

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

In the Matter of the First Amended  
Accusation Against:

SCHLOMO SCHMUEL, D.P.M.

Doctor of Podiatric Medicine  
License No. E 3848

Respondent.

File No. 500-2019-000855

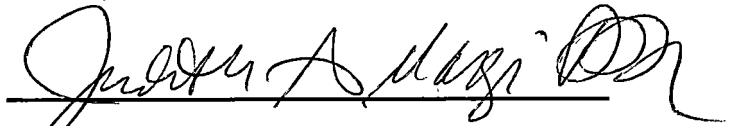
DECISION AND ORDER

The attached Stipulated Surrender of License and Disciplinary Order is hereby accepted and adopted by the Podiatric Medical Board of the Department of Consumer Affairs, State of California, as its Decision in the above-entitled matter.

This Decision shall become effective at 5:00 p.m. on JUN 23 2022.

DATED JUN 16 2022

PODIATRIC MEDICAL BOARD

A handwritten signature in black ink, appearing to read 'Judith Manzi', is written over a horizontal line.

Judith Manzi, D.P.M.  
President

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1 ROB BONTA  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
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8 *Attorneys for Complainant*

9  
10 **BEFORE THE**  
11 **PODIATRIC MEDICAL BOARD**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
13 **STATE OF CALIFORNIA**

13 In the Matter of the First Amended Accusation  
14 Against:

Case No. 500-2019-000855

OAH No. 2021080067

15 **SCHLOMO SCHMUEL, D.P.M.**  
16 **3809 Hollyline Avenue**  
17 **Sherman Oaks, California 91423,**

**STIPULATED SURRENDER OF  
LICENSE AND DISCIPLINARY ORDER**

18 **Doctor of Podiatric Medical License No.**  
19 **3848**

20 Respondent.

21  
22 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
23 entitled proceedings that the following matters are true:

24 **PARTIES**

25 1. Brian Naslund (Complainant) is the Executive Officer of the Podiatric Medical Board  
26 (Board). He brought this action solely in his official capacity and is represented in this matter by  
27 Rob Bonta, Attorney General of the State of California, by Robert W. Lincoln, Deputy Attorney  
28 General.

2. SCHLOMO SCHMUEL, D.P.M. (Respondent) is represented in this proceeding by attorney, Mark T. Roohk, Esq., who is located at: Moss Law Group, 255 South Marengo Avenue, Pasadena, California 91101.

3. On or about July 27, 1992, the Board issued Doctor of Podiatric Medical License No. 3848 to SCHLOMO SCHMUEL, D.P.M. (Respondent). The License was in full force and effect at all times relevant to the charges brought in the First Amended Accusation No. 500-2019-000855 and will expire on September 30, 2023, unless renewed.

## JURISDICTION

4. First Amended Accusation No. 500-2019-000855 was filed before the Board, and is currently pending against Respondent. The First Amended Accusation and all other statutorily required documents were properly served on Respondent on July 9, 2021. Respondent timely filed his Notice of Defense contesting the First Amended Accusation. A copy of the First Amended Accusation No. 500-2019-000855 is attached as Exhibit A and incorporated by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in the First Amended Accusation No. 500-2019-000855. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

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

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

1 CULPABILITY

2 8. Respondent does not contest that, at an administrative hearing, Complainant could  
3 establish a prima facie case with respect to the charges and allegations contained in the First  
4 Amended Accusation No. 500-2019-000855, a true and correct copy of which is attached hereto  
5 as Exhibit A, and hereby surrenders his Doctor of Podiatric Medical License No. 3848 for the  
6 Board's formal acceptance.

7 9. Respondent understands that by signing this stipulation he enables the Board to issue  
8 an order accepting the surrender of his Doctor of Podiatric Medical License's No. 3848 without  
9 further process.

10 CONTINGENCY

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

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

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

25 ///

26 ///

27 ///

28 ///

ORDER

IT IS HEREBY ORDERED that Doctor of Podiatric Medical License No. 3848, issued to Respondent SCHLOMO SCHMUEL, D.P.M., is surrendered and accepted by the Board.

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

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

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

4. If he ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in the First Amended Accusation No. 500-2019-000855 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$20,739.15 prior to issuance of a new or reinstated license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in the First Amended Accusation, No. 500-2019-000855 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

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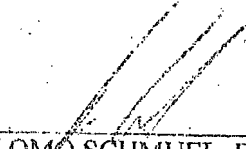
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1 ACCEPTANCE


2 I have carefully read the above Stipulated Surrender of License and Disciplinary Order and  
3 have fully discussed it with my attorney. I understand the stipulation and the effect it will have  
4 on my Podiatrist License. I enter into this Stipulated Surrender of License and Disciplinary Order  
5 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
6 Podiatric Medical Board.

7  
8 DATED: 3/2/22

  
9 SCHLOMO SCHMUEL, D.P.M.  
Respondent

10 I have read and fully discussed with Respondent SCHLOMO SCHMUEL, D.P.M. the terms  
11 and conditions and other matters contained in this Stipulated Surrender of License and  
12 Disciplinary Order. I approve its form and content.

13 DATED: 3/7/22

  
14 MARK T. ROOHK, ESQ.  
Attorney for Respondent

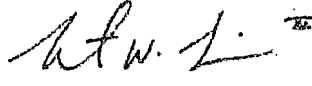
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16 ENDORSEMENT

17 The foregoing Stipulated Surrender of License and Disciplinary Order is hereby  
18 respectfully submitted for consideration by the Podiatric Medical Board of the Department of  
19 Consumer Affairs.

20 DATED: March 7, 2022.

Respectfully submitted,

21 ROB BONTA  
22 Attorney General of California  
23 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General

24   
25 ROBERT W. LINCOLN  
26 Deputy Attorney General  
27 Attorneys for Complainant

28 LA2020602344

**Exhibit A**

**First Amended Accusation No. 500-2019-000855**



1 ROB BONTA  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 ROBERT W. LINCOLN  
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7 Facsimile: (619) 645-2012

8 *Attorneys for Complainant*

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

13 In the Matter of the First Amended Accusation  
14 Against:

Case No. 500-2019-000855

15 **FIRST AMENDED**  
16 **ACCUSATION**

15 Schlomo Schmuël, D.P.M.  
16 3367 W. 1<sup>st</sup> Street, Ste. 204,  
Los Angeles, CA 9004

17  
18 Podiatrist License No. E-3848,

19 Respondent.

20  
21  
22 **PARTIES**

23 1. Brian Naslund (Complainant) brings this First Amended Accusation solely in his  
24 official capacity as the Executive Officer of the Podiatric Medical Board, Department of  
25 Consumer Affairs (Board).

26 2. On or about July 27, 1992, the Podiatric Medical Board issued Podiatrist License No.  
27 E-3848 to Schlomo Schmuël, D.P.M. (Respondent). The Podiatrist License was in full force and  
28

1 effect at all times relevant to the charges brought herein and will expire on September 30, 2021,  
2 unless renewed.

### 3 JURISDICTION

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

7 4. Section 2222 of the Code states:

8 The California Board of Podiatric Medicine shall enforce and administer this article  
9 as to doctors of podiatric medicine. Any acts of unprofessional conduct or other violations  
10 proscribed by this chapter are applicable to licensed doctors of podiatric medicine and  
11 wherever the Medical Quality Hearing Panel established under Section 11371 of the  
Government Code is vested with the authority to enforce and carry out this chapter as to  
licensed physicians and surgeons, the Medical Quality Hearing Panel also possesses that  
same authority as to licensed doctors of podiatric medicine.

12 The California Board of Podiatric Medicine may order the denial of an application or  
13 issue a certificate subject to conditions as set forth in Section 2221, or order the revocation,  
14 suspension, or other restriction of, or the modification of that penalty, and the reinstatement  
15 of any certificate of a doctor of podiatric medicine within its authority as granted by this  
16 chapter and in conjunction with the administrative hearing procedures established pursuant  
to Sections 11371, 11372, 11373, and 11529 of the Government Code. For these purposes,  
the California Board of Podiatric Medicine shall exercise the powers granted and be  
governed by the procedures set forth in this chapter.

17 5. Section 2228.5 of the Code states:

18 (a) On and after July 1, 2019, except as otherwise provided in subdivision (c), the  
19 board shall require a licensee to provide a separate disclosure that includes the licensee's  
20 probation status, the length of the probation, the probation end date, all practice restrictions  
21 placed on the licensee by the board, the board's telephone number, and an explanation of  
22 how the patient can find further information on the licensee's probation on the licensee's  
profile page on the board's online license information internet web site, to a patient or the  
patient's guardian or health care surrogate before the patient's first visit following the  
probationary order while the licensee is on probation pursuant to a probationary order made  
on and after July 1, 2019.

23 ...  
24 6. Section 2497 of the Code states:

25 (a) The board may order the denial of an application for, or the suspension of, or the  
26 revocation of, or the imposition of probationary conditions upon, a certificate to practice  
27 podiatric medicine for any of the causes set forth in Article 12 (commencing with Section  
28 2220) in accordance with Section 2222.

1 (b) The board may hear all matters, including but not limited to, any contested case  
2 or may assign such matters to an administrative law judge. The proceedings shall be held  
3 in accordance with Section 2230. If a contested case is heard by the board itself, the  
4 administrative law judge who presided at the hearing shall be present during the board's  
5 consideration of the case and shall assist and advise the board.

6 7. Section 2234 of the Code states:

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

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

12 ...

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

15 ...

16 (f) Any action or conduct that would have warranted the denial of a certificate.

17 ...

18 8. Section 2236 of the Code states:

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

23 ...

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

### 27 COST RECOVERY

28 9. Section 2497.5 of the Code states:

(a) The board may request the administrative law judge, under his or her proposed  
decision in resolution of a disciplinary proceeding before the board, to direct any licensee  
found guilty of unprofessional conduct to pay the board a sum not to exceed the actual and  
reasonable costs of the investigation and prosecution of the case.

1 (b) The costs to be assessed shall be fixed by the administrative law judge and shall  
2 not be increased by the board unless the board does not adopt a proposed decision and in  
3 making its own decision finds grounds for increasing the costs to be assessed.

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Conviction of an Offense Substantially Related to the Qualifications, Functions, or**  
6 **Duties of a Physician and Surgeon)**

7 10. Respondent has subjected his Podiatrist License No. E-3848 to disciplinary action  
8 under sections 2497, 2222, and 2234, as defined by 2236, subdivision (a), of the Code, in that  
9 Respondent was convicted of an offense substantially related to the qualifications, functions or  
10 duties of a Physician and Surgeon, as more particularly alleged hereinafter:

11 11. On or about June 15, 2015, Respondent aided, abetted, and conspired with Julian  
12 Garcia, Alexander Kiev Martinez, and Steven Rigler to fraudulently submit a bill to Liberty  
13 Mutual Insurance Company for \$5,000 for a "Hot Cold Pack" provided to a California Workers'  
14 Compensation patient, Patient A<sup>1</sup>. Respondent made a \$100 kickback payment to Julian Garcia  
15 for the referral of Patient A, a patient of Steven Rigler. In exchange for Respondent's \$100  
16 kickback payment, Respondent received a "Hot Cold Pack" prescription for Patient A and  
17 Respondent provided the "Hot Cold Pack" to Patient A. Respondent then billed Insurance  
18 Company A \$5,000 for filling the prescription. Respondent did not disclose to Liberty Mutual  
19 Insurance Company that he received a kickback for the referral of Patient A's "Hot Cold Pack"  
20 prescription, and did so with the intent to defraud Liberty Mutual Insurance Company.

21 12. On or about and between June 1, 2015 and June 30, 2015, Respondent aided, abetted,  
22 and conspired with Julian Garcia, Alexander Kiev Martinez, and Steven Rigler to fraudulently  
23 submit a bill to Insurance Company of the West for \$5,000 for a "Hot Cold Pack" on California  
24 Workers' Compensation patient, Patient B<sup>2</sup>. Respondent made a \$100 kickback payment to  
25 Julian Garcia for the referral of Patient B, a patient of Steven Rigler. In exchange for  
26 Respondent's \$100 kickback payment, Respondent received a prescription for a "Hot Cold Pack"

27  
28 <sup>1</sup> Patient's name is withheld for privacy concerns.

<sup>2</sup> Patient's name is withheld for privacy concerns.

1 for Patient B. Respondent provided a "Hot Cold Pack" to Patient B and Respondent billed  
2 Insurance Company of the West \$5,000 for filling the prescription. Respondent actively  
3 concealed and failed to disclose that he was paid an illegal kickback for the referral of Patient B's  
4 "Hot Cold Pack" prescription, and did so with the intent to defraud Insurance Company of the  
5 West.

6 13. During the period of 2014 and 2015, Respondent knew that paying a per-patient  
7 referral fee was unlawful, Respondent offered to pay and paid a \$100 for each referral of a certain  
8 type of durable medical equipment ("DME"), called a "Hot Cold Pack," Julian Garcia, Alexander  
9 Kiev, and Steven Rigler, co-conspired with Respondent to induce physicians to refer to  
10 Respondent's business entities. Respondent knowingly paid Individual 1 more than \$372,000 in  
11 these unlawful, per-patient referral fees. Ultimately, Respondent and his co-conspirators  
12 submitted or caused to be submitted claims valued at between \$3.5 million and \$9.5 million for  
13 "Hot Cold Packs" procured through the payment of bribes and kickbacks.

14 14. On or about March 7, 2019, the San Diego District Attorney's Office filed a criminal  
15 complaint against Respondent in the matter of *The People of the State of California v. Schlomo*  
16 *Schmuel*, San Diego County Superior Court Case No. CD280827. Respondent was charged with  
17 fourteen (14) felonies for concealing an event affecting a claim in violation of Penal Code section  
18 550(b)(3).

19 15. On or about August 6, 2019, pursuant to Rule 11 of Federal Rules of Criminal  
20 Procedure, Respondent's "state" matter, Case No. CD280827, was merged with the "federal"  
21 matter, Case No. 3:19-cr-03006-BAS, for the purposes of Respondent entering a guilty plea, in  
22 the matter of *The United States of America v. Schlomo Schmuel*, United States District Court,  
23 Southern District of California.

24 16. On or about April 21, 2021, in the matter of *The United States of America v. Schlomo*  
25 *Schmuel*, United States District Court, Southern District of California, Case No. 3:19-cr-03006-  
26 BAS, Respondent pled guilty to an Information charging Conspiracy to Commit Honest Services  
27 Mail Fraud and Health Care Fraud, in violation of 18 U.S.C. § 371. Respondent was sentenced to  
28

1 thirty-seven (37) months in prison and is currently in the custody of the Federal Bureau of  
2 Prisons.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Dishonest and/or Corrupt Acts)**

5 17. Respondent has further subjected his Podiatrist License No. E-3848 to disciplinary  
6 action under sections 2222, 2227, and 2234, as defined by section 2234, subdivision (e), of the  
7 Code, in that he has committed acts of dishonesty or corruption, as more particularly alleged in  
8 paragraphs 10 through 16, above, which is hereby incorporated by reference as if fully set forth  
9 herein.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(General Unprofessional Conduct)**

12 18. Respondent has further subjected his Podiatrist License No. E-3848 to disciplinary  
13 action under sections 2222, and 2234, of the Code, in that he engaged in conduct which breaches  
14 the rules or ethical code of the medical profession, and which demonstrates an unfitness to  
15 practice medicine, as more particularly alleged in paragraphs 10 through 17, above, and are here  
16 re-alleged as if fully set forth herein.

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1 PRAYER

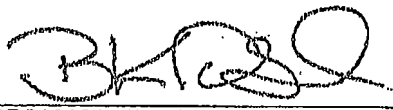
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
3 and that following the hearing, the Podiatric Medical Board issue a decision:

4 1. Revoking or suspending Podiatrist License No. E 3848, issued to Schlomo Schmucl,  
5 D.P.M.;

6 2. Ordering Respondent Schlomo Schmucl, D.P.M., to pay the Board of Podiatric  
7 Medicine the reasonable costs of the investigation and enforcement of this case, pursuant to  
8 Business and Professions Code section 2497.5; and

9 3. Taking such other and further action as deemed necessary and proper.

10  
11 DATED: JUL 09 2021

  
12 BRIAN NASLUND  
13 Executive Officer  
14 Podiatric Medical Board  
15 Department of Consumer Affairs  
16 State of California  
17 Complainant

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