

1 BENJAMIN B. WAGNER  
United States Attorney  
2 LAUREL J. MONTOYA  
Assistant U.S. Attorney  
3 4401 Federal Building  
2500 Tulare Street  
4 Fresno, California 93721  
Telephone: (559) 497-4000  
5

SEALED

FILED

NOV 03 2011

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY [Signature]  
DEPUTY CLERK

8 IN THE UNITED STATES DISTRICT COURT FOR THE  
9 EASTERN DISTRICT OF CALIFORNIA

10

11 UNITED STATES OF AMERICA, )

CR. NO. 1:11-cr-375-AWI

12 Plaintiff, )

VIOLATION: 21 U.S.C. §§  
841(a)(1) and (b)(1)(E)(i) -  
Distribution of Hydrocodone (21  
counts); 18 U.S.C. §853 -  
Criminal Forfeiture.

13 v. )

14 GONZALO FLORES RUIZ, )

15 Defendant. )  
16 )  
17 )

18 I N D I C T M E N T

19 COUNT ONE THROUGH TWENTY-ONE: [21 U.S.C. §§ 841(a)(1) and  
20 841(b)(1)(E)(i) - Distribution of  
Hydrocodone]

22 The Grand Jury charges: T H A T

23 GONZALO FLORES RUIZ,

24 defendant herein, then a physician licensed to practice medicine in  
25 the State of California, while acting and intending to act outside  
26 the usual course of professional practice and without a legitimate  
27 medical purpose, on or about the dates alleged, in the State and  
28 Eastern District of California, and elsewhere, did knowingly and

1 intentionally prescribe and distribute hydrocodone, a Schedule III  
 2 controlled substance.

COUNT	DATE	PRESCRIBED TO
ONE	April 24, 2009	W.R.
TWO	March 22, 2011	C.L.
THREE	March 22, 2011	A.C.-1
FOUR	April 22, 2011	S.C.
FIVE	April 22, 2011	S.C.
SIX	May 5, 2011	R.L.
SEVEN	May 5, 2011	A.C.-1
EIGHT	May 5, 2011	C.D.
NINE	May 6, 2011	A.C.-2
TEN	May 6, 2011	E.G.
ELEVEN	May 11, 2011	A.C.-2
TWELVE	May 11, 2011	A.C.-2
THIRTEEN	May 11, 2011	C.R.
FOURTEEN	May 20, 2011	S.C.
FIFTEEN	June 1, 2011	A.C.-2
SIXTEEN	June 1, 2011	A.C.-2
SEVENTEEN	June 1, 2011	R.L.
EIGHTEEN	June 8, 2011	C.L.
NINETEEN	September 1, 2011	T.R.
TWENTY	September 1, 2011	A.C.-3
TWENTY-ONE	October 6, 2011	W.R.

23  
 24 //  
 25 //  
 26 //  
 27 //  
 28 //

1 FORFEITURE ALLEGATION: [21 U.S.C. § 853 - Criminal Forfeiture]

2 The Grand Jury further alleges:

3 GONZALO FLORES RUIZ,

4 defendant herein, as follows:

5 Upon conviction of the offense alleged in this Indictment,  
6 GONZALO FLORES RUIZ, shall forfeit to the United States pursuant to  
7 21 U.S.C. § 853 any and all property constituting, or derived from,  
8 proceeds obtained, directly or indirectly, as a result of the said  
9 violation and any property used, or intended to be used, in any  
10 manner or part, to commit, or to facilitate the commission of the  
11 said violation, including but not limited to a sum of money equal  
12 to the total amount of money involved in each offense, or  
13 conspiracy to commit such offense, for which the defendant is  
14 convicted.

15 If any property subject to forfeiture, as a result of the  
16 offense alleged in this Indictment:

- 17 (1) cannot be located upon the exercise of due diligence;  
18 (2) has been transferred or sold to, or deposited with, a  
19 third person;  
20 (3) has been placed beyond the jurisdiction of the Court;  
21 (4) has been substantially diminished in value; or  
22 (5) has been commingled with other property which cannot be  
23 subdivided without difficulty;

24 it is the intent of the United States, pursuant to 21 U.S.C. § 853

25 //

26 //

27 //

28 //

1 to seek forfeiture of any other property of said defendant up to  
2 the value of the property subject to forfeiture.

3 A TRUE BILL.

4 /s/ Signature on file w/AUSA

5 FOREPERSON

6  
7 BENJAMIN B. WAGNER  
8 United States Attorney

9 By Mark E. Cullers  
10 MARK E. CULLERS,  
11 Assistant U.S. Attorney  
12 Chief, Fresno Office  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT **SEALED**

*Eastern District of California*

*Criminal Division*

**FILED**

NOV 03 2011

THE UNITED STATES OF AMERICA

vs.

GONZALO FLORES RUIZ

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY                       
DEPUTY CLERK

1:11-CR-375-AWI

INDICTMENT

**VIOLATION(S): 21 U.S.C. § 841(a)(1) and (b)(1)(E)(i) -  
DISTRIBUTION OF HYDROCODONE (21 COUNTS);  
18 U.S.C. § 853 - CRIMINAL FORFEITURE**

*A true bill,*

----- 15/ -----  
Foreman.

Filed in open court this 3 day  
of November, A.D. 20 11  
**NO BAIL WARRANT**  
B McQuiffle  
Clerk.

Bail, \$ -----  
-----

BY  COMPLAINT  INFORMATION  INDICTMENT  
 SUPERSEDING INFORMATION  SUPERSEDING  
SEALED  Court No.

Name of District Court, and/or Judge Magistrate Location (city)  
**EASTERN DISTRICT OF CALIFORNIA  
FRESNO, CALIFORNIA**

**OFFENSE CHARGED** \_\_\_\_\_ Petty  
PLEASE SEE INDICTMENT. \_\_\_\_\_ Minor  
\_\_\_\_\_ Misdemeanor  
\_\_\_\_\_ Felony

**DEFENDANT -- U.S. vs.**  
**GONZALO FLORES RUIZ**

Place of Offense: **KERN COUNTY**  
USC Citations:  
PLEASE SEE INDICTMENT.

Address {  
Birth Date \_\_\_\_\_ Male \_\_\_\_\_ Alien  
Female \_\_\_\_\_ (if applicable)  
(Optional unless a juvenile)

**PROCEEDING**  
Name of Complainant Agency, or Person (& Title, if any)  
**SA SHARRON CANNELLA, FBI**  
 this person is awaiting trial in another Federal or State Court, give name of court.  
 this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21, or 40. Show District  
 this is a reprosecution of charges previously dismissed which were dismissed on motion of:  
 U.S. Att'y  Defense } **SHOW DOCKET NO.**  
 this prosecution relates to a pending case involving this same defendant  
 prior proceeding or appearance(s) before U.S. Magistrate regarding this defendant were recorded under **MAGISTRATE CASE NO.**

**DEFENDANT**  
**IS NOT IN CUSTODY**  
1)  Has not been arrested, pending outcome this proceeding If not detained give date any prior summons was served on above charges  
2)  Is a Fugitive  
3)  Is on Bail or Release from (show District)  
**IS IN CUSTODY**  
4)  On this charge  
5)  On another conviction  Fed'l  State  
6)  Awaiting trial on other charges If answer to (5) is "Yes", show name of institution  
Has detainer been filed? Yes \_\_\_\_\_ If "Yes" give date \_\_\_\_\_  
No \_\_\_\_\_  
DATE OF ARREST ▶ Mo. Day Year  
Or ... if arresting Agency & Warrant were not Federal  
DATE TRANSFERRED TO U.S. CUSTODY ▶ Mo. Day Year

Name and Office of Person Furnishing information on  
THIS FORM **WHITNEY M. CARPENTER**  
 U.S. Att'y  Other U.S. Agency  
Name of Asst. U.S. Att'y (if assigned) **LAUREL J. MONTOYA**  
 **ADD FORFEITURE UNIT (Check if Forfeiture Allegation)**

This report amends AO 257 previously submitted

**ADDITIONAL INFORMATION OR COMMENTS**  
PLEASE SEE ATTACHED PENALTY SLIP.

PENALTY SLIP

DEFENDANT: GONZALO FLORES RUIZ

VIOLATION: 21 U.S.C. §§ 841(a)(1) and (b)(1)(E)(I)  
Distribution of Hydrocodone  
(Count One Through Twenty-One)

PENALTY: 10 year maximum imprisonment  
\$500,000 dollar fine  
\$100 special assessment fee

1 BENJAMIN B. WAGNER  
United States Attorney  
2 LAUREL J. MONTOYA  
Assistant United States Attorneys  
3 2500 Tulare Street, Suite 4401  
Fresno, CA 93721  
4 Telephone: (559) 497-4000  
Facsimile: (559) 497-4099  
5

6 Attorneys for Plaintiffs  
7

8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 GONZALO FLORES RUIZ,  
15 Defendant,  
16  
17

CASE NO. 1:11-cr-00375-AWI-DLB

MEMORANDUM OF PLEA  
AGREEMENT PURSUANT TO RULE  
11(E)(1)(B) OF THE FEDERAL  
RULES OF CRIMINAL PROCEDURE

DATE: *Sept 24, 2012*  
TIME: *10 AM*  
COURTROOM TWO  
HON. ANTHONY W ISHII

18  
19 Pursuant to Rule 11(e)(1)(B) of the Federal Rules of Criminal Procedure, the United States of  
20 America, by and through BENJAMIN B. WAGNER, the United States Attorney for the Eastern  
21 District of California, and LAUREL J. MONTOYA, Assistant United States Attorney, and the  
22 defendant, GONZALO FLORES RUIZ, and his attorney, ROGER LITMAN, have agreed as  
23 follows<sup>1</sup>:

24 ///

25 ///

26  
27 <sup>1</sup> The defendant acknowledges that this plea agreement is limited to the Eastern District of  
28 California and cannot bind any other federal, state, or local prosecuting, administrative, or regulatory  
authorities.

1 1. Charges.

2 The defendant acknowledges that he has been charged by Indictment, 1:11-cr-00375-AWI-  
3 DLB, in the Eastern District of California with Distribution of Hydrocodone in violation of 21  
4 U.S.C. 841(a)(1) and (b)(1)(E)(i) -21 counts; Forfeiture Allegation pursuant to 21 U.S.C. § 853.

5 2. Agreements by the Defendant.

6 (a) The defendant agrees that this plea agreement shall be filed with the court and  
7 become a part of the record in the case.

8 (b) The defendant agrees to enter a plea of guilty to Count Three of the Indictment which  
9 charges him with distribution of hydrocodone and admit the forfeiture allegation. The defendant  
10 agrees that he is in fact guilty of this charge and that the facts set forth in the factual basis of this  
11 agreement are true and accurate.

12 (c) The defendant agrees that the base offense level will be based on 36,890  
13 Hydrocodone pills/dosage units representing the relevant conduct attributable to defendant.

14 (d) Forfeiture: The defendant agrees to forfeit to the United States voluntarily and  
15 immediately all of his right, title, and interest to any and all assets seized in connection to the  
16 criminal charges and events giving rise to the Indictment.

17 Defendant agrees that any assets seized or found to be connected to the criminal events and  
18 charges giving rise to the Indictment, constitute property subject to forfeiture pursuant to 21 U.S.C. §  
19 853.

20 Defendant agrees to fully assist the government in the forfeiture of any seized assets or assets  
21 later determined to be forfeitable pursuant to the Indictment and to take whatever steps are necessary  
22 to pass clear title to the United States. Defendant shall not sell, transfer, convey, or otherwise  
23 dispose of any assets found to be connected to the criminal events charged in the Indictment.

24 Defendant agrees not to file a claim to any of the seized property in any civil proceeding,  
25 administrative or judicial, which may be initiated. Defendant agrees to waive his/her right to notice  
26 of any forfeiture proceeding involving this property, and agrees to not file a claim or assist others in  
27 filing a claim in that forfeiture proceeding.

28 The defendant waives the notice provisions of Fed. R. Crim. P. 7(c)(2) and 32.2(a), waives

1 oral pronouncement of forfeiture at the time of sentencing and any defects in such pronouncement  
2 that pertain to forfeiture, and waives any defenses to forfeiture, including any defense predicated on  
3 the Ex Post Facto, Double Jeopardy, and Excessive Fines Clauses of the United States Constitution.  
4 The defendant knowingly and voluntarily waives any right to jury trial in any criminal or civil  
5 forfeiture proceeding.

6 (e) The defendant understands and agrees that the Court is not a party to this agreement,  
7 that sentencing is a matter solely within the discretion of the Court, the Court is under no obligation  
8 to accept any recommendations made by the government, and the Court may in its discretion impose  
9 any sentence it deems appropriate up to and including the statutory maximum stated in this Plea  
10 Agreement. If the Court should impose any sentence up to the maximum established by the statute,  
11 the defendant cannot, for that reason alone, withdraw his guilty plea, and he will remain bound to  
12 fulfill all of the obligations under this Agreement. The defendant understands that neither the  
13 prosecutor, defense counsel, nor the Court can make a binding prediction or promise regarding the  
14 sentence he will receive.

15 (f) The defendant is aware that Title 18, United States Code, Section 3742 affords a  
16 defendant the right to appeal the sentence imposed. Acknowledging this, the defendant knowingly  
17 waives the right to appeal his conviction or any sentence (or the manner in which that sentence was  
18 determined) which is in accordance with the maximum provided in Title 21, United States Code,  
19 Sections 841(a)(1), and (b)(1)(E)(i), on the grounds set forth in Title 18, United States Code, Section  
20 3742 or on any ground whatever, in exchange for the concessions made by the United States in this  
21 plea agreement. The defendant also waives his right to challenge his conviction, sentence or the  
22 manner in which it was determined in any post-conviction attack, including but not limited to a  
23 motion brought under Title 28, United States Code, Sections 2241 or 2255.

24 (g) If the defendant's conviction on the count to which he is pleading is ever vacated at  
25 the defendant's request, or his sentence is ever reduced at his request, or if the defendant violates the  
26 Plea Agreement, he shall thereafter be subject to prosecution for any federal criminal violation of  
27 which the government has knowledge, including but not limited to perjury, false statements, and  
28 obstruction of justice. Because disclosures pursuant to this Agreement will constitute a waiver of the

1 Fifth Amendment privilege against compulsory self-incrimination, any such prosecution may be  
2 premised on statements and/or information provided by the defendant. The government shall have  
3 the right (1) to prosecute the defendant on the count to which he pleaded guilty; and (2) to file any  
4 new charges that would otherwise be barred by this agreement. The decision to pursue any or all of  
5 these options will be solely within the discretion of the United States Attorney's Office. By signing  
6 this agreement, the defendant agrees to waive any objections, motions, and defenses he might have  
7 to the government's decision, including Double Jeopardy. In particular, he agrees not to raise any  
8 objections based on the passage of time with respect to such counts including, but not limited to, any  
9 statutes of limitation or any objections based on the Speedy Trial Act or the Speedy Trial Clause of  
10 the Sixth Amendment.

11 If it is determined that the defendant has violated any provision of this Agreement or if the  
12 defendant successfully moves to withdraw his plea: (1) all statements made by the defendant to the  
13 government or other designated law enforcement agents, or any testimony given by the defendant  
14 before a grand jury or other tribunal, whether before or after this Agreement, shall be admissible in  
15 evidence in any criminal, civil, or administrative proceedings hereafter brought against the  
16 defendant; and (2) the defendant shall assert no claim under the United States Constitution, any  
17 statute, the Federal Rules of Criminal Procedure, Rule 410 of the Federal Rules of Evidence, or any  
18 other federal rule, that statements made by the defendant before or after this Agreement, or any leads  
19 derived therefrom, should be suppressed. By signing this Agreement, the defendant waives any and  
20 all rights in the foregoing respects.

21 (h) The defendant agrees to waive all rights under the "Hyde Amendment", Section 617,  
22 P.L. 105-119 (Nov. 26, 1997), to recover attorneys' fees or other litigation expenses in connection  
23 with the investigation and prosecution of all charges in the above-captioned matter and of any  
24 related allegations (including without limitation any charges to be dismissed pursuant to this  
25 Agreement and any charges previously dismissed).

26 (i) The defendant understands that the Court must consult the Federal Sentencing  
27 Guidelines (as promulgated by the Sentencing Commission pursuant to the Sentencing Reform Act  
28 of 1984, 18 U.S.C. §§ 3551-3742 and 28 U.S.C. §§ 991-998, and as modified by United States v.

1 Booker and United States v. Fanfan, 543 U.S. 220 (2005), and must take them into account when  
2 determining a final sentence. Defendant understands that the Court will determine a non-binding  
3 and advisory guideline sentencing range for this case pursuant to the Sentencing Guidelines.  
4 Defendant further understands that the Court will consider whether there is a basis for departure  
5 from the guideline sentencing range (either above or below the guideline sentencing range) because  
6 there exists an aggravating or mitigating circumstance of a kind, or to a degree, not adequately taken  
7 into consideration by the Sentencing Commission in formulating the Guidelines. Defendant further  
8 understands that the Court, after consultation and consideration of the Sentencing Guidelines, must  
9 impose a sentence that is reasonable in light of the factors set forth in 18 U.S.C. § 3553(a).

10 (j) The defendant hereby acknowledges that adverse immigration consequences,  
11 including but not limited to removal from the United States, exclusion from admission into the  
12 United States, and/or denial of naturalization in the United States, may result from this plea.

13 3. Agreements by the Government.

14 (a) The government will recommend that the defendant receive a two or three-level  
15 reduction, depending on the offense level, in the computation of his offense level due to his  
16 acceptance of responsibility, provided that the defendant qualifies for such a reduction in his  
17 interview with the probation officer.

18 (b) The government agrees that the base offense level will be based on 36,890  
19 Hydrocodone pills/dosage units representing the relevant conduct attributable to defendant.

20 (c) The government further agrees to recommend a two-level reduction in his offense  
21 level pursuant to U.S.S.G. § 2D1.1(c)(6) which provides for such reduction where the defendant  
22 meets the criteria set forth in subdivisions (1) through (5) of U.S.S.G. § 5C1.2 (Limitations on  
23 Applicability of Statutory Minimum Sentences in Certain Cases), provided that the probation office  
24 agrees that the defendant meets these criteria. The government will not be required to make such a  
25 recommendation if the government determines that the defendant has failed to truthfully provide  
26 complete information pertaining to the circumstances of his offense. Similarly, the government  
27 makes no representations as to whether the defendant's criminal history makes him eligible for this  
28 reduction. Further, the defendant acknowledges that he has not yet been interviewed by the

1 government pursuant to this provision. If the probation office agrees that the defendant qualifies for  
2 a term of imprisonment notwithstanding the statutory mandatory penalty in accordance with 18  
3 U.S.C. § 3553(f), the government agrees to make that recommendation to the Court and provided  
4 that the sentencing range so permits.

5 (d) The government will recommend that the defendant be sentenced at the bottom of the  
6 applicable guideline range.

7 (e) The government agrees to dismiss the remaining counts in the Indictment at the time  
8 of sentencing with the understanding that the transactions will be included in the relevant conduct  
9 attributable to the defendant.

10 4. Nature, Elements, Possible Defenses, and Factual Basis.

11 (a) The defendant has read the charges contained in the Indictment, and those charges  
12 have been fully explained to him by his attorney.

13 (b) The defendant fully understands the nature and elements of the crime with which he  
14 has been charged, together with the possible defenses thereto, and has discussed them with his  
15 attorney.

16 In order for defendant to be guilty of Count Three of the indictment, which charges a  
17 violation of Title 21, United States Code, Section 841(a)(1) (illegal dispensing of controlled  
18 substances by a medical practitioner), the following must be true:

19 First, the defendant, a medical practitioner, knowingly and intentionally dispensed or  
20 delivered a schedule controlled substance by prescription;

21 Second, the defendant knew that it was a schedule controlled substance or some other  
22 prohibited drug; and

23 Third, the defendant did so outside the usual course of medical practice or without  
24 legitimate medical purpose generally recognized and accepted in the United States.

25 (c) A controlled substance may lawfully be prescribed by a physician for a legitimate  
26 medical purpose and in the usual course of professional practice if it is prescribed in good faith,  
27 medically treating a patient in accordance with the standard of medical practice that is generally  
28 recognized and accepted in the United States. Good faith in this context means good intentions and

1 honest exercise of a physician's best professional judgment as to a patient's medical needs. It  
2 connotes an observance of conduct in accordance with what the physician should reasonably believe  
3 to be proper medical practice.

4 (d) The defendant will plead guilty because he is in fact guilty of the crime set forth in  
5 Count Three of the Indictment. The defendant also agrees that the following are the facts of this  
6 case, although he acknowledges that, as to other facts, the parties may disagree:

7 On or about March 22, 2011, in Kern County, within the State and Eastern District of  
8 California, defendant knowingly, intentionally, and unlawfully distributed or dispensed, 180  
9 dosage units of hydrocodone, a schedule III controlled substance, by prescription to an  
10 individual with the initials A.C.. This distribution or dispensing was without any legitimate  
11 medical purpose generally recognized and accepted in the United States, with little or no  
12 medical examinations or tests, and outside the course of medical practice generally  
13 recognized and accepted in the United States.

14 On the date listed above, as well as the dates listed in Counts One, Two, and Four  
15 through Twenty-One in the Indictment, defendant abused his position of trust and special  
16 skill as a medical doctor in order to facilitate the conduct charged in the indictment by  
17 writing multiple prescriptions for hydrocodone without a legitimate medical purpose.

18 5. Potential Sentence.

19 The defendant understands that since the offense to which he is pleading guilty occurred after  
20 November 1, 1987, a sentencing guideline range for this case will be determined by the Court  
21 pursuant to the Sentencing Reform Act of 1984 (18 U.S.C. §§ 3551-3742 and 28 U.S.C. §§ 991-  
22 998). The defendant further understands that the Court will impose a sentence within that guideline  
23 range, unless the Court finds that there is a basis for departure (either above or below the range)  
24 because there exists an aggravating or mitigating circumstance of a kind, or to a degree, not  
25 adequately taken into consideration by the Sentencing Commission in formulating the guidelines.  
26 The following is the maximum potential sentence which the defendant faces:

27 Distribution of Hydrocodone in violation of Title 21, United States Code, Section 841(a)(1)  
28 and 841(b)(1)(E)(i):

(a) Imprisonment.

Maximum: Ten (10) years.

(b) Fine.

Maximum: \$500,000.00.

1 (c) Both such fine and imprisonment.

2 (d) Term of Supervised Release.

3 Mandatory Minimum: Two (2) years.

4 Maximum: Life.

5 (Should the defendant violate any of the terms of his supervised release, he  
6 can be returned to prison for the term of supervised release actually imposed  
or two years, whichever is less).

7 (e) Penalty Assessment.

8 Mandatory: \$100.00.

9 (f) Pursuant to 21 U.S.C. § 862, the defendant may become temporarily or  
10 permanently ineligible for any and all federal benefits<sup>2</sup> and, pursuant to 21 U.S.C. §  
11 862a, shall be ineligible for the following government benefits:

12 (1) assistance under any State program funded under part A of title IV  
13 of the Social Security Act (42 U.S.C. § 601 et seq.);

14 (2) benefits under the food stamp program (as defined in section 3h of  
15 the Food Stamp Act) (7 U.S.C. § 2012(h)) or any State program carried out under the  
16 Food Stamp Act of 1977 (7 U.S.C. § 2011 et seq.).

17 6. Waiver of Rights.

18 The defendant understands that by pleading guilty he surrenders certain rights, including the  
19 following:

20 (a) The defendant is entitled to the continued representation of an attorney at any trial in  
21 this case and, if the defendant is unable to afford such an attorney, one would be appointed by the  
22 court.

23 (b) If the defendant persisted in a plea of not guilty to the charges against him, he would  
24 have the right to a public and speedy trial and the assistance of an attorney at that trial. If the

25 \_\_\_\_\_  
26 <sup>2</sup> The term "federal benefits" does not include any retirement, welfare, Social Security, health,  
27 disability, veterans benefit, public housing, or other similar benefit, or any other benefit for which  
28 payments or services are required for eligibility, but refers to the issuance of any grant, contract,  
loan, professional license, or commercial license provided by an agency or appropriated funds of the  
United States. 21 U.S.C. § 862(d)(1).

1 defendant could not afford an attorney, one would be appointed for him. The trial could be either a  
2 jury trial or a trial by a judge sitting without a jury. The defendant has a right to a jury trial.

3 However, in order that the trial be conducted by the judge sitting without a jury, the defendant, the  
4 government and the judge all must agree that the trial be conducted by the judge without a jury.

5 (c) If the trial were a jury trial, the jury would be composed of twelve lay persons  
6 selected at random. The defendant and his attorney would have a say in who the jurors would be by  
7 removing prospective jurors for cause where actual bias or other disqualification is shown, or  
8 without cause by exercising peremptory challenges. The jury would have to agree unanimously  
9 before it could return a verdict of either guilty or not guilty. The jury would be instructed that the  
10 defendant is presumed innocent and that it could not convict him unless, after hearing  
11 all the evidence, it was persuaded of his guilt beyond a reasonable doubt.

12 (d) If the trial were held before a judge without a jury, the judge would find the facts and  
13 determine, after hearing all the evidence, whether or not he was persuaded of the defendant's guilt  
14 beyond a reasonable doubt.

15 (e) At a trial, whether by a jury or a judge, the government would be required to present  
16 its witnesses and other evidence against the defendant. The defendant would be able to confront  
17 those government witnesses and his attorney would be able to cross-examine them. In turn, the  
18 defendant could present witnesses and other evidence on his own behalf. If the witnesses for the  
19 defendant would not appear voluntarily, he could require their attendance through the subpoena  
20 power of the court.

21 (f) At a trial, the defendant would have a privilege against self-incrimination so that he  
22 could decline to testify, and no inference of guilt could be drawn from this refusal to testify.

23 The defendant understands that by pleading guilty he is waiving all of the rights set forth  
24 above and the defendant's attorney has explained those rights to him and the consequences of his  
25 waiver of those rights.

26 7. Questions by Court.

27 The defendant understands that if the court questions him under oath, on the record and in the  
28 presence of counsel, about the offenses to which he has pleaded guilty, his answers, if

1 false, may later be used against him in a prosecution for perjury or false statement.

2 8. Entire Agreement.

3 The defendant and his attorney acknowledge that no threats, promises or representations have  
4 been made, nor agreement reached, other than those set forth in this Agreement, to induce defendant  
5 to plead guilty.

6 9. Court not a Party.

7 It is understood by the parties that the sentencing Court is neither a party to nor bound by this  
8 agreement and the sentencing judge is free to impose the maximum penalties as set forth in  
9 paragraph 5 above. Also, should the court fail to follow any or all of the government's sentencing  
10 recommendations, the defendant will not be allowed to withdraw his plea.

11 10. Presentence Report.

12 The defendant understands that the United States Probation Office is not a party to this  
13 agreement and will conduct an independent investigation of the defendant's activities and his  
14 background and prepare a presentence report which it will submit to the court as its own sentencing  
15 recommendation. In addition, the government will fully apprise the Probation Office, as well as the  
16 court, of the full and true nature, scope and extent of the defendant's criminal activities concerning

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

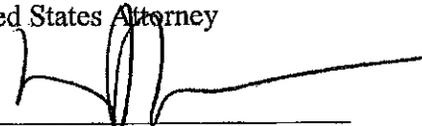
27 ///

28 ///

1 the charge to which the defendant is entering a plea of guilty, including activities which may not  
2 have been charged in the Indictment, or were the subject of dismissed counts.

3 DATED: Sept 24, 2012

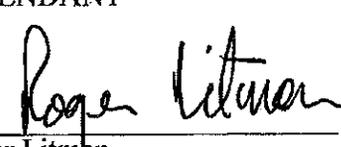
BENJAMIN B. WAGNER  
United States Attorney

4  
5 By:   
6 LAUREL J. MONTOYA  
Assistant U.S. Attorney

7  
8 DATED: Sep 24, 2012

  
9 Gonzalo Flores Ruiz  
DEFENDANT

10  
11 DATED: September 24, 2012

  
12 Roger Litman  
ATTORNEY FOR DEFENDANT

**United States District Court  
Eastern District of California**

UNITED STATES OF AMERICA  
v.  
GONZALO FLORES RUIZ

**JUDGMENT IN A CRIMINAL CASE**  
(For Offenses Committed On or After November 1, 1987)  
Case Number: 1:11CR00375-001

Roger K. Litman  
Defendant's Attorney

**THE DEFENDANT:**

- pleaded guilty to count: Three of the Indictment.
- pleaded nolo contendere to counts(s) \_\_\_ which was accepted by the court.
- was found guilty on count(s) \_\_\_ after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21 USC 841 (a)(1) and 841 (b)(1)(E)(I)	Distribution of Hydrocodone (Class C Felony)	03/22/2011	Three

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on counts(s) \_\_\_ and is discharged as to such count(s).
- Counts One - Two and Four -Twenty-One of the Indictment are dismissed on the motion of the United States.
- Indictment is to be dismissed by District Court on motion of the United States.
- Appeal rights given.  Appeal rights waived.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

04/15/2013  
Date of Imposition of Judgment

/s/ ANTHONY W. ISHII  
Signature of Judicial Officer

ANTHONY W. ISHII, United States District Judge  
Name & Title of Judicial Officer

04/18/2013  
Date

CASE NUMBER: 1:11CR00375-001  
DEFENDANT: GONZALO FLORES RUIZ

Judgment - Page 2 of 6

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 30 months.

- No TSR: Defendant shall cooperate in the collection of DNA.
- The court makes the following recommendations to the Bureau of Prisons:  
The Court recommends that the defendant be incarcerated in a California facility, specifically TAFT, CA , but only insofar as this accords with security classification and space availability. The Court recommends the defendant participate in the 500-Hour Bureau of Prisons Substance Abuse Treatment Program.
- The defendant is remanded to the custody of the United States Marshal.
- The defendant shall surrender to the United States Marshal for this district.  
 at \_\_\_ on \_\_\_\_.  
 as notified by the United States Marshal.
- The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:  
 before \_ on \_\_\_\_.  
 as notified by the United States Marshal.  
 as notified by the Probation or Pretrial Services Officer.  
If no such institution has been designated, to the United States Marshal for this district.

### RETURN

I have executed this judgment as follows:

---



---



---

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_ , with a certified copy of this judgment.

UNITED STATES MARSHAL

By \_\_\_\_\_  
Deputy U.S. Marshal

CASE NUMBER: 1:11CR00375-001  
 DEFENDANT: GONZALO FLORES RUIZ

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 60 months.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed four (4) drug tests per month.

- The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et seq.), as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or a restitution obligation, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow instructions of the probation officer;
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons;
- 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere, and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

CASE NUMBER: 1:11CR00375-001  
DEFENDANT: GONZALO FLORES RUIZ

Judgment - Page 4 of 6

### **SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant shall submit to the search of his person, property, home, and vehicle by a United States probation officer, or any other authorized person under the immediate and personal supervision of the probation officer, based upon reasonable suspicion, without a search warrant. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
2. The defendant shall not dispose of or otherwise dissipate any of his assets until the fine and/or restitution order by this Judgment is paid in full, unless the defendant obtains approval of the Court or the probation officer.
3. The defendant shall provide the probation officer with access to any requested financial information.
4. The defendant shall not open additional lines of credit without the approval of the probation officer.
5. As directed by the probation officer, the defendant shall participate in an outpatient correctional treatment program to obtain assistance for drug or alcohol abuse.
6. As directed by the probation officer, the defendant shall participate in a program of testing (i.e. breath, urine, sweat patch, etc.) to determine if he has reverted to the use of drugs or alcohol.
7. As directed by the probation officer, the defendant shall participate in a program of outpatient mental health treatment.
8. As directed by the probation officer, the defendant shall participate in a co-payment plan for treatment or testing and shall make payment directly to the vendor under contract with the United States Probation Office of up to \$25 per month.
9. The defendant shall register, as required in the jurisdiction in which he resides, as a drug offender.

CASE NUMBER: 1:11CR00375-001  
 DEFENDANT: GONZALO FLORES RUIZ

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$ 100	\$ Waived	\$

The determination of restitution is deferred pursuant to 18 USC 3664 (a)(5) . *An Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
<u>TOTALS:</u>	\$ ___	\$ ___	

Restitution amount ordered pursuant to plea agreement \$ \_\_\_

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

The interest requirement is waived for the  fine  restitution

The interest requirement for the  fine  restitution is modified as follows:

If incarcerated, payment of the fine is due during imprisonment at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prisons Inmate Financial Responsibility Program.

If incarcerated, payment of restitution is due during imprisonment at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prisons Inmate Financial Responsibility Program.

\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

CASE NUMBER: 1:11CR00375-001  
DEFENDANT: GONZALO FLORES RUIZ

### SCHEDULE OF PAYMENTS

Payment of the total fine and other criminal monetary penalties shall be due as follows:

- A  Lump sum payment of \$ 100.00 due immediately, balance due
  - not later than \_\_, or
  - in accordance with  C,  D,  E, or  F below; or
- B  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C  Payment in equal \_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_ over a period of \_\_ (e.g., months or years), to commence \_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D  Payment in equal \_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_ over a period of \_\_ (e.g., months or years), to commence \_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E  Payment during the term of supervised release will commence within \_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate:

The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States:

1 KAMALA D. HARRIS  
Attorney General of California  
2 E. A. JONES III  
Supervising Deputy Attorney General  
3 WENDY WIDLUS  
Deputy Attorney General  
4 State Bar No. 82958  
California Department of Justice  
5 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
6 Telephone: (213) 897-2867  
Facsimile: (213) 897-9395  
7 E-mail: Wendy.Widlus@doj.ca.gov  
*Attorneys for Complainant*  
8

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

11 In the Matter of the Accusation Against,

Case No. 08-2011-219135

12 **GONZALO FLORES RUIZ, M.D.**

13 9100 Maxwell Court  
Lamont, CA 93241  
14 Physician's and Surgeon's Certificate  
No. G 75692,

**DEFAULT DECISION  
AND ORDER**

[Gov. Code, §11520]

15 Respondent.  
16

17  
18 **FINDINGS OF FACT**

19 1. On or about April 23, 2014, Complainant Kimberly Kirchmeyer, in her official  
20 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
21 Affairs, filed Accusation No. 08-2011-219135 against Gonzalo Flores Ruiz, M.D. (Respondent)  
22 before the Medical Board of California.

23 2. On or about December 7, 1992, the Medical Board of California (Board) issued  
24 Physician's and Surgeon's Certificate No. G 75692 to Respondent. The Physician's and Surgeon's  
25 Certificate was in full force and effect at all times relevant to the charges brought herein, and is  
26 currently delinquent having expired on November 30, 2012.

27 3. On or about April 23, 2014, Teresa Schaeffer, an employee of the Board who has  
28 since retired, served by Certified Mail a copy of the Accusation No. 08-2011-219135, Statement

1 to Respondent, Notice of Defense, Request for Discovery, and Government Code sections  
2 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and  
3 is 9100 Maxwell Court, Lamont, CA 93241. A copy of the Accusation, the related documents,  
4 and Declaration of Service are attached as exhibit A, and are incorporated herein by reference.

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

7 5. On or about May 20, 2014, the aforementioned documents were returned by the U.S.  
8 Postal Service marked "Unclaimed." A copy of the envelope returned by the post office is  
9 attached as exhibit B, and is incorporated herein by reference.

10 6. No Notice of Defense was received by the Board.

11 7. Dianne Richards (Richards), an employee of the Board, is now assigned to  
12 Respondent's case.

13 8. A copy of the declaration of Richards attesting to the foregoing facts is attached as  
14 Exhibit C, and is incorporated herein by reference.

15 9. Deputy Attorney General Wendy Widlus (Widlus) is assigned to prepare the Default  
16 Decision & Order in the above matter and has reviewed the file. On October 30, 2015, Widlus  
17 prepared a Courtesy Notice of Default, which included Accusation No. 08-2011-219135,  
18 Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code  
19 sections 11507.5, 11507.6, and 11507.7.

20 11. On October 30, 2015, Monica Loera, an employee of the California Department of  
21 Justice, Health Quality Enforcement Section, served by Certified Mail a copy of the Courtesy  
22 Notice of Default which included Accusation No. 08-2011-219135, Statement to Respondent,  
23 Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and  
24 11507.7 to Respondent's address of record with the Board, which was and is 9100 Maxwell  
25 Court, Lamont, CA 93241.

26 10. No Notice of Defense was received by the California Department of Justice, Health  
27 Quality Enforcement Section.

28 11. A copy of the Declaration of Widlus attesting to the fact that no Notice of Defense

1 from Respondent was ever received by the California Department of Justice, Health Quality  
2 Enforcement Section is attached as exhibit D, and is incorporated herein by reference.

3 12. Government Code section 11506 states, in pertinent part:

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

8 13. Respondent failed to file a Notice of Defense within 15 days after service upon him  
9 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 08-  
10 2011-219135.

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

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

15 15. Pursuant to its authority under Government Code section 11520, the Board finds  
16 Respondent is in default. The Board will take action without further hearing and, based on  
17 Respondent’s express admissions by way of default and the evidence before it, contained in  
18 exhibits A, B, C, and D finds that the allegations in Accusation No. 08-2011-219135 are true.

#### 19 DETERMINATION OF ISSUES

20 1. Based on the foregoing findings of fact, Respondent GONZALO FLORES RUIZ,  
21 M.D. has subjected his Physician's and Surgeon's Certificate No. G 75692 to discipline.

22 2. A copy of the Accusation and the related documents and Declaration of Service are  
23 attached.

24 3. The agency has jurisdiction to adjudicate this case by default.

25 4. The Medical Board of California is authorized to revoke Respondent’s Physician’s  
26 and Surgeon’s Certificate based upon the following violations alleged in the Accusation:

27 Respondent illegally distributed or dispensed controlled substances (Hydrocodone)  
28 “while intentionally acting outside the usual course of professional practice and without a

1 legitimate medical purpose" in violation of Title 21, U.S.C., section 841, subdivisions (a)(1) and  
2 (b)(1)(E)(I), (felonies), thereby violating sections 2236 of the Code (conviction of crimes  
3 substantially related to the practice of medicine); 2237 and 2238 of the Code (violation of federal  
4 statutes or regulations regulating controlled substances); and 2234, subdivision (e), of the Code  
5 (acts involving dishonesty or corruption).

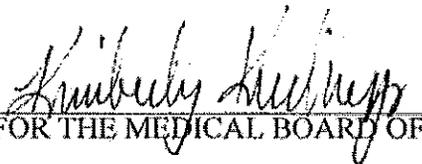
6 **ORDER**

7 **IT IS SO ORDERED** that Physician's and Surgeon's Certificate No. G 75692, heretofore  
8 issued to Respondent GONZALO FLORES RUIZ, M.D., is revoked.

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

13 This Decision shall become effective on January 15, 2016.

14 It is so ORDERED December 18, 2015

15  
16   
17 FOR THE MEDICAL BOARD OF CALIFORNIA  
18 DEPARTMENT OF CONSUMER AFFAIRS  
19 Kimberly Kirchmeyer, Executive Director  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 KAMALA D. HARRIS  
Attorney General of California  
2 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
3 RANDALL R. MURPHY  
Deputy Attorney General  
4 State Bar No. 165851  
California Department of Justice  
5 300 South Spring Street, Suite 1702  
Los Angeles, California 90013  
6 Telephone: (213) 897-2493  
Facsimile: (213) 897-9395  
7 *Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO: April 25 2014  
BY [Signature] ANALYST

8 BEFORE THE  
9 MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:  
12 GONZALO FLORES RUIZ, M.D.  
13 9100 Maxwell Court  
14 Lamont, California 93241  
15 Physician's and Surgeon's Certificate No. G  
75692.  
16  
17 Respondent.

Case No. 08-2011-219135

ACCUSATION

18 Complainant alleges:

19 PARTIES

- 20 1. Kimberly Kirchmeyer ("Complainant") brings this Accusation solely in her official  
21 capacity as the Executive Director of the Medical Board of California ("Board").  
22 2. On or about December 7, 1992, the Board issued Physician's and Surgeon's Certificate  
23 number G 75692 to Gonzalo Flores Ruiz, M.D. ("Respondent"). That license was in full force  
24 and effect at all times relevant to the charges brought herein and expired on November 30, 2012.  
25 The license is currently delinquent and suspended, pursuant to the Automatic Suspension Order  
26 issued on July 15, 2013, in Case Number 08-2011-219135.

27 ///

28 ///

JURISDICTION

1  
2       3.    This Accusation is brought before the Board under the authority of the following  
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
4 indicated.

5       4.    Section 2236 of the Code states:

6       (a) The conviction of any offense substantially related to the qualifications, functions, or  
7 duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this  
8 chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive  
9 evidence only of the fact that the conviction occurred.

10       (b) The district attorney, city attorney, or other prosecuting agency shall notify the  
11 Division of Medical Quality of the pendency of an action against a licensee charging a felony or  
12 misdemeanor immediately upon obtaining information that the defendant is a licensee. The notice  
13 shall identify the licensee and describe the crimes charged and the facts alleged. The prosecuting  
14 agency shall also notify the clerk of the court in which the action is pending that the defendant is a  
15 licensee, and the clerk shall record prominently in the file that the defendant holds a license as a  
16 physician and surgeon.

17       (c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours  
18 after the conviction, transmit a certified copy of the record of conviction to the board. The  
19 division may inquire into the circumstances surrounding the commission of a crime in order to fix  
20 the degree of discipline or to determine if the conviction is of an offense substantially related to  
21 the qualifications, functions, or duties of a physician and surgeon.

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

25       5.    Section 2237 of the Code states:

26       (a) The conviction of a charge of violating any federal statutes or regulations or any statute  
27 or regulation of this state, regulating dangerous drugs or controlled substances, constitutes  
28 unprofessional conduct. The record of the conviction is conclusive evidence of such

1 unprofessional conduct. A plea or verdict of guilty or a conviction following a plea of nolo  
2 contendere is deemed to be a conviction within the meaning of this section.

3 (b) Discipline may be ordered in accordance with Section 2227 or the Division of  
4 Licensing may order the denial of the license when the time for appeal has elapsed, or the  
5 judgment of conviction has been affirmed on appeal, or when an order granting probation is made  
6 suspending the imposition of sentence, irrespective of a subsequent order under the provisions of  
7 Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and  
8 to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation,  
9 complaint, information, or indictment.

10 6. Section 2238 of the Code states:

11 A violation of any federal statute or federal regulation or any of the statutes or regulations of  
12 this state regulating dangerous drugs or controlled substances constitutes unprofessional conduct.

13  
14 **CAUSE FOR DISCIPLINE**

(Unprofessional Conduct-Felony Conviction)

15 7. Respondent is subject to disciplinary action under Code Sections 2236, 2237, and  
16 2238 in that on or about April 15, 2013, in proceeding then pending in the United States District  
17 Court for the Eastern District of California, entitled United States v. Gonzalo Flores Ruiz, case  
18 number 1:11 CR00375-001 AWI (DLB), before the Honorable Anthony W. Ishii United States  
19 District Judge, he was convicted of violating 21 USC 841(a)(1) and 841(b)(1)(E)(I), a federal  
20 statute regulating dangerous drugs and/or controlled substances, specifically, the distribution of  
21 Hydrocodone, a Class C felony.

22 **DISCIPLINARY CONSIDERATIONS**

23 8. On or about March 23, 2001, in Case No. 02-2000-111776, Respondent was placed  
24 on seven (7) years probation for violations of Business and Professions Code sections 726 (sexual  
25 relations with a patient) and 2234(b)(gross negligence).

26 **PRAVER**

27 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,  
28 and that following the hearing, the Medical Board of California issue a decision:

- 1           1.    Revoking or suspending Physician's and Surgeon's Certificate Number G 75692,
- 2    issued to Gonzalo Flores Ruiz, M.D.;
- 3           2.    Revoking, suspending or denying approval of his authority to supervise physician's
- 4    assistants, pursuant to section 3527 of the Code;
- 5           3.    Ordering him to pay the Medical Board of California, if placed on probation, the costs
- 6    of probation monitoring;
- 7           4.    Taking such other and further action as deemed necessary and proper.

8  
9    DATED:    April 23, 2014



KIMBERLY KARCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California

*Complainant*

10  
11  
12  
13  
14    LA2014611602  
15    61208255.doc