

STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION

DEPARTMENT OF FINANCIAL)	
AND PROFESSIONAL REGULATION,)	
DIVISION OF PROFESSIONAL REGULATION)	
of the State of Illinois,)	
)	
Complainant,)	
v.)	No. 2005-07665
)	
GEORGE S. LAKNER, M.D.,)	
License No. 036.077045,)	
)	
Respondent.)	

ORDER TO VACATE

This matter comes before the Director of the Division of Professional Regulation of the Department of Financial and Professional Regulation of the State of Illinois (“Department”) on the Department’s Motion to Vacate the Director’s December 21, 2012 Order, filed on December 2, 2014. On December 16, 2014, Respondent filed a request for an extension of time to file a Response to the Department’s Motion. On December 16, 2014, Chief Administrative Law Judge Donald W. Seasock filed a Briefing Order granting Respondent an extension until January 16, 2015 to file a Response to the Department’s Motion. Respondent's Response was filed on January 20, 2015 and though it was filed 4 days after the deadline for a response, I have reviewed and considered it in making this ruling.

NOW THEREFORE, I, Jay Stewart, Director of the Division of Professional Regulation of the Department of Financial and Professional Regulation of the State of Illinois, after having reviewed the record in this matter, do hereby find that:

1. I have jurisdiction over the parties and subject matter herein.
2. That oral argument on said Motion is not necessary for a clearer understanding of the issues presented;

3. On November 18, 2008, the Department filed a six-count Second Amended Complaint alleging that Respondent violated Section 60/22(A)(12) of the Illinois Medical Practice Act. Specifically, the Department alleged:
 - a. On March 19, 2008, the Maryland State Board of Physicians (“Maryland Board”) issued an order suspending Respondent’s Maryland license to practice medicine for three years, retroactive to August 29, 2005;
 - b. On January 12, 2006, the New Jersey State Board of Medical Examiners (“New Jersey Board”) suspended Respondent’s New Jersey license to practice medicine;
 - c. On July 2, 2007, the Medical Board of California (“California Board”) denied Respondent’s application for a California license to practice medicine;
 - d. On December 19, 2001, the Nevada State Board of Medical Examiners (“Nevada Board”) revoked Respondent’s Nevada license to practice medicine;
 - e. On May 17, 2006, the United States Army (“Army”) revoked Respondent’s privileges to practice medicine; and
 - f. On June 17, 2008, the New York State Board for Medicine (“New York Board”) revoked Respondent’s New York license to practice medicine.
4. On March 13, 2009, a Formal Hearing was held before Administrative Law Judge Jeffrey Canavan (“ALJ Canavan”) on the Department’s Second Amended Complaint. Respondent appeared in person, *pro se*, and Attorney David Igasaki represented the Department.
5. On April 30, 2009, ALJ Canavan issued an Administrative Law Judge’s Report and Recommendation (“ALJ Report”). Department's Exhibit A. The ALJ Report included the following Findings of Fact, *inter alia*:
 - a. The Maryland Board suspended Respondent’s license on March 19, 2008;

- b. The New Jersey Board suspended Respondent's license on January 12, 2006;
 - c. The California Board denied Respondent's application for a medical license on July 2, 2007;
 - d. The United States Army Office of the Surgeon General revoked Respondent's privileges on May 17, 2006;
 - e. The New York Board suspended Respondent's license on June 17, 2008;
 - f. The disciplinary actions in other states were not reciprocal and were not based solely on Respondent's initial discipline. The Maryland Board, California Board, and the Army disciplined Respondent for additional misrepresentations and dishonest behavior in their own jurisdictions.
6. The ALJ Report further concluded that the Department proved by clear and convincing evidence that Respondent violated 225 Illinois Compiled Statutes, Section 60/22(A)(12).
7. Additionally, the ALJ Report recommended to the Illinois Medical Disciplinary Board that Respondent's Physician and Surgeon License be Indefinitely Suspended and Fined \$5,000.
8. On June 3, 2009, the Medical Disciplinary Board adopted the ALJ Report and recommended to the Director of the Division of Professional Regulation that Respondent's Physician and Surgeon License be Indefinitely Suspended and Fined \$5,000. Department's Exhibit B.
9. On August 17, 2009, Director Daniel E. Bluthardt entered an Order which:
- a. Denied Respondent's Motion for a Rehearing;
 - b. Adopted the Medical Disciplinary Board's Findings of Fact, Conclusions of Law and Recommendation to the Director;
 - c. Indefinitely Suspended Respondent's Physician and Surgeon License; and

- d. Fined Respondent \$5,000. Department's Exhibit C.
10. On September 21, 2009, Respondent filed a Complaint for Administrative Review in the Circuit Court of Cook County, Illinois. On June 11, 2010, Judge William Maki of the Circuit Court of Cook County affirmed the Indefinite Suspension of Respondent's License, but vacated the \$5,000 fine imposed by the Director's August 17, 2009 Order. Cook County Circuit Court Case number 09 CH 34447.
 11. Thereafter, Respondent appealed Circuit Court Judge Maki's Order in the Illinois Appellate Court. On September 28, 2011, the Appellate Court affirmed the Director's August 17, 2009 Order imposing Indefinite Suspension. 2011 IL App (1st) 101972-U, 2011 WL 10069498.
 12. On December 21, 2012, Director Jay Stewart entered an Order to Vacate Director Bluthardt's August 17, 2009 Order based on a "Request for Reconsideration." The Request for Reconsideration allegedly claimed that the "California Board reinstated Respondent to good standing and expunged the record of that adverse action" and further claimed that the "Nevada Board reinstated Respondent to good standing and expunged the original record."
 13. The Director's December 21, 2012 Order stated that "because both the California Board and Nevada Board expunged the disciplines against the Respondent, the bases for said August 17, 2009 Order no longer exist." Department's Exhibit E.
 14. The December 21, 2012 Order was factually erroneous in several respects:
 - a. First, the August 17, 2009 Director's Order was based on discipline in multiple jurisdictions in addition to California and Nevada, including Maryland, New Jersey, New York, and the Army;
 - b. Second, Maryland, California, and the Army disciplined Respondent based on

allegations independent of the Nevada sister-state discipline;

- c. Third, California never reinstated Respondent's license to good standing and never expunged Respondent's record of the adverse action. In fact, Respondent has never received a license to practice medicine in California, as his application for licensure in California was denied. Department's Exhibit F;
- d. Fourth, the Nevada Board never reinstated Respondent to good standing and expunged the original record. Instead, after initially imposing revocation of Respondent's medical license on December 19, 2001 for attempting to obtain a license by misrepresentation, on June 7, 2011 the Nevada Board entered into a consent order with Respondent, whereby the Board rescinded the order entered December 19, 2001 and imposed a reprimand on Respondent's license with an effective date of December 19, 2001. Department's Exhibit G; and
- e. Lastly, the disciplines imposed by Maryland, New Jersey, New York and the Army were never vacated or expunged. Department's Exhibits H through K.

15. Thus, because the California order denying Respondent's license application was never vacated or expunged; the Nevada order revoking Respondent's license was rescinded, but a reprimand instead was imposed; and because the disciplines imposed by Maryland, New Jersey, New York, and the United States Army Office of the Surgeon General were never vacated or expunged, the Director's August 17, 2009 Order should not have been vacated.

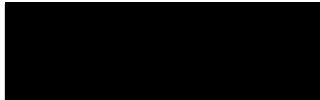
16. Substantial justice has not been done in this matter.

WHEREFORE, it is HEREBY ORDERED that the Department's Motion to Vacate the Director's December 21, 2012 Order be GRANTED and the Order to Vacate entered on December 21, 2012 in this matter be VACATED.

IT IS FURTHER ORDERED THAT the Indefinite Suspension imposed against Respondent's Illinois Physician and Surgeon License on August 17, 2009 in this matter be reinstated as of the effective date of this Order.

DATED THIS 27th DAY OF January, 2015.

DEPARTMENT OF FINANCIAL AND
PROFESSIONAL REGULATION of the
State of Illinois; Jay Stewart, Acting Secretary
Division of Professional Regulation



JAY STEWART
Director

Case No. 2005-07665
License No. 036.077045

STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

DIVISION OF PROFESSIONAL REGULATION)
of the State of Illinois, Complainant)
v.) 200507665
GEORGE S. LAKNER Respondent)

NOTICE

TO: GEORGE S. LAKNER


PLEASE TAKE NOTICE that the Director of the Division of Professional Regulation did sign the attached Order.

YOU ARE FURTHER NOTIFIED that you have a right to judicial review of all final administrative decisions of this Department, pursuant to the provisions of the "ADMINISTRATIVE REVIEW ACT," approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

The order of the Director of the Division of Professional Regulation will be implemented as of the date of the Order unless the Order states otherwise.

DIVISION OF PROFESSIONAL REGULATION
of the State of Illinois

BY: 
Clerk for the Department

All inquiries should be
Directed to:
Chicago Office - 312-814-4504
Unless Downstate Percs - 217-782-8464

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON) ss:

UNDER PENALTY of perjury, as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned Certifies that I caused copies of the attached NOTICE AND CONSENT OR ORDER, to be deposited in the United States mail, by certified mail at 320 W. Washington, Springfield, Illinois 62786, before 5:00 p.m. with proper postage prepaid on the 3rd day of February, 2015 to all parties at the addresses listed on the attached documents.



AFFIANT