation.

14. On or about June 7, 2018, Respondent admitted to a violation of his probation. The court in *People of the State of California v. Alfred David Villasenor* in Butte County Superior Court, Case No. 17CM00637, revoked, reinstated and modified Respondent's probation to include attendance of a minimum of two meetings per week of a twelve-step or other approved program and participate in SCRAM ankle monitor program.

15. On or about November 26, 2019, Respondent was arraigned on another violation of his probation by the Butte County Superior Court in *People of the State of California v. Alfred David Villasenor* in Butte County Superior Court, Case No. 17CM00637 for a failure to obey all

laws based on Respondent's arrest and arraignment in *People of the State of California v. Alfred David Villasenor* in Butte County Superior Court, Case No. 19CF07608.

16. On or about February 20, 2020, Respondent admitted to another violation of his probation. The court in *People of the State of California v. Alfred David Villasenor* in Butte County Superior Court, Case No. 17CM00637, revoked and reinstated Respondent's probation.

September 11, 2019, Arrested and Charged with Violations of Cal. Penal Code §30605(a), §29825(a), §23920, and §30305(a)(1)

17. On or about September 11, 2019, within the County of Butte, Chico Police Department Officers were dispatched to a residence in Chico, California regarding a domestic dispute. When officers arrived at the scene, they made contact with the Respondent and other parties involved in the domestic dispute. Upon identifying the Respondent, officers learned that he was a restrained party in a domestic violence restraining order.[2]

18. Officers conducted a search of the residence and located ammunition magazines loaded with live ammunition, ammunition boxes, and a gun case in Respondent's bedroom. Officers also conducted a search of the interior of Respondent's registered vehicle and located an AR-15 rifle with a loaded extended magazine capable of approximately 20 to 30 rounds, with a flash suppressor and a pistol grip. Within Respondent's registered vehicle, officers also located a functional semi-automatic pistol with a loaded magazine and two other magazines.

19. Respondent admitted to possessing the firearms and acknowledged that he was aware of the domestic violence restraining order..

20. Based on the totality of the circumstances and the officers' training and experience, Respondent was arrested and charged in a criminal proceeding entitled *People of the State of California v. Alfred David Villasenor* in Butte County Superior Court, Case No. 19CF06749 for

[2] A domestic violence criminal protective order was issued pursuant to Cal. Penal Code §136.2 in *The People of the State of California v. Alfred David Villasenor* in San Francisco County Superior Court, Case No. 16010897 on June 24, 2016. Respondent was thereafter convicted on March 7, 2018 of violating Cal. Penal Code §273.6(a) (misdemeanor disobeying domestic relations court order) in *The People of the State of California v. Alfred David Villasenor* in Butte County Superior Court, Case No. 17CM00637 in which Respondent was subject to a new domestic violence criminal protective order and also executed a Proposition 63: Safety For All Act of 2016 acknowledgement regarding firearms and ammunition restrictions and penalties.

violating: California Penal Code §30605, subdivision (a), a felony [unlawfully possessing an assault weapon, to wit: Semi-Automatic AR-15]; three counts of violating California Penal Code §29825, subdivision (a), each a felony [unlawfully purchase and receive and attempt to purchase and receive a firearm knowing that he was prohibited from doing so by a temporary restraining order, by an injunction, and by a protective order described in this subsection]; California Penal Code §23920, a misdemeanor [unlawfully and knowingly buy, receive, dispose of, sell, offer for sale, and have in his possession a 9 mm Glock which did not bear the manufacturer's number and other mark of identification in its original condition and as restored]; California Penal Code §23920, a misdemeanor [unlawfully and knowingly buy, receive, dispose of, sell, offer for sale, and have in his possession a 9 mm Ghost Gun which did not bear the manufacturer's number and other mark of identification in its original condition and as restored]; and California Penal Code §30305, subdivision (a), subsection (1), a felony [unlawfully own, possess and have under his control ammunition and reloaded ammunition which he was prohibited from owning or possessing a firearm pursuant to a criminal protective order issued in Butte County Superior Court, Case No. 17CM00637[3]].

21. On or about January 2, 2020, in *People of the State of California v. Alfred David Villasenor* in Butte County Superior Court, Case No. 19CF06749, the Respondent waived his preliminary examination hearing and the Butte County Superior Court held him to answer as to charges as alleged in the complaint which was deemed the Information by way stipulation of the parties.

22. On or about February 20, 2020, on motion by the People, the case of *People of the State of California v. Alfred David Villasenor* in Butte County Superior Court, Case No. 19CF06749 was dismissed based on Respondent's arrest and criminal complaint in *United States of America v. Alfred Villasenor* in the Eastern District Court of California, Case No. 2:20-CR-00050-KJM.

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[3] *Id.*

November 20, 2019, Arrested and Charged with Violations of Cal. Penal Code §30605(a), §29825(a), §23920, §22210 and §30305(a)(1)

23. On or about November 20, 2019, within the County of Butte, Chico Police Department Officers were dispatched to a residence to conduct a welfare check on the Respondent due to his registered vehicle being located submerged in the Sacramento River earlier in the day by the Department of Forestry and Fire Protection (CAL FIRE) services. Prior to arriving at the scene, officers conducted a warrants check and learned that the Respondent had an outstanding felony arrest warrant based on the *People of the State of California v. Alfred David Villasenor* in Butte County Superior Court, Case No. 19CF06749.

24. When officers arrived at the scene, they attempted to establish contact with anyone inside the dwelling by knocking on the front door and ringing the doorbell, but received no response. Law enforcement officers attempted calling the defendant by telephone as well as his current girlfriend, but were unsuccessful in reaching either person. While at the dwelling, officers also observed an open sliding glass door on the east side of the dwelling with an empty handgun holster and empty handgun magazine near the door. Based on the totality of the circumstances, with knowledge of the defendant's criminal history[4], and concern for the welfare of those involved, law enforcement entered the dwelling.

25. Once inside the dwelling, officers began clearing each room and announcing their presence as "Chico Police make yourself known" until they reached a closed bedroom door. Inside of the bedroom, on the floor next to the bed, officers observed a comforter on the floor, which appeared to have a human body moving slightly underneath it. When officers lifted the comforter from the floor and announced their presence, they found the Respondent lying in a prone position on the ground wearing plate-body armor and armed with an AR-15 rifle shouldered with the safety off and pointed at the entry to the bedroom where the officers were positioned. The Respondent was arrested and taken out of the dwelling based on his felony warrant.

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[4] See *People of the State of California v. Alfred David Villasenor* in Butte County Superior Court, Cases 19CF06749 and 17CM00637.

26. Upon inspection, the operational AR-15 rifle had nine rounds of .223 caliber ammunition in the magazine with an additional round of .223 caliber ammunition in the chamber of the rifle, chambered in .223/5.56 x 45mm with an attached scope, bi-pod attachment, pistol grip, shoulder sling, and was covered in camouflaged colored tape. During a further search of the bedroom where the Respondent was located in, law enforcement officers located a 9mm caliber semi-automatic handgun underneath the bed, two collapsible batons also underneath the bed, two full 10 round .40 caliber Glock magazines in a green tactical holster, three .223 caliber rifle magazines, a gas mask, and a permanent resident identification card with the name "Martin Fredrick Jonas" on it. Inside the garage of the dwelling law enforcement officers also located another rifle that was an operational .308 caliber rifle as well as a second handgun. Inside the Respondent's wallet, officers located a fake social security card with the name "Martin Fredrick Jonas" on it.

27. The Respondent was *Mirandized* at which time the Respondent acknowledged and waived his *Miranda* rights by speaking with law enforcement. Respondent stated that he was a doctor practicing general medicine at his own practice. The Respondent further stated that ever since the government began enforcing stricter regulations on opioid prescription drugs he has had to start 'firing' patients. The Respondent made the uncorroborated claim that some of these patients harassed and threatened him. He then admitted to smoking marijuana and increasingly drinking alcohol over the past weeks to deal with increased stress and sleepless nights. The Respondent stated that he heard the officers announce their presence inside the dwelling but chose not to comply because he thought the officers were lying.

28. The Respondent claimed that during the weekend of November 16, 2019, his medical office had been broken into and he reacted by leaving his vehicle parked at his medical office and walking approximately 0.2 miles home without reporting the burglary to the police. When asked why he chose not to report the burglary, the Respondent stated he was afraid of the police due to his recent legal issues. When asked about his vehicle in the Sacramento River, the Respondent claimed whoever burglarized his medical office took the spare key to his vehicle and stole his

vehicle. When asked why he did not report the stolen vehicle, the Respondent again stated he was afraid of the police.

29. During the Respondent's interview, law enforcement officers were aware that he was the restrained party in a domestic violence restraining order in Butte County Superior Court Case No. 17CM00637 which was in full force and effect from March 15, 2018 through March 15, 2021, which prohibited the defendant from owning any firearms. Law enforcement officers were also aware that the Respondent had been previously arrested for being in possession of firearms while restricted. The Respondent admitted to law enforcement officers that he knew he was not supposed to be in possession of any firearms due to the restraining order, that he intentionally chose to ignore the restraining order firearm restrictions, that he had ten (10) guns taken from him since the restraining order became effective, that he previously falsely informed law enforcement officers he did not possess any more weapons, and that the AR-15 rifle and handgun located in his bedroom were guns he acquired since law enforcement seized his guns. The Respondent also admitted that he obtained the firearms illegally by purchasing firearm kits online from websites and assembling them with his cousin by milling and drilling the barrels to make them functional, which according to the defendant, "were made for people like me who need to get around not being able to buy guns." The Respondent further admitted that he purchased a tool on the internet for the explicit purpose of engraving serial numbers on firearms that did not come with serial numbers. He also admitted that he has not registered any of the firearms with the Department of Justice.

30. When law enforcement officers questioned the Respondent as to the permanent resident card located in his bedroom, the Respondent informed law enforcement that it was a fake identification card he purchased on the internet for the purposes of providing a passport picture to websites and to assist him to "try to get away."

31. Based on the totality of the circumstances and the officers' training and experience, Respondent was arrested and charged in a criminal proceeding entitled *People of the State of California v. Alfred David Villasenor* in Butte County Superior Court, Case No. 19CF07608 for violating: California Penal Code §30605, subdivision (a), a felony [unlawfully possessing an

assault weapon, to wit: an AR-15]; California Penal Code §30305, subdivision (a), subsection (1), a felony [unlawfully own, possess and have under his control ammunition and reloaded ammunition which he was prohibited from owning or possessing a firearm pursuant to a criminal protective order issued in Butte County Superior Court, Case No. 17CM00637]; three counts of violating California Penal Code §29825, subdivision(a), each a felony [unlawfully purchase and receive and attempt to purchase and receive a firearm knowing that he was prohibited from doing so by a temporary restraining order, by an injunction, and by a protective order described in this subsection]; four counts of violating California Penal Code §23920, each a misdemeanor [unlawfully and knowingly buy, receive, dispose of, sell, offer for sale, and have in his possession a firearm which did not bear the manufacturer's number and other mark of identification in its original condition and as restored]; and two counts of California Penal Code §22210, each a felony [unlawfully manufacture, cause to be manufactured, import into the State of California, keep for sale, offer and expose for sale, and give, lend, and possess an instrument and weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sap, and sandbag].

32. On or about January 2, 2020, in *People of the State of California v. Alfred David Villasenor* in Butte County Superior Court, Case No. 19CF07608, the Respondent waived his preliminary examination hearing and the Butte County Superior Court held him to answer as to charges as alleged in the complaint which was deemed the Information by way stipulation of the parties.

33. On or about February 20, 2020, on motion by the People, the case of *People of the State of California v. Alfred David Villasenor* in Butte County Superior Court, Case No. 19CF07608 was dismissed based on Respondent's arrest and criminal complaint in *United States of America v. Alfred Villasenor* in the Eastern District Court of California, Case No. 2:20-CR-00050-KJM.

February 21, 2020, Arrested and Charged with Violations of 18 U.S.C. §922(g)(8)

34. On or about February 21, 2020, the Respondent was arrested, charged, arraigned, and detained in a criminal proceeding entitled the *United States of America v. Alfred Villasenor* in the Eastern District Court of California, Case No. 2:20-CR-00050-KJM for violating two counts

of: 18 U.S.C. §922, subdivision (g), subparagraph (8) [Prohibited Person in Possession of Ammunition]. The factual basis of these violations is the same evidence alleged above in the cases of *People of the State of California v. Alfred David Villasenor* in Butte County Superior Court, Cases No. 19CF06749 and No. 19CF07608 occurring on September 11, 2019 and November 20, 2019, respectively.

35. On or about March 5, 2020, in *United States of America v. Alfred Villasenor* in the Eastern District Court of California, Case No. 2:20-CR-00050-KJM, the Respondent was indicted and detained on the same basis as articled in the complaint on or about February 21, 2020.

36. On or about April 22, 2020, in *United States of America v. Alfred Villasenor* in the Eastern District Court of California, Case No. 2:20-CR-00050-KJM, the court denied Respondent's motion for a bail review finding that no condition or combination of conditions of release would reasonably assure the safety of any other person and the community. This finding was based upon the weight of the evidence against the Respondent, the lengthy period of incarceration if convicted, Respondent's history of violence and/or use of weapons, and Respondent's prior attempt(s) to evade law enforcement.

37. On or about May 6, 2020, in *United States of America v. Alfred Villasenor* in the Eastern District Court of California, Case No. 2:20-CR-00050-KJM, the court again denied Respondent's second motion for a bail review finding no change in circumstances since Respondent's last bail review motion on April 22, 2020.

38. On or about September 28, 2020, in *United States of America v. Alfred Villasenor* in the Eastern District Court of California, Case No. 2:20-CR-00050-KJM, the Respondent entered a plea of guilty to count 2, violating 18 U.S.C. §922, subdivision (g), subparagraph (8) [Prohibited Person in Possession of Ammunition]. During Respondent's change of plea he was sworn in under oath and under penalty of perjury whereby he admitted to signing the plea agreement on or about September 9, 2020; he admitted to receiving the indictment in *United States of America v. Alfred Villasenor* Case No. 2:20-CR-00050-KJM; that he is a doctor and general practitioner; that

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he is currently on probation in another case[5]; and he admitted and agreed to a factual basis of the plea, which were the events that occurred on November 20, 2019 as described above.

FIRST CAUSE FOR DISCIPLINE
(Conviction of Crimes Substantially Related to the Qualifications, Functions, Or Duties of a Physician and Surgeon)

39. Respondent Alfred David Villasenor, M.D. has subjected his Physician's and Surgeon's Certificate No. A 141670 to disciplinary action under section 2234, as defined by section 2236 of the Code, in that he has been convicted of two criminal offenses substantially related to the practice of medicine.

40. Paragraphs 9 through 38, above, are incorporated by reference and realleged as if fully set forth herein.

SECOND CAUSE FOR DISCIPLINE
(Unprofessional Conduct)

41. Respondent Alfred David Villasenor, M.D. has subjected his Physician's and Surgeon's Certificate No. A 141670 to disciplinary action under section 2234, as defined by section 2234 of the Code, in that he has committed acts or 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.

42. Paragraphs 9 through 38, above, are incorporated by reference and realleged as if fully set forth herein.

THIRD CAUSE FOR DISCIPLINE
(Failure to Report Convictions and Indictment to the Board)

43. Respondent Alfred David Villasenor, M.D. has subjected his Physician's and Surgeon's Certificate No. A 141670 to disciplinary action under sections 2227 and 2234, as defined by section 802.1 of the Code, in that he failed to disclose his misdemeanor conviction in the *People of the State of California v. Alfred David Villasenor* in Butte County Superior Court, Case No. 17CM00637 from March 8, 2018; his federal felony indictement in *United States of*

[5] *See People of the State of California v. Alfred David Villasenor* in Butte County Superior Court, Case No. 17CM00637.

America v. Alfred Villasenor in the Eastern District Court of California, Case No. 2:20-CR-00050-KJM from March 5, 2020; and his federal felony conviction in *United States of America v. Alfred Villasenor* in the Eastern District Court of California, Case No. 2:20-CR-00050-KJM from September 28, 2020 to the Board.

44. Paragraphs 9 through 38, above, are incorporated by reference and realleged as if fully set forth herein.

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. A 141670, issued to Alfred David Villasenor, M.D.;

2. Revoking, suspending or denying approval of Alfred David Villasenor, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Alfred David Villasenor, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: DEC 02 2020

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

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