

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

September 2011 Grand Jury

12	UNITED STATES OF AMERICA,)	No. SA CR 51	SACR 11-0256
13	Plaintiff,	)	<u>I N D I C T M E N T</u>
14	v.	)	[21 U.S.C. § 841(a)(1): Distribution
15	ALVIN MINGCZECH YEE,	)	and Dispensing of a Controlled
16	Defendant.	)	Substance; 21 U.S.C. § 859:
17		)	Distribution of a Controlled
18		)	Substance to Person Under Twenty-One
		)	Years of Age; 21 U.S.C. § 853(a):
		)	Criminal Forfeiture of Property;
		)	18 U.S.C. § 2(b): Causing an Act to
		)	Be Done]

UNDER SEAL

The Grand Jury charges:

A. INTRODUCTORY ALLEGATIONS

1. At all times relevant to this Indictment:

a. "UC1" was a law enforcement officer who, unbeknownst to defendant ALVIN MINGCZECH YEE ("YEE"), was working in an undercover capacity.

b. "UC2" was a law enforcement officer who, unbeknownst to defendant YEE, was working in an undercover capacity.

1 c. "CS" was a confidential source who, unbeknownst to
2 defendant YEE, was working as a source for the United States Drug
3 Enforcement Administration ("DEA").

4 d. "SOI" was a source of information who, unbeknownst
5 to defendant YEE, provided information to the DEA.

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COUNTS ONE THROUGH TWENTY-FOUR

[21 U.S.C. §§ 841(a)(1), (b)(1)(C); 18 U.S.C. § 2(b)]

2. The Grand Jury hereby incorporates by reference paragraph one of this Indictment, as if set forth fully herein.

3. On or about the following dates, in Orange County, within the Central District of California, defendant YEE, then a physician licensed to practice medicine in the State of California, while acting and intending to act outside the usual course of professional practice and without a legitimate medical purpose, knowingly and intentionally distributed and dispensed, and caused the intentional distribution and dispensing of, the following pills containing a detectable amount of oxycodone, a Schedule II narcotic drug controlled substance, to the following persons:

Count	Date	Number of Pills	Person
1	11/10/10	60	UC1
2	11/10/10	120	UC1
3	12/30/10	60	CS
4	12/30/10	60	CS
5	12/30/10	60	CS
6	01/25/11	60	CS
7	01/25/11	120	CS
8	01/25/11	60	CS
9	02/15/11	60	CS
10	02/15/11	120	CS
11	02/15/11	60	CS
12	03/10/11	120	CS
13	03/10/11	120	CS
14	03/10/11	60	CS

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Count	Date	Number of Parties	Person
15	03/10/11	60	UC2
16	03/16/11	120	UC1
17	03/16/11	120	UC1
18	04/28/11	60	UC2
19	04/28/11	120	CS
20	04/28/11	120	CS
21	04/28/11	60	CS
22	05/12/11	120	CS
23	05/12/11	120	CS
24	05/12/11	60	CS

COUNTS TWENTY-FIVE AND TWENTY-SIX

[21 U.S.C. §§ 841(a)(1), (b)(1)(C); 18 U.S.C. § 2(b)]

4. The Grand Jury hereby incorporates by reference paragraph one of this Indictment, as if set forth fully herein.

5. On or about the following dates, in Orange County, within the Central District of California, defendant YEE, then a physician licensed to practice medicine in the State of California, while acting and intending to act outside the usual course of professional practice and without a legitimate medical purpose, knowingly and intentionally distributed and dispensed, and caused the intentional distribution and dispensing of, the following pills containing a detectable amount of amphetamine salts, a Schedule II narcotic drug controlled substance, to the following persons:

Count	Date	Number of Pills	Person
25	04/28/11	60	CS
26	05/12/11	60	CS

COUNTS TWENTY-SEVEN THROUGH THIRTY-TWO

[21 U.S.C. §§ 841(a)(1), (b)(1)(E); 18 U.S.C. § 2(b)]

6. The Grand Jury hereby incorporates by reference paragraph one of this Indictment, as if set forth fully herein.

7. On or about the following dates, in Orange County, within the Central District of California, defendant YEE, then a physician licensed to practice medicine in the State of California, while acting and intending to act outside the usual course of professional practice and without a legitimate medical purpose, knowingly and intentionally distributed and dispensed, and caused the intentional distribution and dispensing of, the following pills containing a detectable amount of hydrocodone, a Schedule III narcotic drug controlled substance, to the following persons:

Count	Date	Number of Pills	Person
27	08/26/10	90	SOI
28	04/12/11	120	SOI
29	05/11/11	120	SOI
30	06/09/11	120	SOI
31	07/06/11	120	SOI
32	07/28/11	120	SOI

COUNTS THIRTY-THREE THROUGH FORTY

[21 U.S.C. §§ 841(a)(1), (b)(1)(E); 18 U.S.C. § 2(b)]

8. The Grand Jury hereby incorporates by reference paragraph one of this Indictment, as if set forth fully herein.

9. On or about the following dates, in Orange County, within the Central District of California, defendant YEE, then a physician licensed to practice medicine in the State of California, while acting and intending to act outside the usual course of professional practice and without a legitimate medical purpose, knowingly and intentionally distributed and dispensed, and caused the intentional distribution and dispensing of, the following pills containing a detectable amount of buprenorphine, a Schedule III narcotic drug controlled substance, to the following persons:

Count	Date	Number of Pills	Person
33	01/03/11	30	SOI
34	01/04/11	30	SOI
35	01/28/11	60	SOI
36	02/27/11	10	SOI
37	03/04/11	50	SOI
38	03/24/11	60	SOI
39	05/18/11	60	SOI
40	07/06/11	120	SOI

COUNTS FORTY-ONE THROUGH FIFTY

[21 U.S.C. §§ 841(a)(1), (b)(2); 18 U.S.C. § 2(b)]

10. The Grand Jury hereby incorporates by reference paragraph one of this Indictment, as if set forth fully herein.

11. On or about the following dates, in Orange County, within the Central District of California, defendant YEE, then a physician licensed to practice medicine in the State of California, while acting and intending to act outside the usual course of professional practice and without a legitimate medical purpose, knowingly and intentionally distributed and dispensed, and caused the intentional distribution and dispensing of, the following pills containing a detectable amount of alprazolam, a Schedule IV controlled substance, to the following persons:

Count	Date	Number of Pills	Person
41	11/10/10	60	UC1
42	12/30/10	120	CS
43	01/25/11	150	CS
44	02/15/11	150	CS
45	03/10/11	150	CS
46	03/10/11	60	UC2
47	03/16/11	60	UC1
48	04/28/11	60	UC2
49	04/28/11	150	CS
50	05/12/11	150	CS

COUNTS FIFTY-ONE THROUGH FIFTY-SIX

[21 U.S.C. §§ 841(a)(1), (b)(1)(C); 21 U.S.C. § 859;
18 U.S.C. § 2(b)]

12. On or about the following dates, in Orange County, within the Central District of California, defendant ALVIN MINGCZECH YEE, then at least eighteen years of age and a physician licensed to practice medicine in the State of California, while acting and intending to act outside the usual course of professional practice and without a legitimate medical purpose, knowingly and intentionally distributed and dispensed, and caused the intentional distribution and dispensing of, the following pills containing a detectable amount of the following Schedule II narcotic drug controlled substances to the following persons who were then under twenty-one years of age:

Count	Date	Controlled Substance	Number of Pills	Person	Age
51	05/25/10	Oxycodone	90	D.S.	18
52	06/21/10	Oxycodone	90	D.S.	19
53	07/10/10	Oxycodone	90	J.M.	18
54	07/23/10	Oxycodone	90	D.S.	19
55	08/04/10	Oxycodone	90	J.M.	18
56	12/01/10	Oxycodone	150	K.D.	20

FORFEITURE NOTICE

[21 U.S.C. § 853(a)]

13. The allegations contained in Counts One through Fifty-Six of this Indictment are hereby repeated, realleged, and incorporated by reference herein as though fully set forth at length for the purpose of alleging criminal forfeiture pursuant to the provisions of Title 21, United States Code, Section 853. Pursuant to Fed. R. Crim. P. 32.2 and Title 21, United States Code, Section 853, defendant YEE, if convicted of one or more offenses charged in Counts One through Fifty-Six of the indictment, shall forfeit to the United States of America the following property:

- a. All right, title, and interest in --
 - i. any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of any of the offenses described in Counts One through Fifty-Six; and
 - ii. any property, real or personal, used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, any of the offenses described in Counts One through Fifty-Six;
- b. A sum of money equal to the total value of the property described in paragraph 13(a).

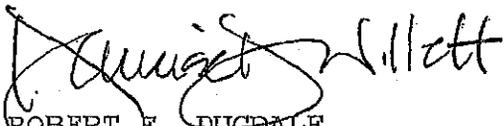
14. Pursuant to Title 21, United States Code, Section 853(p), defendant YEE shall forfeit substitute property, up to the value of the total amount described in paragraph 13(a), if,

1 as the result of any act or omission of said defendant, said
2 property, or any portion thereof, cannot be located upon the
3 exercise of due diligence; has been transferred, sold to, or
4 deposited with a third party; has been placed beyond the
5 jurisdiction of the Court; has been substantially diminished in
6 value; or has been commingled with other property that cannot be
7 divided without difficulty.

8
9 A TRUE BILL

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11 151
12 Foreperson

13 ANDRÉ BIROTTE JR.
14 United States Attorney

15 
16 ROBERT E. DUGDALE
17 Assistant United States Attorney
Chief, Criminal Division

18 DENNISE D. WILLETT
19 Assistant United States Attorney
Chief, Santa Ana Branch Office

20 DOUGLAS F. McCORMICK
21 Assistant United States Attorney
Deputy Chief, Santa Ana Branch Office

22 ANN LUOTTO WOLF
23 Assistant United States Attorney

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8 Attorneys for Plaintiff
 United States of America
 9

10 UNITED STATES DISTRICT COURT
 11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 12 SOUTHERN DIVISION

13 UNITED STATES OF AMERICA,	)	SA CR No. 11-256-AG
)	
14 Plaintiff,	)	<u>PLEA AGREEMENT FOR DEFENDANT</u>
	)	<u>ALVIN MINGCZECH YEE</u>
15 v.)	
)	
16 ALVIN MINGCZECH YEE,)	
)	
17 Defendant.)	
)	
18)	

19
 20 1. This constitutes the plea agreement between Alvin
 21 Mingczech Yee ("defendant") and the United States Attorney's
 22 Office for the Central District of California ("the USAO") in the
 23 above-captioned case. This agreement is limited to the USAO and
 24 cannot bind any other federal, state, local, or foreign
 25 prosecuting, enforcement, administrative, or regulatory
 26 authorities.

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1 b) Not contest facts agreed to in this agreement.

2 c) Abide by all agreements regarding sentencing
3 contained in this agreement and affirmatively recommend to the
4 Court that it impose sentence in accordance with paragraph 18 of
5 this agreement.

6 d) Appear for all court appearances, surrender as
7 ordered for service of sentence, obey all conditions of any bond,
8 and obey any other ongoing court order in this matter.

9 e) Not commit any crime; however, offenses that would
10 be excluded for sentencing purposes under United States
11 Sentencing Guidelines ("U.S.S.G." or "Sentencing Guidelines")
12 § 4A1.2(c) are not within the scope of this agreement.

13 f) Be truthful at all times with Pretrial Services, the
14 United States Probation Office, and the Court.

15 g) Not seek the discharge of any restitution
16 obligation, in whole or in part, in any present or future
17 bankruptcy proceeding.

18 h) Pay the applicable special assessments at or before
19 the time of sentencing unless defendant lacks the ability to pay
20 and prior to sentencing submits a completed financial statement
21 on a form to be provided by the USAO.

22 4. Defendant further agrees:

23 a) Truthfully to disclose to law enforcement officials,
24 at a date and time to be set by the USAO, the location of,
25 defendant's ownership interest in, and all other information
26 known to defendant about, all monies, properties, and/or assets
27 of any kind, derived from or acquired as a result of, or used to
28 facilitate the commission of, defendant's illegal activities, and

1 to forfeit all right, title, and interest in and to such items,
2 specifically including all right, title, and interest in and to
3 all United States currency, property and assets, seized by law
4 enforcement officials on October 25, 2011, which defendant admits
5 constitute the proceeds of defendant's illegal activity in
6 violation of 21 U.S.C. § 853(a).

7 b) To the Court's entry of an order of forfeiture at or
8 before sentencing with respect to these assets and to the
9 forfeiture of the assets.

10 c) To take whatever steps are necessary to pass to the
11 United States clear title to the assets described above,
12 including, without limitation, the execution of a consent decree
13 of forfeiture and the completing of any other legal documents
14 required for the transfer of title to the United States.

15 d) Not to contest any administrative forfeiture
16 proceedings or civil judicial proceedings commenced against these
17 properties pursuant to 18 U.S.C. § 981. With respect to any
18 criminal forfeiture ordered as a result of this plea agreement,
19 defendant waives the requirements of Federal Rules of Criminal
20 Procedure 32.2 and 43(a) regarding notice of the forfeiture in
21 the charging instrument, announcements of the forfeiture
22 sentencing, and incorporation of the forfeiture in the judgment.
23 Defendant acknowledges that forfeiture of the assets is part of
24 the sentence that may be imposed in this case and waives any
25 failure by the Court to advise defendant of this, pursuant to
26 Federal Rule of Criminal Procedure 11(b)(1)(J), at the time the
27 Court accepts defendant's guilty pleas.

28 e) Not to assist any other individual in any effort

1 falsely to contest the forfeiture of the assets described above.

2 f) Not to claim that reasonable cause to seize the
3 assets was lacking.

4 g) To prevent the transfer, sale, destruction, or loss
5 of any and all assets described above to the extent defendant has
6 the ability to do so.

7 h) To fill out and deliver to the USAO a completed
8 financial statement listing defendant's assets on a form provided
9 by the USAO.

10 i) That forfeiture of assets described above shall not
11 be counted toward satisfaction of any special assessment, fine,
12 restitution, costs, or other penalty the Court may impose.

13 THE USAO'S OBLIGATIONS

14 5. The USAO agrees to:

15 a) Not contest facts agreed to in this agreement.

16 b) Abide by all agreements regarding sentencing
17 contained in this agreement and affirmatively recommend to the
18 Court that it impose sentence in accordance with paragraph 18 of
19 this agreement.

20 c) At the time of sentencing, move to dismiss the
21 remaining counts of the indictment as against defendant.
22 Defendant agrees, however, that at the time of sentencing the
23 Court may consider any dismissed charges in determining the
24 applicable Sentencing Guidelines range, the propriety and extent
25 of any departure from that range, and the sentence to be imposed.

26 NATURE OF THE OFFENSES

27 6. Defendant understands that for defendant to be guilty
28 of the crime charged in counts 17, 18, 19, 25, 47, 48, and 49,

1 that is, illegal distribution of a controlled substance by a
2 practitioner, in violation of Title 21, United States Code,
3 Sections 841(a)(1), the following must be true: (1) the defendant
4 practitioner knowingly distributed controlled substances; (2) the
5 distribution of those controlled substances was outside the usual
6 course of professional practice and without a legitimate medical
7 purpose; and (3) the defendant practitioner acted with intent to
8 distribute the drugs and with intent to distribute them outside
9 the course of professional practice.

10 PENALTIES AND RESTITUTION

11 7. Defendant understands that the statutory maximum
12 sentence that the Court can impose for each violation of Title
13 21, United States Code, Section 841(a)(1), (b)(1)(C) as charged
14 in counts 17, 18, 19, and 25 is: 20 years' imprisonment; a
15 lifetime period of supervised release; a fine of \$1,000,000 or
16 twice the gross gain or gross loss resulting from the offense,
17 whichever is greatest; and a mandatory special assessment of
18 \$100.

19 8. Defendant understands that the statutory maximum
20 sentence that the Court can impose for each violation of Title
21 21, United States Code, Section 841(a)(1), (b)(2) as charged in
22 counts 47, 48, and 49 is: 5 years' imprisonment; a lifetime
23 period of supervised release; a fine of 250,000 or twice the
24 gross gain or gross loss resulting from the offense, whichever is
25 greatest; and a mandatory special assessment of \$100.

26 9. Defendant understands, therefore, that the total
27 maximum sentence for all offenses to which defendant is pleading
28 guilty is: 95 years' imprisonment; a lifetime period of

1 supervised release; a fine of \$4,750,000 or twice the gross gain
2 or gross loss resulting from the offenses, whichever is greatest;
3 and a mandatory special assessment of \$700.

4 10. Defendant agrees to make full restitution to the
5 victims of the offenses to which defendant is pleading guilty.
6 Defendant agrees that, in return for the USAO's compliance with
7 its obligations under this agreement, the Court may order
8 restitution to persons other than the victims of the offenses to
9 which defendant is pleading guilty and in amounts greater than
10 those alleged in the counts to which defendant is pleading
11 guilty. In particular, defendant agrees that the Court may order
12 restitution to any victim of any of the following for any losses
13 suffered by that victim as a result: any relevant conduct, as
14 defined in U.S.S.G. § 1B1.3, in connection with the offenses to
15 which defendant is pleading guilty.

16 11. Defendant understands that supervised release is a
17 period of time following imprisonment during which defendant will
18 be subject to various restrictions and requirements. Defendant
19 understands that if defendant violates one or more of the
20 conditions of any supervised release imposed, defendant may be
21 returned to prison for all or part of the term of supervised
22 release authorized by statute for the offense that resulted in
23 the term of supervised release.

24 12. Defendant understands that, by pleading guilty,
25 defendant may be giving up valuable government benefits and
26 valuable civic rights, such as the right to vote, the right to
27 possess a firearm, the right to hold office, and the right to
28 serve on a jury. Defendant understands that once the Court

1 accepts defendant's guilty plea, it will be a federal felony for
2 defendant to possess a firearm or ammunition. Defendant
3 understands that the conviction in this case may also subject
4 defendant to various other collateral consequences, including but
5 not limited to revocation of probation, parole, or supervised
6 release in another case and suspension or revocation of a
7 professional license. Defendant understands that unanticipated
8 collateral consequences will not serve as grounds to withdraw
9 defendant's guilty plea.

10 13. Defendant understands that, if defendant is not a
11 United States citizen, the felony conviction in this case may
12 subject defendant to removal, also known as deportation, which
13 may, under some circumstances, be mandatory. The Court cannot,
14 and defendant's attorney also may not be able to, advise
15 defendant fully regarding the immigration consequences of the
16 felony conviction in this case. Defendant understands that
17 unexpected immigration consequences will not serve as grounds to
18 withdraw defendant's guilty plea.

19 14. Defendant understands that under 21 U.S.C. § 862a,
20 defendant will not be eligible for assistance under state
21 programs funded under the Social Security Act or Federal Food
22 Stamp Act or for federal food stamp program benefits, and that
23 any such benefits or assistance received by defendant's family
24 members will be reduced to reflect defendant's ineligibility.

25 FACTUAL BASIS

26 15. Defendant admits that defendant is, in fact, guilty of
27 the offenses to which defendant is agreeing to plead guilty.
28 Defendant and the USAO agree to the statement of facts provided

1 below and agree that this statement of facts is sufficient to
2 support pleas of guilty to the charges described in this
3 agreement and to establish the Sentencing Guidelines factors set
4 forth in paragraph 17 below but is not meant to be a complete
5 recitation of all facts relevant to the underlying criminal
6 conduct or all facts known to either party that relate to that
7 conduct.

8 On the following dates, in Orange County, within the
9 Central District of California, defendant, then a physician
10 licensed to practice medicine in the State of California,
11 while intentionally acting outside the usual course of
12 professional practice and without a legitimate medical
13 purpose, knowingly and intentionally distributed or
14 dispensed the following pills containing a detectable amount
15 of the following controlled substances, to the following
16 persons:

17 On March 16, 2011, 120 pills of oxycodone, a
18 Schedule II controlled substance, and 60 pills of
19 alprazolam, a Schedule IV controlled substance, to an
20 undercover law enforcement officer.

21 On April 28, 2011, 60 oxycodone pills and 60
22 alprazolam pills to an undercover law enforcement
23 officer.

24 On April 28, 2011, 120 oxycodone pills, 150
25 alprazolam pills, and 60 pills of amphetamine salts, a
26 Schedule II controlled substance, to a confidential
27 source who was, unbeknownst to defendant, working for
28 the United States Drug Enforcement Administration.

1 In total, from August 24, 2010 to August 23, 2011,
2 defendant distributed or dispensed, outside the usual
3 course of professional practice and without a
4 legitimate medical purpose, in excess of 5,000 grams of
5 oxycodone, 50 grams of amphetamine salts, and 10,000
6 units of alprazolam.

7 SENTENCING FACTORS AND AGREED-UPON SENTENCE

8 16. Defendant understands that in determining defendant's
9 sentence the Court is required to calculate the applicable
10 Sentencing Guidelines range and to consider that range, possible
11 departures under the Sentencing Guidelines, and the other
12 sentencing factors set forth in 18 U.S.C. § 3553(a). Defendant
13 understands that the Sentencing Guidelines are advisory only.

14 17. Defendant and the USAO agree to the following
15 applicable Sentencing Guidelines factors:

16 Base Offense Level:	<u>38</u>	USSG § 2D1.1(c)(1)
17 Adjustments:		
18 Abuse of Position 19 of Trust:	<u>+2</u>	USSG § 3B1.3
20 Acceptance of 21 Responsibility:	<u>-3</u>	USSG § 3E1.1
21 Total Offense Level :	<u>37</u>	

22 The parties agree not to argue that any other specific offense
23 characteristics, adjustments, or departures be imposed.

24 18. Defendant and the USAO agree that, taking into account
25 the factors listed in 18 U.S.C. § 3553(a)(1)-(7) and the relevant
26 sentencing guideline factors set forth above, an appropriate
27 disposition of this case is that the Court impose a sentence of:
28 no fewer than 97 months' imprisonment and no more than 121

1 months' imprisonment; five years' supervised release with
2 conditions to be fixed by the Court; a fine in an amount to be
3 fixed by the Court; \$700 special assessment; and restitution in
4 amounts to be fixed by the Court. The parties also agree that no
5 prior imprisonment (other than credits that the Bureau of Prisons
6 may allow under 18 U.S.C. § 3585(b)) may be credited against this
7 stipulated sentence, including credit under Sentencing Guideline
8 5G1.3.

9 WAIVER OF CONSTITUTIONAL RIGHTS

10 19. Defendant understands that by pleading guilty,
11 defendant gives up the following rights:

12 a) The right to persist in a plea of not guilty.

13 b) The right to a speedy and public trial by jury.

14 c) The right to the assistance of an attorney at trial,
15 including the right to have the Court appoint an attorney to
16 represent defendant at trial. Defendant understands, however,
17 that, despite defendant's guilty plea, defendant retains the
18 right to be represented by an attorney -- and, if necessary, to
19 have the Court appoint an attorney if defendant cannot afford one
20 -- at every other stage of the proceeding.

21 d) The right to be presumed innocent and to have the
22 burden of proof placed on the government to prove defendant
23 guilty beyond a reasonable doubt.

24 e) The right to confront and cross-examine witnesses
25 against defendant.

26 f) The right to testify on defendant's own behalf and
27 present evidence in opposition to the charge, including calling
28 witnesses and subpoenaing those witnesses to testify.

1 g) The right not to be compelled to testify, and, if
2 defendant chose not to testify or present evidence, to have that
3 choice not be used against defendant.

4 h) Any and all rights to pursue any affirmative
5 defenses, Fourth Amendment or Fifth Amendment claims, and other
6 pretrial motions that have been filed or could be filed.

7 WAIVER OF APPEAL OF CONVICTION

8 20. Defendant understands that, with the exception of an
9 appeal based on a claim that defendant's guilty pleas were
10 involuntary, by pleading guilty defendant is waiving and giving
11 up any right to appeal defendant's convictions on the offenses to
12 which defendant is pleading guilty.

13 LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

14 21. Defendant agrees that, provided the Court imposes the
15 sentence specified in paragraph 18 above, defendant gives up the
16 right to appeal any portion of that sentence.

17 22. The USAO agrees that, provided the Court imposes the
18 sentence specified in paragraph 18 above, the USAO gives up its
19 right to appeal any portion of that sentence.

20 RESULT OF WITHDRAWAL OF GUILTY PLEA

21 23. Defendant agrees that if, after entering guilty pleas
22 pursuant to this agreement, defendant seeks to withdraw and
23 succeeds in withdrawing defendant's guilty pleas on any basis
24 other than a claim and finding that entry into this plea
25 agreement was involuntary, then (a) the USAO will be relieved of
26 all of its obligations under this agreement; and (b) should the
27 USAO choose to pursue any charge that was either dismissed or not
28 filed as a result of this agreement, then (i) any applicable

1 statute of limitations will be tolled between the date of
2 defendant's signing of this agreement and the filing commencing
3 any such action; and (ii) defendant waives and gives up all
4 defenses based on the statute of limitations, any claim of pre-
5 indictment delay, or any speedy trial claim with respect to any
6 such action, except to the extent that such defenses existed as
7 of the date of defendant's signing this agreement.

8 EFFECTIVE DATE OF AGREEMENT

9 24. This agreement is effective upon signature and
10 execution of all required certifications by defendant,
11 defendant's counsel, and an Assistant United States Attorney.

12 BREACH OF AGREEMENT

13 25. Defendant agrees that if defendant, at any time after
14 the signature of this agreement and execution of all required
15 certifications by defendant, defendant's counsel, and an
16 Assistant United States Attorney, knowingly violates or fails to
17 perform any of defendant's obligations under this agreement ("a
18 breach"), the USAO may declare this agreement breached. All of
19 defendant's obligations are material, a single breach of this
20 agreement is sufficient for the USAO to declare a breach, and
21 defendant shall not be deemed to have cured a breach without the
22 express agreement of the USAO in writing. If the USAO declares
23 this agreement breached, and the Court finds such a breach to
24 have occurred, then: (a) if defendant has previously entered
25 guilty pleas pursuant to this agreement, defendant will not be
26 able to withdraw the guilty pleas, and (b) the USAO will be
27 relieved of all its obligations under this agreement.

28 / / /

1 26. Following the Court's finding of a knowing breach of
2 this agreement by defendant, should the USAO choose to pursue any
3 charge that was either dismissed or not filed as a result of this
4 agreement, then:

5 a) Defendant agrees that any applicable statute of
6 limitations is tolled between the date of defendant's signing of
7 this agreement and the filing commencing any such action.

8 b) Defendant waives and gives up all defenses based on
9 the statute of limitations, any claim of pre-indictment delay, or
10 any speedy trial claim with respect to any such action, except to
11 the extent that such defenses existed as of the date of
12 defendant's signing this agreement.

13 c) Defendant agrees that: (i) any statements made by
14 defendant, under oath, at the guilty plea hearing (if such a
15 hearing occurred prior to the breach); (ii) the agreed to factual
16 basis statement in this agreement; and (iii) any evidence derived
17 from such statements, shall be admissible against defendant in
18 any such action against defendant, and defendant waives and gives
19 up any claim under the United States Constitution, any statute,
20 Rule 410 of the Federal Rules of Evidence, Rule 11(f) of the
21 Federal Rules of Criminal Procedure, or any other federal rule,
22 that the statements or any evidence derived from the statements
23 should be suppressed or are inadmissible.

24 COURT AND PROBATION OFFICE NOT PARTIES

25 27. Defendant understands that the Court and the United
26 States Probation Office are not parties to this agreement and
27 need not accept any of the USAO's sentencing recommendations or
28 the parties' agreements to facts, sentencing factors, or

1 sentencing. Defendant understands that the Court will determine
2 the facts, sentencing factors, and other considerations relevant
3 to sentencing and will decide for itself whether to accept and
4 agree to be bound by this agreement.

5 28. Defendant understands that both defendant and the USAO
6 are free to: (a) supplement the facts by supplying relevant
7 information to the United States Probation Office and the Court,
8 (b) correct any and all factual misstatements relating to the
9 Court's Sentencing Guidelines calculations and determination of
10 sentence, and (c) argue on appeal and collateral review that the
11 Court's Sentencing Guidelines calculations and the sentence it
12 chooses to impose are not error, although each party agrees to
13 maintain its view that the calculations and sentence referenced
14 in paragraphs 17 and 18 are consistent with the facts of this
15 case. While this paragraph permits both the USAO and defendant
16 to submit full and complete factual information to the United
17 States Probation Office and the Court, even if that factual
18 information may be viewed as inconsistent with the facts agreed
19 to in this agreement, this paragraph does not affect defendant's
20 and the USAO's obligations not to contest the facts agreed to in
21 this agreement.

22 NO ADDITIONAL AGREEMENTS

23 29. Defendant understands that, except as set forth herein,
24 there are no promises, understandings, or agreements between the
25 USAO and defendant or defendant's attorney, and that no
26 additional promise, understanding, or agreement may be entered
27 into unless in a writing signed by all parties or on the record
28 in court.

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PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

30. The parties agree that this agreement will be considered part of the record of defendant's guilty plea hearing as if the entire agreement had been read into the record of the proceeding.

AGREED AND ACCEPTED

UNITED STATES ATTORNEY'S OFFICE
FOR THE CENTRAL DISTRICT OF CALIFORNIA

ANDRÉ BIROTTE JR.
United States Attorney



ANN LUOTTO WOLFE
Assistant United States Attorney

4/2/13
Date



ALVIN MINGCZECH YEE
Defendant

04/01/2013
Date

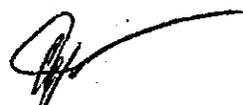


JOSEPH P. SMITH 111003
Attorney for Defendant
Alvin Mingczech Yee

4/1/13
Date

CERTIFICATION OF DEFENDANT

I have read this agreement in its entirety. I have had enough time to review and consider this agreement, and I have carefully and thoroughly discussed every part of it with my attorney. I understand the terms of this agreement, and I voluntarily agree to those terms. I have discussed the evidence with my attorney, and my attorney has advised me of my rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. No promises, inducements, or representations of any kind have been made to me other than those contained in this agreement. No one has threatened or forced me in any way to enter into this agreement. I am satisfied with the representation of my attorney in this matter, and I am pleading guilty because I am guilty of the charge and wish to take advantage of the promises set forth in this agreement, and not for any other reason.



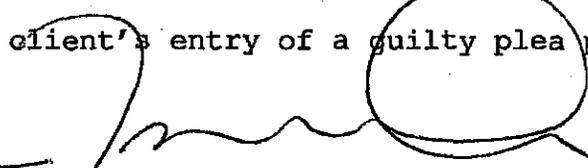
ALVIN MINGCZECH YEE
Defendant

04/01/2013

Date

CERTIFICATION OF DEFENDANT'S ATTORNEY

I am Alvin Mingczech Yee's attorney. I have carefully and thoroughly discussed every part of this agreement with my client. Further, I have fully advised my client of his rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. To my knowledge: no promises, inducements, or representations of any kind have been made to my client other than those contained in this agreement; no one has threatened or forced my client in any way to enter into this agreement; my client's decision to enter into this agreement is an informed and voluntary one; and the factual basis set forth in this agreement is sufficient to support my client's entry of a guilty plea pursuant to this agreement.


JOSEPH P. SMITH
Attorney for Defendant
Alvin Mingczech Yee

11003

Date

4/1/13

United States District Court
Central District of California

UNITED STATES OF AMERICA vs.

Docket No. SACR 11-256-AG

Defendant ALVIN MINGZECH YEE

Social Security No.
(Last 4 digits)

akas: None

JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government, the defendant appeared in person on this date.

MONTH	DAY	YEAR
10	17	2013

COUNSEL

Shepard Kopp, Retained

(Name of Counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea. **NOLO** **NOT**
CONTENDERE **GUILTY**

FINDING

There being a finding/verdict of **GUILTY**, defendant has been convicted as charged of the offense(s) of:
Distribution and Dispensing of a Controlled Substance, Causing an Act to be Done in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C), 18 U.S.C. § 2(b) as charged in Counts 17-19, 25 of the Indictment and Distribution and Dispensing of a Controlled Substance, Causing an Act to be Done in violation of 21 U.S.C. §§ 841(a)(1), (b)(2); 18 U.S.C. § 2(b) as charged in Counts 47-49 of the Indictment.

JUDGMENT AND PROB/ COMM ORDER

The Court asked whether there was any reason why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the Court, the Court adjudged the defendant guilty as charged and convicted and ordered that:

It is ordered that the defendant shall pay to the United States a special assessment of \$700, which is due immediately. Any unpaid balance shall be due during the period of imprisonment, at the rate of not less than \$25 per quarter, and pursuant to the Bureau of Prisons' Inmate Financial Responsibility Program.

The Court has entered a money judgment of forfeiture against the defendant, and has found that the property identified in the preliminary order of forfeiture is subject to forfeiture, which is hereby incorporated by reference into this judgment and is final.

All fines are waived as the Court finds that the defendant has established that he is unable to pay and is not likely to become able to pay any fine.

Under the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant, Alvin Mingzzech Yee, is hereby committed on Counts 17, 18, 19, 25, 47, 48, and 49 of the Indictment to the custody of the Bureau of Prisons to be imprisoned for a term of 135 months. This term consists of 135 months on each of Counts 17, 18, 19, and 25, and 60 months on each of Counts 47, 48, and 49 of the Indictment, all to be served concurrently.

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of three years under the following terms and conditions:

1. The defendant shall comply with the rules and regulations of the U. S. Probation Office and

General Order 05-02;

2. During the period of community supervision the defendant shall pay the special assessment in accordance with this judgment's orders pertaining to such payment;
3. The defendant shall cooperate in the collection of a DNA sample from the defendant;
4. The defendant shall refrain from any unlawful use of a 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 eight tests per month, as directed by the Probation Officer;
5. The defendant shall participate in an outpatient substance abuse treatment and counseling program that includes urinalysis, breath, and/or sweat patch testing, as directed by the Probation Officer. The defendant shall abstain from using illicit drugs and alcohol, and abusing prescription medications during the period of supervision;
6. During the course of supervision, the Probation Officer, with the agreement of the defendant and defense counsel, may place the defendant in a residential drug and/or alcohol treatment program approved by the United States Probation Office for treatment of narcotic addiction, alcohol addiction, or drug dependency, which may include counseling and testing, to determine if the defendant has reverted to the use of drugs and/or alcohol, and the defendant shall reside in the treatment program until discharged by the Program Director and Probation Officer;
7. The defendant shall participate in mental health treatment, which may include evaluation and counseling, until discharged from the treatment by the treatment provider, with the approval of the Probation Officer;
8. As directed by the Probation Officer, the defendant shall pay all or part of the costs of treating the defendant's alcohol and drug dependency and psychiatric disorder to the aftercare contractor during the period of community supervision, pursuant to 18 U.S.C. § 3672. The defendant shall provide payment and proof of payment as directed by the Probation Officer;
9. The defendant shall report his conviction of Counts 17, 18, 19, 25, 47, 48, and 49 of the Indictment to the Medical Board of California within 30 days of this judgment and he shall provide proof of such notification to the Probation Officer; and
10. The defendant shall not be employed in any position that requires licensing and/or certification by any local, state or federal agency without prior approval of the Probation Officer.

The Court authorizes the Probation Officer to disclose the Presentence Report and any previous mental health evaluations or reports to the mental health treatment provider. The treatment provider may provide information, excluding the Presentence Report, to State or local social service agencies for the purpose of the client's rehabilitation.

The Court authorizes the Probation Office to disclose the Presentence Report to the substance abuse treatment

USA vs. ALVIN MINGCZECH YEE

Docket No.: SACR 11-256-AG

provider to facilitate the defendant's treatment for alcohol and/or drug dependency. Further redisclosure of the Presentence Report by the treatment provider is prohibited without the consent of the sentencing judge.

It is further ordered that the defendant surrender himself to the institution designated by the Bureau of Prisons on or before 12 noon, on January 17, 2014. In the absence of such designation, the defendant shall report on or before the same date and time to the United States Marshal located at United States Court House, 411 W. Fourth Street, Santa Ana, California, 92701.

The Court recommends that the defendant be housed at a facility in Southern California to facilitate visitation with family and friends. Bureau of Prisons to review defendant's medical condition and provide the necessary medical care.

In addition to the special conditions of supervision imposed above, it is hereby ordered that the Standard Conditions of Probation and Supervised Release within this judgment be imposed. The Court may change the conditions of supervision, reduce or extend the period of supervision, and at any time during the supervision period or within the maximum period permitted by law, may issue a warrant and revoke supervision for a violation occurring during the supervision period.

October 17, 2013

Date



U. S. District Judge Andrew J. Guilford

It is ordered that the Clerk deliver a copy of this Judgment and Probation/Commitment Order to the U.S. Marshal or other qualified officer.

Clerk, U.S. District Court

October 17, 2013

Filed Date

By L. Bredahl

Deputy Clerk

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below).

STANDARD CONDITIONS OF PROBATION AND SUPERVISED RELEASE

While the defendant is on probation or supervised release pursuant to this judgment:

USA vs. ALVIN MINGCZECH YEE

Docket No.: SACR 11-256-AG

1. The defendant shall not commit another Federal, state or local crime;
2. the defendant shall not leave the judicial district without the written permission of the court or probation officer;
3. the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
4. the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
5. the defendant shall support his or her dependents and meet other family responsibilities;
6. the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
7. the defendant shall notify the probation officer at least 10 days prior to any change in residence or employment;
8. the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
9. the defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered;
10. 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;
11. 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;
12. the defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
13. 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;
14. 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 conform the defendant's compliance with such notification requirement;
15. the defendant shall, upon release from any period of custody, report to the probation officer within 72 hours;
16. and, for felony cases only: not possess a firearm, destructive device, or any other dangerous weapon.

USA vs. ALVIN MINGCZECH YEE

Docket No.: SACR 11-256-AG

The defendant will also comply with the following special conditions pursuant to General Order 01-05 (set forth below).

STATUTORY PROVISIONS PERTAINING TO PAYMENT AND COLLECTION OF FINANCIAL SANCTIONS

The defendant shall pay interest on a fine or restitution of more than \$2,500, unless the court waives interest or unless the fine or restitution is paid in full before the fifteenth (15th) day after the date of the judgment pursuant to 18 U.S.C. §3612(f)(1). Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. §3612(g). Interest and penalties pertaining to restitution, however, are not applicable for offenses completed prior to April 24, 1996.

If all or any portion of a fine or restitution ordered remains unpaid after the termination of supervision, the defendant shall pay the balance as directed by the United States Attorney's Office. 18 U.S.C. §3613.

The defendant shall notify the United States Attorney within thirty (30) days of any change in the defendant's mailing address or residence until all fines, restitution, costs, and special assessments are paid in full. 18 U.S.C. §3612(b)(1)(F).

The defendant shall notify the Court through the Probation Office, and notify the United States Attorney of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay a fine or restitution, as required by 18 U.S.C. §3664(k). The Court may also accept such notification from the government or the victim, and may, on its own motion or that of a party or the victim, adjust the manner of payment of a fine or restitution-pursuant to 18 U.S.C. §3664(k). See also 18 U.S.C. §3572(d)(3) and for probation 18 U.S.C. §3563(a)(7).

Payments shall be applied in the following order:

1. Special assessments pursuant to 18 U.S.C. §3013;
2. Restitution, in this sequence:
 - Private victims (individual and corporate),
 - Providers of compensation to private victims,
 - The United States as victim;
3. Fine;
4. Community restitution, pursuant to 18 U.S.C. §3663(c); and
5. Other penalties and costs.

SPECIAL CONDITIONS FOR PROBATION AND SUPERVISED RELEASE

As directed by the Probation Officer, the defendant shall provide to the Probation Officer: (1) a signed release authorizing credit report inquiries; (2) federal and state income tax returns or a signed release authorizing their disclosure; and (3) an accurate financial statement, with supporting documentation as to all assets, income and expenses of the defendant. In addition, the defendant shall not apply for any loan or open any line of credit without prior approval of the Probation Officer.

The defendant shall maintain one personal checking account. All of defendant's income, "monetary gains," or other pecuniary proceeds shall be deposited into this account, which shall be used for payment of all personal expenses. Records of all other bank accounts, including any business accounts, shall be disclosed to the Probation Officer upon request.

The defendant shall not transfer, sell, give away, or otherwise convey any asset with a fair market value in excess of \$500 without approval of the Probation Officer until all financial obligations imposed by the Court have been satisfied in full.

These conditions are in addition to any other conditions imposed by this judgment.

RETURN

I have executed the within Judgment and Commitment as follows:

USA vs. ALVIN MINGCZECH YEE Docket No.: SACR 11-256-AG

Defendant delivered on _____ to _____
Defendant noted on appeal on _____
Defendant released on _____
Mandate issued on _____
Defendant's appeal determined on _____
Defendant delivered on _____ to _____
at _____

the institution designated by the Bureau of Prisons, with a certified copy of the within Judgment and Commitment.

United States Marshal

_____ Date By _____ Deputy Marshal

CERTIFICATE

I hereby attest and certify this date that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

Clerk, U.S. District Court

_____ Filed Date By _____ Deputy Clerk

FOR U.S. PROBATION OFFICE USE ONLY

Upon a finding of violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed) _____ Defendant _____ Date

_____ U. S. Probation Officer/Designated Witness _____ Date

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. 06-2011-212531

12
13 **ALVIN MING-CZECH YEE, M.D.**
14 **7545 Irvin Center Drive, Suite 200**
Irvine, CA 92618
15 **Physicians and Surgeon's Certificate**
No. A 60570

DEFAULT DECISION
AND ORDER

[Gov. Code, §11520]

16
17 Respondent.

18
19 **FINDINGS OF FACT**

20 1. On or about June 20, 2014, Complainant Kimberly Kirchmeyer, in her official
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer
22 Affairs, filed Accusation No. 06-2011-212531 against Alvin Ming-Czech Yee, M.D.
23 (Respondent) before the Medical Board of California.

24 2. On or about July 10, 1996, the Medical Board of California (Board) issued Physicians
25 and Surgeon's Certificate No. A 60570 to Respondent. The Physician's and Surgeon's Certificate
26 was in full force and effect at all times relevant to the charges brought herein, expired on March
27 31, 2012, has not been renewed, and is in a delinquent status.

28 3. On or about June 20, 2014, Staff Services Analyst Rozana Firdaus (Firdaus), an

1 employee of the Board, served by Certified Mail a copy of the Accusation No. 06-2011-212531,
2 Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code
3 sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which
4 was and is 7545 Irvin Center Drive, Suite 200, Irvine, CA 92618. A copy of the Accusation, the
5 related documents, and Declaration of Service are attached as exhibit A, and are incorporated
6 herein by reference.

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

9 5. On or about June 23, 2014, the aforementioned documents were returned by the U.S.
10 Postal Service marked "ADDRESSEE NOT KNOWN." A copy of the envelope returned by the
11 post office is attached as exhibit B, and is incorporated herein by reference.

12 6. On or about August 14, 2014, Firdaus served by Certified Mail a copy of the
13 Accusation No. 06-2011-212531, Statement to Respondent, Notice of Defense, Request for
14 Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's
15 address which was 26292 Cannes Circle, Mission Viejo, CA 92692, per the Respondent's
16 Department of Motor Vehicle history. A copy of the Declaration of Service is attached as exhibit
17 C, and is incorporated herein by reference.

18 7. On or about August 25, 2014, the aforementioned documents were returned by the
19 U.S. Postal Service marked "FORWARD TIME EXP RTN TO SENDER." A copy of the
20 envelope returned by the post office is attached as exhibit D, and is incorporated herein by
21 reference.

22 8. No Notice of Defense was received by the Board.

23 9. A copy of the Declaration of Firdaus attesting to the foregoing facts is attached as
24 Exhibit E, and is incorporated herein by reference.

25 10. Deputy Attorney General Wendy Widlus (Widlus) is assigned to prepare the Default
26 Decision & Order in the above matter and has reviewed the file. No Notice of Defense was
27 received by the California Department of Justice, Health 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 F, 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. 06-
10 2011-212531.

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, D, E, and F finds that the allegations in Accusation No. 06-2011-212531 are
19 true.

20 **DETERMINATION OF ISSUES**

21 1. Based on the foregoing findings of fact, Respondent ALVIN MING-CZECH YEE,
22 M.D. has subjected his Physician’s and Surgeon’s Certificate No. A 60570 to discipline.

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

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

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

28 Respondent illegally distributed or dispensed controlled substances (oxycodone,

1 amphetamine and alprazolam) "while intentionally acting outside the usual course of professional
2 practice and without a legitimate medical purpose" in violation of Title 21, U.S.C., section 841,
3 subdivisions (a)(1) and (b)(1)(C), and Title 18, U.S.C., section 2, subdivision (b) (felonies),
4 thereby violating sections 2236 of the Code (conviction of crimes substantially related to the
5 practice of medicine); 2237 and 2238 of the Code (violation of federal statutes or regulations
6 regulating controlled substances); and 2234, subdivision (e), of the Code (acts involving
7 dishonesty or corruption).

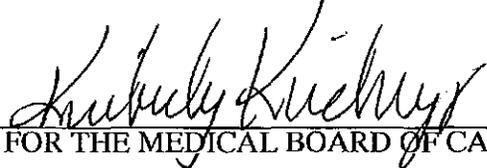
8 **ORDER**

9 **IT IS SO ORDERED** that Physicians and Surgeon's Certificate No. A 60570, heretofore
10 issued to Respondent ALVIN MING-CZECH YEE, M.D., is revoked.

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

15 This Decision shall become effective on March 10, 2016.

16 It is so ORDERED February 9, 2016

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19 
20 FOR THE MEDICAL BOARD OF CALIFORNIA
21 DEPARTMENT OF CONSUMER AFFAIRS
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25
26
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28

1 KAMALA D. HARRIS
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 JOHN E. DECURE
Deputy Attorney General
4 State Bar No. 150700
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 897-8854
Facsimile: (213) 897-9395
7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO June 20 20 14
BY R. FIDRASS ANALYST

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

11 In the Matter of the Accusation Against:

Case No. 06-2011-212531

12 **ALVIN MING-CZECH YEE, M.D.**
13 **7545 Irvine Center Drive, Suite 200**
Irvine, CA 92618
14 **Physician's and Surgeon's Certificate No. A 60570**

ACCUSATION

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
19 capacity as the Executive Director of the Medical Board of California, Department of Consumer
20 Affairs (Board).

21 2. On or about July 10, 1996, the Board issued Physician's and Surgeon's Certificate
22 Number A 60570 to ALVIN MING-CZECH YEE, M.D. (Respondent). The Physician's and
23 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
24 herein and expired on March 31, 2012, with a current status of delinquent.

25 **JURISDICTION**

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

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

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

5 "....

6 "(e) The commission of any act involving dishonesty or corruption which is substantially
7 related to the qualifications, functions, or duties of a physician and surgeon."

8 "...."

9 5. Section 490 of the Code states:

10 "(a) In addition to any other action that a board is permitted to take against a licensee, a
11 board may suspend or revoke a license on the ground that the licensee has been convicted of a
12 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
13 or profession for which the license was issued.

14 "(b) Notwithstanding any other provision of law, a board may exercise any authority to
15 discipline a licensee for conviction of a crime that is independent of the authority granted under
16 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
17 of the business or profession for which the licensee's license was issued.

18 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
19 conviction following a plea of nolo contendere. Any action that a board is permitted to take
20 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
21 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
22 made suspending the imposition of sentence, irrespective of a subsequent order under the
23 provisions of Section 1203.4 of the Penal Code.

24 "(d) The Legislature hereby finds and declares that the application of this section has been
25 made unclear by the holding in *Petropoulos v. Department of Real Estate* (2006) 142 Cal.App.4th
26 554, and that the holding in that case has placed a significant number of statutes and regulations
27 in question, resulting in potential harm to the consumers of California from licensees who have
28 been convicted of crimes. Therefore, the Legislature finds and declares that this section

1 establishes an independent basis for a board to impose discipline upon a licensee, and that the
2 amendments to this section made by Senate Bill 797 of the 2007 -08 Regular Session do not
3 constitute a change to, but rather are declaratory of, existing law."

4 6. Section 493 of the Code states:

5 "Notwithstanding any other provision of law, in a proceeding conducted by a board within
6 the department pursuant to law to deny an application for a license or to suspend or revoke a
7 license or otherwise take disciplinary action against a person who holds a license, upon the
8 ground that the applicant or the licensee has been convicted of a crime substantially related to the
9 qualifications, functions, and duties of the licensee in question, the record of conviction of the
10 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
11 and the board may inquire into the circumstances surrounding the commission of the crime in
12 order to fix the degree of discipline or to determine if the conviction is substantially related to the
13 qualifications, functions, and duties of the licensee in question.

14 "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and
15 'registration.'"

16 7. Section 2236 of the Code states:

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

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

28 (c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours

1 after the conviction, transmit a certified copy of the record of conviction to the board. The
2 division may inquire into the circumstances surrounding the commission of a crime in order to fix
3 the degree of discipline or to determine if the conviction is of an offense substantially related to
4 the qualifications, functions, or duties of a physician and surgeon.

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

8 8. Section 2236.1 of the Code states:

9 (a) A physician and surgeon's certificate shall be suspended automatically during any time
10 that the holder of the certificate is incarcerated after conviction of a felony, regardless of whether
11 the conviction has been appealed. The Division of Medical Quality shall, immediately upon
12 receipt of the certified copy of the record of conviction, determine whether the certificate of the
13 physician and surgeon has been automatically suspended by virtue of his or her incarceration, and
14 if so, the duration of that suspension. The division shall notify the physician and surgeon of the
15 license suspension and of his or her right to elect to have the issue of penalty heard as provided in
16 this section.

17 (b) Upon receipt of the certified copy of the record of conviction, if after a hearing it is
18 determined therefrom that the felony of which the licensee was convicted was substantially
19 related to the qualifications, functions, or duties of a physician and surgeon, the Division of
20 Medical Quality shall suspend the license until the time for appeal has elapsed, if no appeal has
21 been taken, or until the judgment of conviction has been affirmed on appeal or has otherwise
22 become final, and until further order of the division. The issue of substantial relationship shall be
23 heard by and administrative law judge from the Medical Quality Panel sitting alone or with a
24 panel of the division, in the discretion of the division.

25 (c) Notwithstanding subdivision (b), a conviction of any crime referred to in Section 2237,
26 or a conviction of Section 187, 261, 262 or 288 of the Penal Code, shall be conclusively
27 presumed to be substantially related to the qualifications, functions, or duties of a physician and
28 surgeon and no hearing shall be held on this issue. Upon its own motion or for good cause

1 shown, the division may decline to impose or may set aside the suspension when it appears to be
2 in the interest of justice to do so, with due regard to maintaining the integrity of and confidence in
3 the medical profession.

4 (d) (1) Discipline may be ordered in accordance with Section 2227, or the Division of
5 Licensing may order the denial of the license when the time for appeal has elapsed, the judgment
6 of conviction has been affirmed on appeal, or an order granting probation is made suspending the
7 imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code
8 allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, setting
9 aside the verdict of guilty, or dismissing the accusation, complaint, information, or indictment.

10 (2) The issue of penalty shall be heard by an administrative law judge from the Medical
11 Quality Panel sitting alone or with a panel of the division, in the discretion of the division. The
12 hearing shall not be had until the judgment of conviction has become final or, irrespective of a
13 subsequent order under Section 1203.4 of the Penal Code, an order granting probation has been
14 made suspending the imposition of sentence; except that a licensee may, at his or her option, elect
15 to have the issue of penalty decided before those time periods have elapsed. Where the licensee
16 so elects, the issue of penalty shall be heard in the manner described in this section at the hearing
17 to determine whether the conviction was substantially related to the qualifications, functions, or
18 duties of a physician and surgeon. If the conviction of a licensee who has made this election is
19 overturned on appeal, any discipline ordered pursuant to this section shall automatically cease.
20 Nothing in this subdivision shall prohibit the division from pursuing disciplinary action based on
21 any cause other than the overturned conviction.

22 (e) The record of the proceedings resulting in the conviction, including a transcript of the
23 testimony therein, may be received in evidence.

24 (f) The other provisions of this article setting forth a procedure for the suspension or
25 revocation of a physician and surgeon's certificate shall not apply to proceedings conducted
26 pursuant to this section."

27 9. Section 2237 of the Code states:

28 "(a) The conviction of a charge of violating any federal statutes or regulations or any

1 statute or regulation of this state, regulating dangerous drugs or controlled substances, constitutes
2 unprofessional conduct. The record of the conviction is conclusive evidence of such
3 unprofessional conduct. A plea or verdict of guilty or a conviction following a plea of nolo
4 contendere is deemed to be a conviction within the meaning of this section.

5 “(b) Discipline may be ordered in accordance with Section 2227 or the Division of
6 Licensing¹ may order the denial of the license when the time for appeal has elapsed, or the
7 judgment of conviction has been affirmed on appeal, or when an order granting probation is made
8 suspending the imposition of sentence, irrespective of a subsequent order under the provisions of
9 Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and
10 to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation,
11 complaint, information, or indictment.”
12

13 10. Section 2238 of the Code states:

14 “A violation of any federal statute or federal regulation or any of the statutes or regulations of this
15 state regulating dangerous drugs or controlled substances constitutes unprofessional conduct.”
16

17 UNITED STATES CODES

18 11. Title 21, United States Code (U.S.C.), section 841, states, in pertinent part:

19 “(a) Except as authorized by this subchapter, it shall be unlawful for any person knowingly or
20 intentionally - (1) to manufacture, distribute, or dispense, or possess with intent to manufacture,
21 distribute, or dispense, a controlled substance;

22 “(b) Except as otherwise provided in section 849, 859, 860, or 861 of this title, any person who
23 violates subsection (a) of this section shall be sentenced as follows:

24 “(1)(C) In the case of a controlled substance in schedule I or II ... except as provided in
25

26 ¹ Business and Professions Code section 2002, as amended and effective January 1, 2008,
27 provides that, unless otherwise expressly provided, the term "board" as used in the State Medical
28 Practice Act (Bus. & Prof. Code, " 2000, et seq.) means the Medical Board of California, and
references to the Division of Medical Quality and Division of Licensing in the Act or any other
provision of law shall be deemed to refer to the Board.

1 subparagraphs (A), (B), and (D), such person shall be sentenced to a term of imprisonment of not
2 more than 20 years and if death or serious bodily injury results from the use of such substance
3 shall be sentenced to a term of imprisonment of not less than twenty years or more than life, a
4 fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or
5 \$1,000,000 if the defendant is an individual or \$5,000,000 if the defendant is other than an
6 individual, or both ...;”

7 “(1)(E) (i) Except as provided in subparagraphs (C) and (D), in the case of any controlled
8 substance in schedule III, such person shall be sentenced to a term of imprisonment of not more
9 than 10 years and if death or serious bodily injury results from the use of such substance shall be
10 sentenced to a term of imprisonment of not more than 15 years, a fine not to exceed the greater of
11 that authorized in accordance with the provisions of title 18 or \$500,000 if the defendant is an
12 individual or \$2,500,000 if the defendant is other than an individual, or both...;”

13 “(b)(2) In the case of a controlled substance in schedule IV, such person shall be sentenced to a
14 term of imprisonment of not more than 5 years, a fine not to exceed the greater of that authorized
15 in accordance with the provisions of title 18 or \$250,000 if the defendant is an individual or
16 \$1,000,000 if the defendant is other than an individual, or both...”

17 12. Title 18, U.S.C., section 2, states, in pertinent part:

18 “(b) Whoever willfully causes an act to be done which if directly performed by him or another
19 would be an offense against the United States, is punishable as a principal.”

20 13. Title 21, U.S.C., section 859, states:

21 “(a) Except as provided in section 860 of this title, any person at least eighteen years of age
22 who violates section 841(a)(1) of this title by distributing a controlled substance to a person under
23 twenty-one years of age is (except as provided in subsection (b) of this section) subject to (1)
24 twice the maximum punishment authorized by section 841(b) of this title, and (2) at least twice
25 any term of supervised release authorized by section 841(b) of this title, for a first offense
26 involving the same controlled substance and schedule. Except to the extent a greater minimum
27 sentence is otherwise provided by section 841(b) of this title, a term of imprisonment under this
28 subsection shall be not less than one year. The mandatory minimum sentencing provisions of this

1 subsection shall not apply to offenses involving 5 grams or less of marihuana.

2 “(b) Except as provided in section 860 of this title, any person at least eighteen years of age
3 who violates section 841(a)(1) of this title by distributing a controlled substance to a person under
4 twenty-one years of age after a prior conviction under subsection (a) of this section (or under
5 section 333(b) of this title as in effect prior to May 1, 1971) has become final, is subject to (1)
6 three times the maximum punishment authorized by section 841(b) of this title, and (2) at least
7 three times any term of supervised release authorized by section 841(b) of this title, for a second
8 or subsequent offense involving the same controlled substance and schedule. Except to the extent
9 a greater minimum sentence is otherwise provided by section 841(b) of this title, a term of
10 imprisonment under this subsection shall be not less than one year. Penalties for third and
11 subsequent convictions shall be governed by section 841(b)(1)(A) of this title.”

12 FIRST CAUSE FOR DISCIPLINE

13 (Conviction of Crimes Involving Prescribing Practices Substantially Related to the Qualifications,
14 Functions, and Duties of a Physician and Surgeon)

15 14. Respondent is subject to disciplinary action under section 2236 of the Code in that he
16 was convicted of crimes involving prescribing practices which are substantially related to his
17 qualifications, functions, and duties as a physician and surgeon. The facts and circumstances are
18 as follows:

19 15. On or about October 19, 2011, a federal grand jury issued a criminal Indictment (“the
20 Indictment”) against Respondent in the matter of *United States of America v. Alvin Mingczech*
21 *Yee*, in the United States District Court, Central District of California, Southern Division, case
22 number SACR 11-256-AG (“the *U.S.A. v. Yee* case”). The Indictment identified two law-
23 enforcement officers who, unbeknownst to Respondent, were working in an undercover capacity.
24 The Indictment further identified two confidential sources who were working as sources for the
25 United States Drug Enforcement Administration (“DEA”). The Indictment also identified three
26 patients who were under twenty-one years old at the time of the alleged crimes.

27 16. The Indictment in the *U.S.A. v. Yee* case, Counts One through Twenty-Four, alleged
28 that Respondent violated: Title 21, U.S.C., section 841, subdivision (a)(1) (dispensing or

1 distributing a controlled substance, a felony); Title 21, U.S.C., section 841, subdivision (b)(1)(C)
2 (sentencing for controlled substance dispensing/ distributing violation); and Title 18, U.S.C.,
3 section 2, subdivision (b) (willful act makes defendant punishable as principal). Counts One
4 through Twenty-Four further alleged that on twenty-four dates from November 10, 2010, through
5 March 10, 2011, Respondent, while acting and intending to act outside the usual course of
6 professional medical practice and without a legitimate medical purpose, knowingly and
7 intentionally distributed and dispensed pills containing oxycodone, a Schedule II narcotic
8 controlled substance, to an undercover officer and a confidential source for DEA.

9 17. The Indictment in the *U.S.A. v. Yee* case, Counts Twenty-Five and Twenty-Six,
10 alleged that Respondent violated: Title 21, U.S.C., section 841, subdivision (a)(1) (dispensing or
11 distributing a controlled substance, a felony); and Title 18, U.S.C., section 2, subdivision (b)
12 (willful act makes defendant punishable as principal). Counts Twenty-Five and Twenty-Six
13 further alleged that on April 28, 2010, and May 12, 2011, Respondent, while acting and intending
14 to act outside the usual course of professional medical practice and without a legitimate medical
15 purpose, knowingly and intentionally distributed and dispensed pills containing amphetamine
16 salts, a Schedule II narcotic controlled substance, to a confidential source for DEA.

17 18. The Indictment in the *U.S.A. v. Yee* case, Counts Twenty-Seven through Thirty-Two,
18 alleged that Respondent violated: Title 21, U.S.C., section 841, subdivision (a)(1) (dispensing or
19 distributing a controlled substance, a felony); and Title 18, U.S.C., section 2, subdivision (b)
20 (willful act makes defendant punishable as principal). Counts Twenty-Seven through Thirty-Two
21 further allege that on six dates from August 26, 2010, through July 28, 2011, Respondent, while
22 acting and intending to act outside the usual course of professional medical practice and without a
23 legitimate medical purpose, knowingly and intentionally distributed and dispensed pills
24 containing hydrocodone, a Schedule III narcotic controlled substance, to a source of information
25 for DEA.

26 19. The Indictment in the *U.S.A. v. Yee* case, Counts Thirty-Three through Forty, alleged
27 that Respondent violated: Title 21, U.S.C., section 841, subdivision (a)(1) (dispensing or
28 distributing a controlled substance, a felony), and subdivision (b)(1)(E) (sentencing for Schedule

1 III controlled substance dispensing/ distributing violation); and Title 18, U.S.C., section 2,
2 subdivision (b) (willful act makes defendant punishable as principal). Counts Thirty-Three
3 through Forty further alleged that on eight dates from January 3, 2011, through July 6, 2011,
4 Respondent, while acting and intending to act outside the usual course of professional medical
5 practice and without a legitimate medical purpose, knowingly and intentionally distributed and
6 dispensed pills containing buprenorphine, a Schedule III narcotic controlled substance, to a
7 source of information for DEA.

8 20. The Indictment in the *U.S.A. v. Yee* case, Counts Forty-One through Fifty, alleged that
9 Respondent violated Title 21 of the United States Code, section 841, subdivision (a)(1)
10 (dispensing or distributing a controlled substance, a felony), and subdivision (b)(2); and Title 18
11 of the United States Code, section 2, subdivision (b) (willful act makes defendant punishable as
12 principal). Counts Forty-One through Fifty further alleged that on ten dates from November 10,
13 2010, through May 12, 2011, Respondent, while acting and intending to act outside the usual
14 course of professional medical practice and without a legitimate medical purpose, knowingly and
15 intentionally distributed and dispensed pills containing alprazolam, a Schedule IV narcotic
16 controlled substance, to an undercover officer, a second undercover officer, and a source of
17 information for DEA.

18 21. The Indictment in the *U.S.A. v. Yee* case, Counts Fifty-One through Fifty-Six, alleged
19 that Respondent violated: Title 21, U.S.C., section 841, subdivision (a)(1) (dispensing or
20 distributing a controlled substance, a felony); Title 21, U.S.C., subdivision (b)(1)(C) (sentencing
21 for Schedule I or II controlled substance dispensing/ distributing violation); Title 21, U.S.C.,
22 section 859 (sentencing for distributing controlled substance to person under twenty-one years
23 old, a felony); and Title 18, U.S.C., section 2, subdivision (b) (willful act makes defendant
24 punishable as principal). Counts Fifty-One through Fifty-Six further alleged that on eight dates
25 from January 3, 2011, through July 6, 2011, Respondent, while acting and intending to act outside
26 the usual course of professional medical practice and without a legitimate medical purpose,
27 knowingly and intentionally distributed and dispensed pills containing oxycodone, a Schedule II
28 narcotic controlled substance, to three patients under twenty-one years old.

1 22. On or about April 17, 2013, Respondent entered a plea of guilty to the following
2 counts of the Indictment, based on the following specific facts:

3 (a) Count Seventeen (dispensing 120 oxycodone to an undercover officer on March 16,
4 2011);

5 (b) Count Eighteen ((dispensing 60 oxycodone to an undercover officer on April 28, 2011);

6 (c) Count Nineteen (dispensing 120 oxycodone to a source for DEA on April 28, 2011);

7 (d) Count Twenty-Five (dispensing 60 amphetamine salts to a source for DEA on April 28,
8 2011);

9 (e) Count Forty-Seven (dispensing 60 alprazolam to an undercover officer on March 16,
10 2011);

11 (f) Count Forty-Eight (dispensing 60 alprazolam to a second undercover officer on April
12 28, 2011); and

13 (g) Count Forty-Nine (dispensing 150 alprazolam to a source for DEA on April 28, 2011).

14 The factual basis for Respondent's guilty plea to the above-referenced counts was
15 submitted to the Court in the *U.S.A. v. Yee* case on or about April 1, 2013, in a Plea Agreement
16 filed by the parties. Respondent admitted in the Plea Agreement that he illegally distributed or
17 dispensed the above-referenced controlled substances "while intentionally acting outside the
18 usual course of professional practice and without a legitimate medical purpose."

19 23. On or about October 17, 2013, the Court in the *U.S.A. v. Yee* case entered a judgment
20 and probation/commitment order against Respondent, finding a factual basis for Respondent's
21 conviction as charged of the offense of: distributing and dispensing of a controlled substance,
22 causing an act to be done in violation of Title 21, U.S.C., section 841, subdivisions (a)(1) and
23 (b)(1)(C), and Title 18, U.S.C., section 2, subdivision (b), as charged in Counts 17, 18, 19, and 25
24 of the Indictment. The Court further found a factual basis for Respondent's conviction as charged
25 of the offense of: distributing and dispensing of a controlled substance, causing an act to be done
26 in violation of Title 21, U.S.C., section 841, subdivisions (a)(1) and (b)(2), and Title 18, U.S.C.,
27 section 2, subdivision (b), as charged in Counts 47, 48, and 49 of the Indictment. Respondent was
28 ordered to pay a fine, and the Court incorporated by reference into the judgment as final a prior

1 money judgment of forfeiture against Respondent. The Court further ordered Respondent
2 sentenced to a prison term of one-hundred and thirty-five (135) months (eleven years, three
3 months), including a term of three years of probation, with numerous terms and conditions, to be
4 served upon his release from prison.

5
6 SECOND CAUSE FOR DISCIPLINE

7 (Unprofessional Conduct: Conviction of Charges Violating Federal Statutes or Regulations
8 Regulating Controlled Substances)

9 24. Respondent is subject to disciplinary action under sections 2237 and 2238 of the
10 Code in that he committed unprofessional conduct when he was convicted of crimes involving
11 prescribing practices which were in violation of federal statutes or regulations regulating
12 controlled substances, related to his qualifications, functions, and duties as a physician and
13 surgeon. The circumstances are as follows:

14 25. Paragraphs 15 through 23 of the Accusation are incorporated by reference as if set
15 forth fully herein.

16 THIRD CAUSE FOR DISCIPLINE

17 (Unprofessional Conduct: Dishonest or Corrupt Acts)

18 26. Respondent is subject to disciplinary action under section 2234, subdivision (e), of
19 the Code in that he committed unprofessional conduct when he was convicted of crimes
20 substantially related to his qualifications, functions, and duties as a physician and surgeon based
21 upon acts involving dishonesty or corruption. The circumstances are as follows:

22 27. Paragraphs 15 through 23 of the Accusation are incorporated by reference as if set
23 forth fully herein.

24 28. Respondent admitted to having committed dishonest or corrupt acts substantially
25 related to his medical practice in the Plea Agreement, when he declared that he had illegally
26 distributed or dispensed the above-referenced controlled substances "while intentionally acting
27 outside the usual course of professional practice and without a legitimate medical purpose."

28 ///

1 PRAYER

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

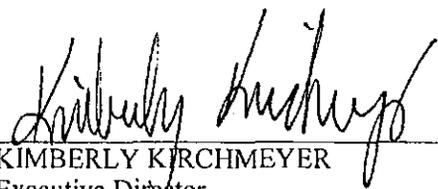
4 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 60570,
5 issued to Alvin Ming-Czech Yee, M.D.;

6 2. Revoking, suspending or denying approval of Alvin Ming-Czech Yee, M.D.'s
7 authority to supervise physician's assistants, pursuant to section 3527 of the Code;

8 3. Ordering Alvin Ming-Czech Yee, M.D. to pay the Medical Board of California the
9 costs, if placed on probation, of probation monitoring;

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

11
12 DATED: June 20, 2014


13 KIMBERLY KIRCHMEYER
14 Executive Director
15 Medical Board of California
16 Department of Consumer Affairs
17 State of California
18 Complainant

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