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8 *Attorneys for Petitioner*

9 **BEFORE THE**
10 **OFFICE OF ADMINISTRATIVE HEARINGS**
11 **STATE OF CALIFORNIA**

12 **KIM KIRCHMEYER,**
Executive Director,
13 Medical Board of California,
Department of Consumer Affairs,
14 State of California,
15
Petitioner,
16
v.
17 **LEON FAJERMAN, M.D.**
18 1876 Altozano Drive
El Cajon, CA 92020-1001
19 Physician's and Surgeon's Certificate
20 No. A 33156,
21
Respondent.

Case No. 800-2016-027360

OAH No. 2017070842

**STIPULATION OF THE PARTIES RE:
WAIVER OF STATUTORY DEADLINES
FOLLOWING THE ISSUANCE OF AN
INTERIM SUSPENSION ORDER**

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 1. On July 28, 2017, Administrative Law Judge Abraham M. Levy issued an Ex Parte
25 Interim Suspension Order in the above-entitled matter and, as a result, Physician's and Surgeon's
26 Certificate No. A 33156 was suspended and Respondent Leon Fajerman, M.D. (Respondent) was
27 prohibited from practicing medicine in the State of California pending a noticed hearing on the
28 Petition for Interim Suspension Order (Petition) in the above-entitled matter.

1 2. On August 23, 2017, after a noticed hearing on the Petition, Administrative Law
2 Judge Abraham M. Levy issued an Interim Order of Suspension in the above-entitled matter that
3 remains in full force and effect at the present time and, as a result, Physician's and Surgeon's
4 Certificate No. A 33156 remains suspended and Respondent remains prohibited from practicing
5 medicine in the State of California.

6 3. By his signature hereto, Robert W. Frank, Esq., certifies that he has personally
7 spoken with and advised Respondent of his rights pursuant to Government Code section 11529,
8 subdivisions (f) and (g), to wit:

9 “(f) In all cases in which an interim order is issued, and an accusation is
10 not filed and served pursuant to Sections 11503 and 11505 within 30 days of the
11 date on which the parties to the hearing on the interim order have submitted the
12 matter, the order shall be dissolved.

13 “Upon service of the accusation the licensee shall have, in addition to the
14 rights granted by this section, all of the rights and privileges available as specified
15 in this chapter. If the licensee requests a hearing on the accusation, the board shall
16 provide the licensee with a hearing within 30 days of the request, unless the
17 licensee stipulates to a later hearing, and a decision within 15 days of the date the
18 decision is received from the administrative law judge, or the board shall nullify
19 the interim order previously issued, unless good cause can be shown by the
20 Division of Medical Quality for a delay.

21 “(g) If an interim order is issued, a written decision shall be prepared
22 within 15 days of the hearing, by the administrative law judge, including findings
23 of fact and a conclusion articulating the connection between the evidence produced
24 at the hearing and the decision reached.”

25 4. By his signature hereto, Robert W. Frank, Esq. further certifies that Respondent,
26 having the benefit of counsel, knowingly, intelligently, freely and voluntarily waives and gives up
27 each and every one of the rights set forth or referenced in paragraph 3, above, including the right


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1 to the expedited filing of an Accusation, an expedited hearing on the Accusation, and the
2 expedited issuance of a proposed and/or final decision.

3 5. The Interim Order of Suspension issued by Administrative Law Judge
4 Abraham M. Levy on August 23, 2017 shall remain in full force and effect pending further order
5 or decision by the Medical Board of California. The Physician's and Surgeon's Certificate
6 No. A 33156 previously issued by the Medical Board to Respondent Leon Fajerman, M.D., shall
7 remain suspended and Respondent shall remain prohibited from practicing medicine in the State
8 of California, pending further order or decision by the Medical Board.

9 6. The parties further stipulate that copies of this stipulation, including copies of
10 signatures thereto, may be used in lieu of originals and shall have the same force and effect as the
11 originals.

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15 Dated: September 13, 2017


ROBERT W. FRANK, ESQ.
Counsel for Respondent

16
17
18 Dated: September 1, 2017

XAVIER BECERRA
Attorney General of California
By GIOVANNI F. MEJIA
Deputy Attorney General
Attorneys for Petitioner