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September 29, 2017

VIA FEDEX

Hearing Request  
Acting Administrative Director  
Division of Workers' Compensation  
1515 Clay Street, Suite 1800  
Oakland, CA 94612

Hearing Request  
Legal Unit, Division of Workers' Compensation  
1515 Clay Street, Suite 1800  
Oakland, CA 94612

Re: Farhad "Fred" Hafezi, M.D.  
Request to Commence Special Lien Proceeding

To The Acting Administrative Director:

This office represents provider FARHAD "FRED" HAFEZI (hereafter "Dr. Hafezi") in regard to the suspension of his provider status for worker's compensation, as discussed in your Notice of Provider Suspension—Workers' Compensation to him, dated September 22, 2017. Please direct all correspondence and contact to the undersigned, exclusively.

As alleged in the above Notice of Suspension, Cal. Labor Code § 139.21(a)(1) provides that:

"The administrative director shall promptly suspend, pursuant to subdivision (b), any physician, practitioner, or provider from participating in the workers' compensation system as a physician, practitioner, or provider if the individual or entity meets any of the following criteria:

- (A) The individual has been convicted of any felony or misdemeanor and that crime comes within any of the following descriptions:
  - (i) It involves fraud or abuse of the Medi-Cal program, Medicare program, or workers' compensation system, or fraud or abuse of any patient.
  - (ii) It relates to the conduct of the individual's medical practice as it pertains to patient care.
  - (iii) It is a financial crime that relates to the Medi-Cal program, Medicare program, or workers' compensation system.
  - (iv) It is otherwise substantially related to the qualifications, functions, or duties of a provider of services.
  
- (B) The individual or entity has been suspended, due to fraud or abuse, from the federal Medicare or Medicaid programs.
  
- (C) The individual's license, certificate, or approval to provide health care has been surrendered or revoked."

Dr. Hafezi *does not* contest the applicability of Cal. Labor Code § 139.21(a)(1)(C) in light of his criminal conviction and the subsequent revocation of his Physician's and Surgeon's license by the Medical Board of California. He does, however, wish to commence the special lien proceeding mandated by Labor Code § 139.21(e)(2):

- (e) The following procedures shall apply for the adjudication of any liens of a physician, practitioner, or provider suspended pursuant to subparagraph (A) of paragraph (1) of subdivision (a), including any liens filed by or on behalf of the physician, practitioner, or provider or any clinic, group or corporation in which the suspended physician, practitioner, or provider has an ownership interest.
  - (1) If the disposition of the criminal proceeding provides for or requires, whether by plea agreement or by judgment, dismissal of liens and forfeiture of sums claimed therein, as specified in the criminal disposition, all of those liens shall be deemed dismissed with prejudice by operation of law as of the effective date of the final disposition in the criminal proceeding, and orders notifying of those dismissals may and shall be entered by workers' compensation judges.

- (2) If the disposition of the criminal proceeding fails to specify the disposition to be made of lien filings in the workers' compensation system as set forth in paragraph (1), all liens pending in any workers' compensation case in any district office within the state shall be consolidated and adjudicated in a special lien proceeding as described in subdivisions (f) to (i), inclusive.

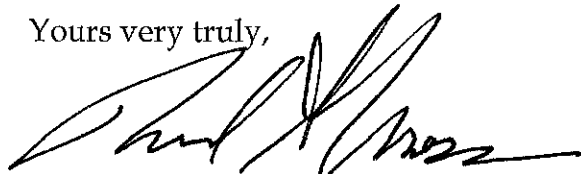
The disposition of the lien filings in the workers' compensation system was not indicated by the court in the criminal case. The conviction had nothing to with any issue of fraud, abuse, or patient care. The health care services underlying the lien filings were completely genuine. To bar Dr. Hafezi from collecting on these billings would be a deprivation of due process of law under the Fifth and Fourteenth Amendments to the United States Constitution.

Dr. Hafezi's mailing address for all purposes herein is in care of his attorneys of record:

Richard A. Moss, Esq.  
Jerry B. Marshak, Esq.  
Moss Law Group  
255 South Marengo Avenue  
Pasadena, California 91101.

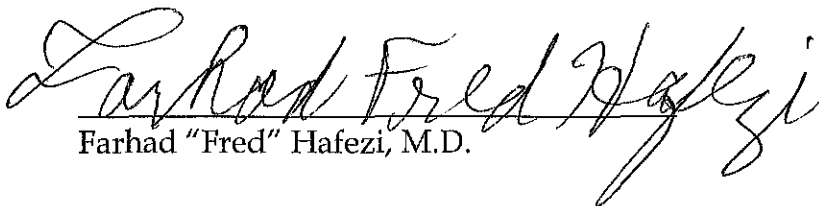
Please do not hesitate to contact me with any question or any other matter.

Yours very truly,



Richard A. Moss, Esq.

AUTHORIZED AND ACKNOWLEDGED



Farhad "Fred" Hafezi, M.D.

**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and am not a party to the within action. My business address is: 255 South Marengo Avenue, Pasadena, California 91101.

On **September 29, 2017**, I served the foregoing document described as: **REQUEST TO COMMENCE SPECIAL LIEN PROCEEDING** on interested parties in this action as follows:

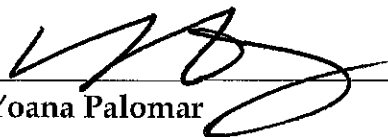
Hearing Request  
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Oakland, CA 94612  
**Original + 1 copy**

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Legal Unit, Division of Workers'  
Compensation  
1515 Clay Street, Suite 1800  
Oakland, CA 94612  
**1 copy**

XX **(EXPRESS SERVICE CARRIER):** I deposited in a box or other facility regularly maintained by FedEx, an express service carrier, or delivered to a courier or driver authorized by said express service carrier to receive documents, an original or a true and correct copy of the foregoing document(s) in an envelope designed by the said express service carrier, with delivery fees paid or provided.

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on **September 29, 2017** at Pasadena, California.

  
\_\_\_\_\_  
Yoana Palomar