

FILED
SUPERIOR COURT, METROPOLITAN DIVISION
COUNTY OF KERN

MAR 15 2013

TERRY MANALLY, CLERK
BY [Signature] DEPUTY

SUPERIOR COURT OF CALIFORNIA
COUNTY OF KERN - METROPOLITAN DIVISION

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THE PEOPLE OF THE STATE OF CALIFORNIA,)	No.: BF 141700 A, B, C, D,
)	E, F & G
Plaintiff,)	
vs.)	AMENDED
)	INDICTMENT
)	
)	DA No. 809249
JOHN BRENT ARAKELIAN,)	
MARIA CECILIA RIOS CABANGANGAN,)	
CHARLES ORLANDO LEWIS,)	
CATHY AGUILAR PIERCE)	
DOLPHUS DWAYNE PIERCE, II,)	
TOMAS BALLESTEROS RIOS,)	
and)	
CHI HONG YANG;)	Defendants.

JOHN BRENT ARAKELIAN, MARIA CECILIA RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI HONG YANG and/ or other unnamed or unknown co-conspirators are accused by the Grand Jury of said County of Kern, State of California by this indictment of the following crimes:

COUNT ONE

On or about and between November 5, 2003 and April 30, 2012, targets JOHN BRENT ARAKELIAN, MARIA CECILIA RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI HONG YANG and other unknown/or unnamed co-conspirators did willfully and unlawfully conspire together or with another person or persons whose identity is unknown to commit the crimes of Insurance Fraud pursuant to Penal Code Section 550(A)(1) that is knowingly presenting a false or

1 fraudulent claim; Insurance Fraud pursuant to Penal Code Section 550(A)(2), that is
2 knowingly presenting multiple claims for the same loss or injury with intent to defraud;
3 Insurance Fraud pursuant to Penal Code Section 550(A)(5), that is knowingly preparing a
4 writing with the intent to present in support of a false or fraudulent claim; Insurance
5 Fraud pursuant to Penal Code Section 550(A)(7), that is knowingly present a claim for
6 health care benefit not used by, or on behalf of the claimant; Insurance Fraud pursuant to
7 Penal Code Section 550(A)(8), that is knowingly presenting multiple claims for payment
8 of the same health care benefit with intent to defraud; Insurance Fraud pursuant to
9 Insurance Code Section 1871.4(A)(2), that is knowingly presenting or causing to be
10 presented any false or fraudulent material statement in support of a claim for Workers'
11 Compensation Benefits; and/or did willfully and unlawfully conspire together or with
12 another person or persons whose identity is unknown to cheat and defraud Berkshire
13 Hathaway Homestate Companies, Liberty Mutual Insurance, State Compensation
14 Insurance Fund, State Farm Insurance, Traveler's Insurance and/or Zenith of money, by
15 any means which are in themselves criminal, in violation of Penal Code Sections
16 182(a)(1), a felony.

17 It is further alleged that pursuant to and for the purposes of the aforesaid
18 conspiracy, the said conspirators committed the following overt acts:

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20 **OVERT ACT NO. 1**

21 On or about and between November 1, 2003 and April 15, 2008, John Arakelian,
22 Cecilia Cabangangan, Charles Lewis, Cathy Pierce, Dolphus Pierce Tomas Rios and/or
23 Chi Yang paid compensation in the form of direct payment and discounted services to
24 chiropractors for patient referrals. These payments were called "rent," but were
25 ultimately tied to time permitted direct access to the patients and the income earned by
26 the targets for dispensing medications.

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OVERT ACT NO. 2

13 On or about and between November 1, 2003 and April 15, 2008, John Arakelian,
14 Cecilia Cabangangan, Charles Lewis, Cathy Pierce, Dolphus Pierce and/or Tomas Rios
15 directed persons unknown or unnamed to prepare reports in support of billing for services
16 allegedly provided at chiropractic clinics by their employees and/or contracted personnel
17 that contained material misrepresentations in support of bills they directed to be sent to
18 insurance companies. These misrepresentations included electronically scanned
19 signatures of the employees and/or contract physicians affixed to declarations under
20 penalty of perjury when the employee and/or contract personnel had not reviewed or
21 authorized the report.

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OVERT ACT NO. 3

13 On or about and between November 1, 2003 and April 15, 2008, John Arakelian,
14 Cecilia Cabangangan, Charles Lewis, Cathy Pierce, Dolphus Pierce and/or Tomas Rios
15 directed persons unknown or unnamed to prepare reports in support of billing for services
16 allegedly provided at chiropractic clinics by their employees and/or contracted physicians
17 that contained material misrepresentations in support of bills they directed to be sent to
18 insurance companies. These misrepresentations included alleged statements regarding
19 services that were never rendered by the employees and/or contract personnel.

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OVERT ACT NO. 4

13 On or about and between November 1, 2003 and April 30, 2012, John Arakelian,
14 Cecilia Cabangangan, Charles Lewis, Cathy Pierce, Dolphus Pierce Tomas Rios and/or
15 Chi Yang directed that bills demanding payment for services that were rendered pursuant
16 to a referral payment and/or rebate be presented to Berkshire Hathaway Homestate

1 Companies, Liberty Mutual Insurance, State Compensation Insurance Fund, State Farm
2 Insurance, Traveler's Insurance and/or Zenith.

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4 **OVERT ACT NO. 5**

5 On or about and between November 1, 2003 and April 30, 2012, John Arakelian,
6 Cecilia Cabangangan, Charles Lewis, Cathy Pierce, Dolphus Pierce Tomas Rios and/or
7 Chi Yang directed that bills demanding payment for services that were not rendered be
8 presented to Berkshire Hathaway Homestate Companies, Liberty Mutual Insurance, State
9 Compensation Insurance Fund, State Farm Insurance, Traveler's Insurance and/or Zenith.

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11 **OVERT ACT NO. 6**

12 On or about and between November 1, 2003 and April 30, 2012, John Arakelian,
13 Cecilia Cabangangan, Charles Lewis, Cathy Pierce, Dolphus Pierce Tomas Rios and/or
14 Chi Yang directed that bills demanding payment for services that were medically
15 unnecessary be presented to Berkshire Hathaway Homestate Companies, Liberty Mutual
16 Insurance, State Compensation Insurance Fund, State Farm Insurance, Traveler's
17 Insurance and/or Zenith.

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19 **OVERT ACT NO. 7**

20 On or about and between November 1, 2003 and April 30, 2012, John Arakelian,
21 Cecilia Cabangangan, Charles Lewis, Cathy Pierce, Dolphus Pierce Tomas Rios and/or
22 Chi Yang directed that bills demanding payment for services that were previously
23 presented to Berkshire Hathaway Homestate Companies, Liberty Mutual Insurance, State
24 Compensation Insurance Fund, State Farm Insurance, Traveler's Insurance and/or Zenith
25 be represented without indicating credit for previous payment on the claim,
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OVERT ACT NO. 8

On or about and between November 1, 2003 and April 30, 2012, John Arakelian, Cecilia Cabangangan, Charles Lewis, Cathy Pierce, Dolphus Pierce Tomas Rios and/or Chi Yang directed that bills demanding payment for services that misrepresented who provided the alleged services be presented to Berkshire Hathaway Homestate Companies, Liberty Mutual Insurance, State Compensation Insurance Fund, State Farm Insurance, Traveler's Insurance and/or Zenith

OVERT ACT NO. 9

On or about and between November 1, 2003 and April 30, 2012, John Arakelian, Cecilia Cabangangan, Charles Lewis, Cathy Pierce, Dolphus Pierce Tomas Rios and/or Chi Yang directed that bills demanding payment for services that were previously presented to Berkshire Hathaway Homestate Companies, Liberty Mutual Insurance, State Compensation Insurance Fund, State Farm Insurance, Traveler's Insurance and/or Zenith that contained alterations to the named treating physician.

OVERT ACT NO. 10

On or about and between November 1, 2003 and April 30, 2012, John Arakelian, Cecilia Cabangangan, Charles Lewis, Cathy Pierce, Dolphus Pierce Tomas Rios and/or Chi Yang directed that bills demanding payment for services that were previously presented to Berkshire Hathaway Homestate Companies, Liberty Mutual Insurance, State Compensation Insurance Fund, State Farm Insurance, Traveler's Insurance and/or Zenith that contained alterations to the date the bill was allegedly signed by the treating physician.

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OVERT ACT NO. 11

On or about November 5, 2003, Dolphus Pierce, or other persons unknown or unnamed executed the Articles of Incorporation for P & R Med-Legal Medical Corporation.

OVERT ACT NO. 12

On or about November 5, 2003, Dolphus Pierce executed and signed the Articles of Incorporation of Pierce & Rios Medical Corporation.

OVERT ACT NO. 13

On or about and between November 1, 2003 and June 17, 2005, Tomas Rios and/or Dolphus Pierce employed Monica Murphy to allegedly perform medical services and to dispense medications at chiropractic offices on behalf of P&R Med-Legal and other corporations owned and/or controlled by Tomas Rios and/or Dolphus Pierce.

OVERT ACT NO. 14

On or about November 5, 2003, Dolphus Pierce executed and signed the Articles of Incorporation of Rios & Pierce Medical Corporation.

OVERT ACT NO. 15

On or about November 10, 2003, Tomas Rios signed check number 6851 on the EMSI account at San Joaquin Bank payable to James Property for the rental of 2005 Eye Street, suite 7, Bakersfield, CA for the benefit of Premier Interpreting and Support Services as well as other corporations owned and/or controlled by targets John Arakelian, Charles Lewis, Cathy Pierce, Dolphus Pierce, Tomas Rios and/or Chi Yang.

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OVERT ACT NO. 16

On or about November 14, 2003, Maria Cecilia Rios Cabangangan signed the Articles of Incorporation for Premier Interpreting and Support Services, Inc.

OVERT ACT NO. 17

On or about November 19, 2003, Dolphus Pierce, or other persons unknown or unnamed caused to be filed with California Secretary of State the Articles of Incorporation of Pierce & Rios Medical Corporation.

OVERT ACT NO. 18

On or about November 19, 2003, Dolphus Pierce, or other persons unknown or unnamed caused to be filed with California Secretary of State the Articles of Incorporation of Rios & Pierce Medical Corporation.

OVERT ACT NO. 19

On or about November 20, 2003, Tomas Rios signed San Joaquin Bank check number 6908 on behalf of EMSI Physicians Group for rent and security deposit 2005 Eye St. suite 7, Bakersfield, CA for the benefit of Premier Interpreting and by Premier Interpreting as well as other corporations owned and/or controlled by targets John Arakelian, Charles Lewis, Cathy Pierce, Dolphus Pierce, Tomas Rios and/or Chi Yang.

OVERT ACT NO. 20

On or about December 4, 2003, Maria Cecilia Rios Cabangangan, or other persons unknown or unnamed caused the Articles of Incorporation for Premier Interpreting and Support Services, Inc. to be filed with the California Secretary of State.

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OVERT ACT NO. 21

On or about December 23, 2003, Maria Rios Cecilia Cabangangan rented post box number 297 located at 8200 Stockdale Highway, suite M-10 for the use of "P&R Medical Management Corp."

OVERT ACT NO. 22

On or about December 31, 2003, Dolphus Pierce signed the California Secretary of State Articles of Incorporation of P & R Med-Legal Corporation.

OVERT ACT NO. 23

On or about and between January 1, 2003 and December 31, 2003, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Traveler's Insurance Group for billed services in the amount of \$1,025.52.

OVERT ACT NO. 24

On or about January 9, 2004, Dolphus Pierce, or other person unknown or unnamed caused to be filed with the California Secretary of State the Articles of Incorporation of P & R Med-Legal Medical Corporation.

OVERT ACT NO. 25

On or about February 3, 2004, Dolphus Pierce, or other persons unknown or unnamed opened Union Bank account number 4410689419 in the name of P&R Med Legal Medical Corporation dba P&R Medical Consultation.

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OVERT ACT NO. 26

On or about and between June 1, 2004 and April 7, 2009, Tomas Rios and/or Dolphus Pierce employed Kevin Noonan to allegedly perform medical services and to dispense medications at chiropractic offices on behalf of P&R Med-Legal and other corporations owned and/or controlled by Tomas Rios and/or Dolphus Pierce.

OVERT ACT NO. 27

On or about and between July 10, 2004 and February 28, 2009, Dolphus Pierce or Cathy Pierce, or other persons unknown or unnamed rented post office box number 398, Lemoore, CA in the name Strathmore Medical Group.

OVERT ACT NO. 28

On or about August 1, 2004, Tomas Rios and/or Dolphus Pierce hired Chi Yang to provide medical consultations at chiropractic offices on behalf of P&R Medical and other corporations owned and/or controlled by Tomas Rios and/or Dolphus Pierce.

OVERT ACT NO. 29

On or about, and between October 1 and October 31, 2004, Tomas Rios signed an application for fictitious name permit from the California Medical Board for P & R Med-Legal, Medical Corporation.

OVERT ACT NO. 30

On or about and between November 22, 2004 and June 30, 2007, Tomas Rios and/or Dolphus Pierce employed Arthur Sakamoto to allegedly perform medical services and to dispense medications at chiropractic offices on behalf of P&R Med-Legal and other corporations owned and/or controlled by Tomas Rios and/or Dolphus Pierce.

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OVERT ACT NO. 31

On or about December 7, 2004, Tomas Rios, or other persons unknown or unnamed caused to be filed a fictitious name permit with the California Medical Board for P & R Med-Legal, Medical Corporation.

OVERT ACT NO. 32

On or about and between January 1, 2004 and December 31, 2004, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Berkshire Hathaway Homestate Companies for billed services in the amount of \$1,554.10.

OVERT ACT NO. 33

On or about and between January 1, 2004 and December 31, 2004, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Liberty Mutual Insurance Group for billed services in the amount of \$74,428.87.

OVERT ACT NO. 34

On or about and between January 1, 2004 and December 31, 2004, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from State Compensation Insurance Fund for billed services in the amount of \$412,511.06.

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OVERT ACT NO. 35

On or about and between January 1, 2004 and December 31, 2004, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Medical Consultation Corp; Tax ID # 20-0515258; accepted payment from The Travelers Indemnity Company for billed services in the amount of \$11,523.28.

OVERT ACT NO. 36

On or about and between January 24, 2005 and March 15, 2012, Dolphus Pierce, or Cathy Pierce, or other persons unknown or unnamed rented post office box number 189, Lemoore, CA 93245 in the name of Pierce Rios Medical Corporation.

OVERT ACT NO. 37

On or about and between March 5, 2005 and March 15, 2012, Dolphus Pierce rented post office box number 530, Lemoore, CA in the name Rios Pierce Medical Corporation.

OVERT ACT NO. 38

On or about April 14, 2005, Maria Cecilia Rios Cabangangan sign Wells Fargo Bank check number 1153 in the name of Premier Interpreting & Support Services for "April Rent" on 2005 Eye St. suite 7, Bakersfield, CA.

OVERT ACT NO. 39

On or about and between April 20, 2005 and 12/04/2006, Tomas Rios and/or Dolphus Pierce employed Cynthia Jones to allegedly perform medical services and to dispense medications at chiropractic offices on behalf of P&R Med-Legal and other corporations owned and/or controlled by Tomas Rios and/or Dolphus Pierce.

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OVERT ACT NO. 40

On or about May 2, 2005, Maria Cecilia Rios Cabangangan signed Wells Fargo Bank check number 1170 in the name of Premier Interpreting & Support Services for "May Rent" on 2005 Eye St. suite 7, Bakersfield, CA.

OVERT ACT NO. 41

On or about June 6, 2005, Maria Cecilia Rios Cabangangan signed Wells Fargo Bank check number 1187 in the name of Premier Interpreting & Support Services for "June Rent" on 2005 Eye St. suite 7, Bakersfield, CA.

OVERT ACT NO. 42

On or about June 15, 2005, Tomas Rios signed the Articles of Incorporation for San Joaquin Accident & Medical Group, Inc.

OVERT ACT NO. 43

On or about June 29, 2005, Tomas Rios, or other persons unknown or unnamed, caused to be filed the Articles of Incorporation for San Joaquin Accident & Medical Group, Inc. with the California Secretary of State.

OVERT ACT NO. 44

On or about July 5, 2005, Maria Cecilia Rios Cabangangan sign Wells Fargo Bank check number 1214 in the name of Premier Interpreting & Support Services for "July Rent" on 2005 Eye St. suite 7, Bakersfield, CA.

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OVERT ACT NO. 45

On or about July 21, 2005, Tomas Rios signed an application to obtain a fictitious name permit from the California Medical Board for San Joaquin Accident & Medical Group.

OVERT ACT NO. 46

On or about September 7, 2005, Cathy Pierce signed a California Secretary of State Statement of Information of Pierce & Rios Medical Corporation.

OVERT ACT NO. 47

On or about September 7, 2005, Cathy Pierce signed a California Secretary of State Statement of Information of Rios & Pierce Medical Corporation.

OVERT ACT NO. 48

On or about October 14, 2005, Cathy Pierce, or other persons unknown or unnamed caused to be filed a California Secretary of State Statement of Information of Rios & Pierce Medical Corporation.

OVERT ACT NO. 49

On or about December 9, 2005, Tomas Rios, or other persons unknown or unnamed obtained a fictitious name permit from the California Medical Board for San Joaquin Accident & Medical Group, Inc.

OVERT ACT NO. 50

On or about and between January 1, 2005 and December 31, 2005, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med

1 Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Berkshire Hathaway
2 Homestate Companies for services in the amount of \$10,155.66.

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4 **OVERT ACT NO. 51**

5 On or about and between January 1, 2005 and December 31, 2005, Tomas Rios
6 and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med
7 Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Liberty Mutual
8 Insurance Group for billed services in the amount of \$174,652.14.

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10 **OVERT ACT NO. 52**

11 On or about and between January 1, 2005 and December 31, 2005, Tomas Rios
12 and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med
13 Legal Medical Corp; Tax ID # 20-0515258; accepted payment from State Compensation
14 Insurance Fund for billed services in the amount of \$740,676.34.

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16 **OVERT ACT NO. 53**

17 On or about and between January 1, 2005 and December 31, 2005, Tomas Rios
18 and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Medical
19 Consultation Corp; Tax ID # 20-0515258; accepted payment from The Travelers
20 Indemnity Company for services in the amount of \$12,653.20.

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22 **OVERT ACT NO. 54**

23 On or about and between January 1, 2005 and December 31, 2005, Tomas Rios
24 and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med
25 Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Zenith Insurance
26 Company for services in the amount of \$12,028.87.

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OVERT ACT NO. 55

On or about February 13, 2006, Tomas Rios signed an application for fictitious name permit from the California Medical Board for Westside Medical Group of Mendota, Inc.

OVERT ACT NO. 56

On or about February, 14, 2006, Cathy Pierce, or other persons unknown or unnamed caused to be filed a California Secretary of State Statement of Information of Pierce & Rios Medical Corporation.

OVERT ACT NO. 57

On or about March 2, 2006, Cecilia Cabangangan signed a lease for rental of 2920 F Street, suite A-3, Bakersfield, CA for use by Premier Interpreting as well as other corporations owned and/or controlled by targets John Arakelian, Charles Lewis, Cathy Pierce, Dolphus Pierce, Tomas Rios and/or Chi Yang.

OVERT ACT NO. 58

On or about June 16, 2006, Tomas Rios, or other persons unknown or unnamed obtained a fictitious name permit from the California Medical Board for Westside Medical Group of Mendota, Inc.

OVERT ACT NO. 59

On or about September 8, 2006, Dolphus Pierce executed and signed the Articles of Incorporation for Central California Sportsmedicine.

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OVERT ACT NO. 60

On or about September 20, 2006, Dolphus Pierce, or other persons unknown or unnamed, caused to be filed the Articles of Incorporation for Central California Sportsmedicine & Orthopaedics Medical Corporation with the California Secretary of State.

OVERT ACT NO. 61

On or about September 26, 2006, Maria Cecilia Rios Cabangangan signed a California Secretary of State Statement of Information form for Premier Interpreting.

OVERT ACT NO. 62

On or about September 27, 2006, Dolphus Pierce completed an application for Employer Identification Number for Central California Sportsmedicine.

OVERT ACT NO. 63

On or about October 2, 2006, Maria Cecilia Rios Cabangangan, or other persons unknown or unnamed, caused a California Secretary of State Statement of Information Form for Premier Interpreting and Support Services, Inc. to be filed with the Secretary of State.

OVERT ACT NO. 64

On or about October 16, 2006, Dolphus Pierce, signed a California Secretary of State Statement of Information Form for Central California Sportsmedicine & Orthopaedics.

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OVERT ACT NO. 65

On or about and between November 22, 2006 and April 7, 2008, Charles Lewis, Tomas Rios and/or Dolphus Pierce employed Ming Hsu to allegedly perform medical services and to dispense medications at chiropractic offices on behalf of P&R Med-Legal, Central California Sportsmedicine & Orthopaedic and/or other corporations owned by Charles Lewis, Tomas Rios and/or Dolphus Pierce.

OVERT ACT NO. 66

On or about November 13, 2006, Dolphus Pierce, or other persons unknown or unnamed, caused a California Secretary of State Statement of Information Form for Central California Sportsmedicine & Orthopaedics to be filed with the Secretary of State.

OVERT ACT NO. 67

On or about December 19, 2006, Charles Lewis or other persons, unknown or unnamed, obtained a fictitious name permit from the California Medical Board for Central California Sportsmedicine & Othopaedics Medical Corp.

OVERT ACT NO. 68

On or about and between January 1, 2006 and December 31, 2006, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Berkshire Hathaway Homestate Companies for services in the amount of \$44,077.46.

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OVERT ACT NO. 69

On or about and between January 1, 2006 and December 31, 2006, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Liberty Mutual Insurance Group for billed services in the amount of \$64,038.52.

OVERT ACT NO. 70

On or about and between January 1, 2006 and December 31, 2006, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from State Compensation Insurance Fund for billed services in the amount of \$593,065.85.

OVERT ACT NO. 71

On or about and between January 1, 2006 and December 31, 2006, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Medical Consultation Corp; Tax ID # 20-0515258; accepted payment from The Travelers Indemnity Company for services in the amount of \$4,974.74.

OVERT ACT NO. 72

On or about and between January 1, 2006 and December 31, 2006, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Zenith Insurance Company for services in the amount of \$15,408.39.

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OVERT ACT NO. 73

On or about July 31, 2007, Dolphus Pierce and Tomas Rios signed a California Secretary of State Domestic Stock Corporation Certificate of Dissolution for Pierce & Rios Medical Corporation.

OVERT ACT NO. 74

On or about August 20, 2007, Dolphus Pierce, Tomas Rios or other persons unknown and unnamed caused to be filed with the California Secretary of State a California Secretary of State Domestic Stock Corporation Certificate of Dissolution for Pierce & Rios Medical Corporation.

OVERT ACT NO. 75

On or about October 22, 2007, Dolphus Pierce and Charles Lewis, as the only directors of P &R Med-Legal, Medical Corporation, signed a Waiver of Notice of the Board of Director's Meeting of P&R Med-Legal, Medical Corporation.

OVERT ACT NO. 76

On or about October 22, 2007, Dolphus Pierce and Charles Lewis signed the minutes of the shareholder meeting for Central California Sports Medicine.

OVERT ACT NO. 77

On or about and between January 1, 2007 and December 31, 2007, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Berkshire Hathaway Homestate Companies for services in the amount of \$40,156.70.

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OVERT ACT NO. 78

On or about and between January 1, 2007 and December 31, 2007, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Liberty Mutual Insurance Group for billed services in the amount of \$45,458.18.

OVERT ACT NO. 79

On or about and between January 1, 2007 and December 31, 2007, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from State Compensation Insurance Fund for billed services in the amount of \$444,990.50.

OVERT ACT NO. 80

On or about and between January 1, 2007 and December 31, 2007, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Medical Consultation Corp; Tax ID # 20-0515258; accepted payment from The Travelers Indemnity Company for services in the amount of \$7,508.47.

OVERT ACT NO. 81

On or about and between January 1, 2007 and December 31, 2007, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Zenith Insurance Company for services in the amount of \$12,365.88.

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OVERT ACT NO. 82

On or about January 1, 2008, Chi Yang signed the Articles of Incorporation for California Consultation Medical Corporation.

OVERT ACT NO. 83

On or about January 2, 2008, Dolphus Pierce signed an application for Employer Identification Number for California Consultation Medical Corporation.

OVERT ACT NO. 84

On or about January 9, 2008, Chi Yang, or other persons unknown or unnamed, caused to be filed the Articles of Incorporation of California Consultation Medical Corporation with the California Secretary of State.

OVERT ACT NO. 85

On or about January 14, 2008, Chi Yang signed an application of a fictitious name permit from the California Medical Board for California Consultation Medical Corporation.

OVERT ACT NO. 86

On or about February 29, 2008, Chi Yang or other persons, unknown or unnamed, obtained a fictitious name permit from the California Medical Board for California Consultation Medical Corporation.

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OVERT ACT NO. 87

On or about March 7, 2008, Maria Cecilia Rios Cabangangan signed the 2008 California Secretary of State Statement of Information for Premier Interpreting and Support Services, Inc.

OVERT ACT NO. 88

On or about March 11, 2008, John Arakelian, Cecilia Cabangangan, Charles Lewis, Cathy Pierce, Dolphus Pierce, Tomas Rios or Chi Yang directed Veronica Aguayo to draft a letter on behalf of California Consultation Medical Corporation informing "Dr. Chau & Staff" that "[W]e are no longer P&R Medical. We have started a new company and would like for your office to ensure that when you are completing your PR-2 that it reflects our new company name. This is to ensure we will not have any problems in the future with the insurance companies."

OVERT ACT NO. 89

On or about March 14, 2008, Cecilia Cabangangan, or other persons unknown or unnamed, caused a California Secretary of State Statement of Information Form for Premier Interpreting and Support Services, Inc. to be filed with the Secretary of State.

OVERT ACT NO. 90

On or about November 19, 2008, Cathy Pierce, Dolphus Pierce, or other persons unknown or unnamed opened Union Bank account number 4731709079 in the name of P&R Med Legal Medical Corporation, having an address of P.O. Box 189, Lemoore, CA.

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OVERT ACT NO. 91

On or about December 17, 2008, Maria Cecilia Rios Cabangangan signed the California Secretary of State Domestic Stock Corporation Certificate of Dissolution for Premier Interpreting and Support Services, Inc.

OVERT ACT NO. 92

On or about December 18, 2008, Dolphus Pierce signed the California Secretary of State Statement of Information for P & R Med-Legal Corporation.

OVERT ACT NO. 93

On or about December 26, 2008, Maria Cecilia Rios Cabangangan, or other persons unknown or unnamed caused to be filed the California Secretary of State Domestic Stock Corporation Certificate of Dissolution for Premier Interpreting and Support Services, Inc. with the Secretary of State.

OVERT ACT NO. 94

On or about and between January 1, 2008 and December 31, 2008, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Berkshire Hathaway Homestate Companies for services in the amount of \$618.97.

OVERT ACT NO. 95

On or about and between January 1, 2008 and December 31, 2008, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Liberty Mutual Insurance Group for billed services in the amount of \$30,606.79.

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OVERT ACT NO. 96

On or about and between January 1, 2008 and December 31, 2008, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from State Compensation Insurance Fund for billed services in the amount of \$138,155.87.

OVERT ACT NO. 97

On or about and between January 1, 2008 and December 31, 2008, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Medical Consultation Corp; Tax ID # 20-0515258; accepted payment from The Travelers Indemnity Company for services in the amount of \$7,059.08.

OVERT ACT NO. 98

On or about and between January 1, 2008 and December 31, 2008, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Zenith Insurance Company for services in the amount of \$500.00.

OVERT ACT NO. 99

On or about January 22, 2009, Dolphus Pierce, or persons unknown or unnamed caused to be filed a California Secretary of State Statement of Information for P & R Med-Legal Corporation with the Secretary of State.

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OVERT ACT NO. 100

On or about March 15, 2009, Dolphus Pierce, on behalf of P&R Med-Legal Corp, signed a contract with Edith Cuartas of Alpha-Billing.

OVERT ACT NO. 101

On or about March 23, 2009, Tomas Rios, on behalf of P&R Med-Legal Corp, signed a contract with Edith Cuartas of Alpha-Billing.

OVERT ACT NO. 102

On or about December 21, 2009, Tomas Rios signed a fictitious name permit application from the California State Medical Board for Rios & Pierce Medical Corporation.

OVERT ACT NO. 103

On or about December 21, 2009, Tomas Rios signed a fictitious name permit application from the California State Medical Board for Medicos Unidos De Avenal.

OVERT ACT NO. 104

On or about and between January 1, 2009 and December 31, 2009, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Berkshire Hathaway Homestate Companies for services in the amount of \$1,460.00.

OVERT ACT NO. 105

On or about and between January 1, 2009 and December 31, 2009, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of Pierce &

1 Rios; Tax ID # 20-0515258; accepted payment from Liberty Mutual Insurance Group for
2 billed services in the amount of \$63,595.87.

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4 **OVERT ACT NO. 106**

5 On or about and between January 1, 2009 and December 31, 2009, Tomas Rios
6 and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R. Med
7 Legal Medical Corp; Tax ID # 20-0515258; accepted payment from State Compensation
8 Insurance Fund for billed services in the amount of \$66,479.97.

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10 **OVERT ACT NO. 107**

11 On or about and between January 1, 2009 and December 31, 2009, Tomas Rios
12 and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R
13 Medlegal Medical Corp; Tax ID # 20-0515258; accepted payment from The Travelers
14 Indemnity Company for services in the amount of \$18,115.63.

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16 **OVERT ACT NO. 108**

17 On or about and between January 1, 2009 and December 31, 2009, Tomas Rios
18 and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R. Med
19 Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Zenith Insurance
20 Company for services in the amount of \$2,305.67.

21
22 **OVERT ACT NO. 109**

23 On or about and between January 1, 2010 and March 1, 2011, Tomas Rios rented post
24 office box number 290 at 8200 Stockdale Highway, suite M-10 in the name "P&R Med
25 Legal."
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OVERT ACT NO. 110

On or about and between January 1, 2010 and March 1, 2011, Tomas Rios, Cecelia Cabangangan and/or other persons unknown or unnamed picked up the mail from post office box number 290 at 8200 Stockdale Highway, suite M-10 in the name "P&R Med Legal."

OVERT ACT NO. 111

On or about January 7, 2010, Tomas Rios, or other person unknown or unnamed, filed an application for a fictitious name permit from the California State Medical Board for Rios & Pierce Medical Corporation.

OVERT ACT NO. 112

On or about January 7, 2010, Tomas Rios, or other person unknown or unnamed, filed an application for a fictitious name permit from the California State Medical Board for Medicos Unidos De Avenal.

OVERT ACT NO. 113

On or about March 8, 2010, Tomas Rios, or other person unknown or unnamed, obtained a fictitious name permit from the California State Medical Board for Rios & Pierce Medical Corporation.

OVERT ACT NO. 114

On or about March 8, 2010, Tomas Rios, or other person unknown or unnamed, obtained a fictitious name permit from the California State Medical Board for Medicos Unidos De Avenal.

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OVERT ACT NO. 115

7 On or about September 12, 2010, Dolphus Pierce, or persons unknown or unnamed,
8 caused to be filed a California Secretary of State Statement of Information of Rios &
9 Pierce Medical Corporation with the Secretary of State.

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OVERT ACT NO. 116

18 On or about December 14, 2010, Dolphus Pierce, or other person unknown or
19 unnamed caused to be filed a California Secretary of State Statement of Information of
20 P&R Med-Legal, Medical Corp with the Secretary of State.

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OVERT ACT NO. 117

On or about and between January 1, 2010 and December 31, 2010, Tomas Rios
and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med
Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Berkshire Hathaway
Homestate Companies for services in the amount of \$4,959.17.

OVERT ACT NO. 118

On or about and between January 1, 2010 and December 31, 2010, Tomas Rios
and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med
Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Liberty Mutual
Insurance Group for billed services in the amount of \$37,091.07.

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OVERT ACT NO. 119

On or about and between January 1, 2010 and December 31, 2010, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from State Compensation Insurance Fund for billed services in the amount of \$240,596.36.

OVERT ACT NO. 120

On or about and between January 1, 2010 and December 31, 2010, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Medlegal Medical Corp; Tax ID # 20-0515258; accepted payment from The Travelers Indemnity Company for services in the amount of \$18,136.66.

OVERT ACT NO. 121

On or about and between January 1, 2010 and December 31, 2010, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Zenith Insurance Company for services in the amount of \$34,210.52.

OVERT ACT NO. 122

On or about and between January 1, 2011 and December 31, 2011, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Berkshire Hathaway Homestate Companies for services in the amount of \$5,124.35.

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OVERT ACT NO. 123

On or about and between January 1, 2011 and December 31, 2011, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Liberty Mutual Insurance Group for billed services in the amount of \$6,354.69.

OVERT ACT NO. 124

On or about and between January 1, 2011 and December 31, 2011, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from State Compensation Insurance Fund for billed services in the amount of \$86,883.52.

OVERT ACT NO. 125

On or about and between January 1, 2011 and December 31, 2011, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Medlegal Medical Corp; Tax ID # 20-0515258; accepted payment from The Travelers Indemnity Company for services in the amount of \$5,000.00.

OVERT ACT NO. 126

On or about and between January 1, 2011 and December 31, 2011, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Zenith Insurance Company for services in the amount of \$1,650.00.

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OVERT ACT NO. 127

On or about and between January 1, 2012 and April 30, 2012, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; submitted demands for payment from Berkshire Hathaway Homestate Companies for services in the amount of \$1,517.00.

ENHANCEMENT – PC 12022.6(A)(1)

It is further alleged as to targets JOHN BRENT ARAKELIAN, MARIA CECILIA RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI HONG YANG that in the commission or attempted commission of the above offense that he/she, with the intent to do so, took, damaged or destroyed property of a value of in excess of \$65,000, within the meaning of Penal Code Section 12022.6(A)(1).

ENHANCEMENT – PC 12022.6(A)(2)

It is further alleged as to targets JOHN BRENT ARAKELIAN, MARIA CECILIA RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI HONG YANG that in the commission or attempted commission of the above offense that he/she, with the intent to do so, took, damaged or destroyed property of a value of in excess of \$200,000, within the meaning of Penal Code Section 12022.6(A)(2).

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ENHANCEMENT – PC 12022.6(A)(3)

It is further alleged as to targets JOHN BRENT ARAKELIAN, MARIA CECILIA RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI HONG YANG that in the commission or attempted commission of the above offense that he/she, with the intent to do so, took, damaged or destroyed property of a value of in excess of \$1,300,000, within the meaning of Penal Code Section 12022.6(A)(3).

ENHANCEMENT – PC 12022.6(A)(4)

It is further alleged as to targets JOHN BRENT ARAKELIAN, MARIA CECILIA RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI HONG YANG that in the commission or attempted commission of the above offense that he/she, with the intent to do so, took, damaged or destroyed property of a value of in excess of \$3,200,000, within the meaning of Penal Code Section 12022.6(A)(4).

ENHANCEMENT – PC 186.11(A)(1)

It is further alleged as to targets JOHN BRENT ARAKELIAN, MARIA CECILIA RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI HONG YANG committed two or more related felonies, a material element of which is fraud or embezzlement, which involve a pattern of related felony conduct which resulted in the taking of more than one hundred thousand dollars, within the meaning of Penal Code Section 186.11(A)(1).

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COUNT TWO

On or about March 24, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI HONG YANG did willfully, unlawfully and knowingly present or cause to be presented or did aid, abet, solicit or conspire with any person to present multiple claims for payment of the same health care benefit to Liberty Mutual Insurance for Jesus C. with an intent to defraud, in violation of Penal Code Section 550(A)(8), a felony.

COUNT THREE

On or about March 24, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI HONG YANG did willfully and unlawfully present or cause to be presented any knowingly false or fraudulent written or oral material statement in support of, or in opposition to, any claim for compensation for the purpose of obtaining or denying any workers' compensation benefits, as defined in Section 3207 of the Labor Code to Liberty Mutual Insurance for Jesus C. in violation of Insurance Code Section 1871.4(A)(2), a felony.

COUNT FOUR

On or about April 2, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI HONG YANG did willfully, unlawfully and knowingly present or cause to be presented or did aid, abet, solicit or conspire with any person to present multiple claims for

1 payment of the same health care benefit to State Compensation Insurance Fund for Jesus
2 L. with an intent to defraud, in violation of Penal Code Section 550(A)(8), a felony.
3

4 **COUNT FIVE**

5 On or about April 2, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA
6 RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR
7 PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI
8 HONG YANG did willfully and unlawfully present or cause to be presented any
9 knowingly false or fraudulent written or oral material statement in support of, or in
10 opposition to, any claim for compensation for the purpose of obtaining or denying any
11 workers' compensation benefits, as defined in Section 3207 of the Labor Code to State
12 Compensation Insurance Fund for Jesus L. in violation of Insurance Code Section
13 1871.4(A)(2), a felony.
14

15 **COUNT SIX**

16 On or about March 17, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA
17 RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR
18 PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI
19 HONG YANG did willfully, unlawfully and knowingly present or cause to be presented
20 or did aid, abet, solicit or conspire with any person to present multiple claims for
21 payment of the same health care benefit to State Farm for Maria R. with an intent to
22 defraud, in violation of Penal Code Section 550(A)(8), a felony.
23

24 **COUNT SEVEN**

25 On or about March 17, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA
26 RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR

1 PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI
2 HONG YANG did willfully and unlawfully present or cause to be presented any
3 knowingly false or fraudulent written or oral material statement in support of, or in
4 opposition to, any claim for compensation for the purpose of obtaining or denying any
5 workers' compensation benefits, as defined in Section 3207 of the Labor Code to State
6 Farm for Maria R. in violation of Insurance Code Section 1871.4(A)(2), a felony.
7

8 **COUNT EIGHT**

9 On or about July 13, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA
10 RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR
11 PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI
12 HONG YANG did willfully, unlawfully and knowingly present or cause to be presented
13 or did aid, abet, solicit or conspire with any person to present multiple claims for
14 payment of the same health care benefit to State Farm for Luz H. with an intent to
15 defraud, in violation of Penal Code Section 550(A)(8), a felony.
16

17 **COUNT NINE**

18 On or about July 13, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA
19 RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR
20 PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI
21 HONG YANG did willfully and unlawfully present or cause to be presented any
22 knowingly false or fraudulent written or oral material statement in support of, or in
23 opposition to, any claim for compensation for the purpose of obtaining or denying any
24 workers' compensation benefits, as defined in Section 3207 of the Labor Code to State
25 Farm for Luz H. in violation of Insurance Code Section 1871.4(A)(2), a felony.
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COUNT TEN

On or about June 26, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI HONG YANG did willfully, unlawfully and knowingly present or cause to be presented or did aid, abet, solicit or conspire with any person to present multiple claims for payment of the same health care benefit to State Farm for Abel L. with an intent to defraud, in violation of Penal Code Section 550(A)(8), a felony.

COUNT ELEVEN

On or about June 26, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI HONG YANG did willfully and unlawfully present or cause to be presented any knowingly false or fraudulent written or oral material statement in support of, or in opposition to, any claim for compensation for the purpose of obtaining or denying any workers' compensation benefits, as defined in Section 3207 of the Labor Code to State Farm for Abel L. in violation of Insurance Code Section 1871.4(A)(2), a felony.

COUNT TWELVE

On or about April 15, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI HONG YANG did willfully, unlawfully and knowingly present or cause to be presented or did aid, abet, solicit or conspire with any person to present multiple claims for

1 payment of the same health care benefit to Traveler's Insurance for Anthony G. with an
2 intent to defraud, in violation of Penal Code Section 550(A)(8), a felony.

3
4 **COUNT THIRTEEN**

5 On or about April 15, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA
6 RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR
7 PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI
8 HONG YANG did willfully and unlawfully present or cause to be presented any
9 knowingly false or fraudulent written or oral material statement in support of, or in
10 opposition to, any claim for compensation for the purpose of obtaining or denying any
11 workers' compensation benefits, as defined in Section 3207 of the Labor Code to
12 Traveler's Insurance for Anthony G. in violation of Insurance Code Section
13 1871.4(A)(2), a felony.

14
15 **COUNT FOURTEEN**

16 On or about November 15, 2009, JOHN BRENT ARAKELIAN, MARIA
17 CECILIA RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY
18 AGUILAR PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS
19 RIOS and CHI HONG YANG did willfully, unlawfully and knowingly present or cause
20 to be presented or did aid, abet, solicit or conspire with any person to present multiple
21 claims for payment of the same health care benefit to Traveler's Insurance for Anthony
22 G. with an intent to defraud, in violation of Penal Code Section 550(A)(8), a felony.

23
24 **COUNT FIFTEEN**

25 On or about November 15, 2009, JOHN BRENT ARAKELIAN, MARIA
26 CECILIA RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY

1 AGUILAR PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS
2 RIOS and CHI HONG YANG did willfully and unlawfully present or cause to be
3 presented any knowingly false or fraudulent written or oral material statement in support
4 of, or in opposition to, any claim for compensation for the purpose of obtaining or
5 denying any workers' compensation benefits, as defined in Section 3207 of the Labor
6 Code to Traveler's Insurance for Anthony G. in violation of Insurance Code Section
7 1871.4(A)(2), a felony

8
9 **COUNT SIXTEEN**

10 On or about April 15, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA
11 RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR
12 PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI
13 HONG YANG did willfully, unlawfully and knowingly present or cause to be presented
14 or did aid, abet, solicit or conspire with any person to present multiple claims for
15 payment of the same health care benefit to Traveler's Insurance for Margaret E. with an
16 intent to defraud, in violation of Penal Code Section 550(A)(8), a felony.

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19 **COUNT SEVENTEEN**

20 On or about April 15, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA
21 RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR
22 PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI
23 HONG YANG did willfully and unlawfully present or cause to be presented any
24 knowingly false or fraudulent written or oral material statement in support of, or in
25 opposition to, any claim for compensation for the purpose of obtaining or denying any
26 workers' compensation benefits, as defined in Section 3207 of the Labor Code to

1 Traveler's Insurance for Margaret E. in violation of Insurance Code Section
2 1871.4(A)(2), a felony

3
4 **COUNT EIGHTEEN**

5 On or about April 17, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA
6 RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR
7 PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI
8 HONG YANG did willfully, unlawfully and knowingly present or cause to be presented
9 or did aid, abet, solicit or conspire with any person to present multiple claims for
10 payment of the same health care benefit to Traveler's Insurance for Oscar S. with an
11 intent to defraud, in violation of Penal Code Section 550(A)(8), a felony.

12
13 **COUNT NINETEEN**

14 On or about April 17, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA
15 RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR
16 PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI
17 HONG YANG did willfully and unlawfully present or cause to be presented any
18 knowingly false or fraudulent written or oral material statement in support of, or in
19 opposition to, any claim for compensation for the purpose of obtaining or denying any
20 workers' compensation benefits, as defined in Section 3207 of the Labor Code to
21 Traveler's Insurance for Oscar S in violation of Insurance Code Section 1871.4(A)(2), a
22 felony.

23
24 **COUNT TWENTY**

25 On or about April 20, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA
26 RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR

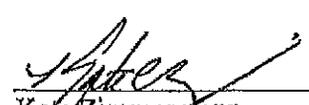
1 PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI
2 HONG YANG did willfully, unlawfully and knowingly present or cause to be presented
3 or did aid, abet, solicit or conspire with any person to present multiple claims for
4 payment of the same health care benefit to Zenith Insurance for Pedro R. with an intent to
5 defraud, in violation of Penal Code Section 550(A)(8), a felony.

6
7 **COUNT TWENTY ONE**

8 On or about April 20, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA
9 RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR
10 PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI
11 HONG YANG did willfully and unlawfully present or cause to be presented any
12 knowingly false or fraudulent written or oral material statement in support of, or in
13 opposition to, any claim for compensation for the purpose of obtaining or denying any
14 workers' compensation benefits, as defined in Section 3207 of the Labor Code to Zenith
15 Insurance for Pedro R. in violation of Insurance Code Section 1871.4(A)(2), a felony

16
17 Dated: March 15, 2013

18 Lisa S Green
19 District Attorney

20 
21 Kate Zimmermann
22 Deputy District Attorney

1 SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN
2 METROPOLITAN DIVISION
3

4 THE PEOPLE OF THE STATE OF CALIFORNIA,)

Case No.: BF141700E

5 Plaintiff,)

VERDICT)

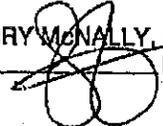
6 vs.)

7 DOLPHUS DWAYNE PIERCE, II,)

8 Defendant)

FILED
SUPERIOR COURT, METROPOLITAN DIVISION
COUNTY OF KERN

JAN 08 2016

TERRY McNALLY, CLERK
BY  DEPUTY

9 _____
Bakersfield, California

10 Jan 8, 2016

11
12 FIRST COUNT

13 We, the Jury, empanelled to try the above entitled case, find the defendant, DOLPHUS
14 DWAYNE PIERCE, II, guilty of a felony, to wit: Conspiracy to Commit Insurance Fraud, in
15 violation of Section 182(a)(1) of the Penal Code, as charged in the first count of the Indictment.

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18 Foreperson
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20 We, the Jury, empanelled to try the above entitled case, find the defendant, DOLPHUS
21 DWAYNE PIERCE, II, not guilty of a felony, to wit: Conspiracy to Commit Insurance Fraud, in
22 violation of Section 182(a)(1) of the Penal Code, as charged in the first count of the Indictment.

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24 _____
25 Foreperson

VERDICT

1 OVERT ACT ONE

2 On or about and between November 1, 2003 and April 30, 2012, John Arakelian, Cecilia
3 Cabangangan, Charles Lewis, Cathy Pierce, Dolphus Pierce, Tomas Rios and/or Chi Yang, while
4 acting as a conspirator, directed that bills from the P&R entities demanding payment for services
5 that were rendered pursuant to a referral payment and/or rebate be presented to Berkshire
6 Hathaway Homestate Companies, Liberty Mutual Insurance, State Compensation Insurance
7 Fund, State Farm Insurance, Traveler's Insurance and/or Zenith.

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25 VERDICT

1 OVERT ACT TWO

2 On or about and between November 1, 2003 and April 30, 2012, John Arakelian, Cecilia
3 Cabangangan, Charles Lewis, Cathy Pierce, Dolphus Pierce, Tomas Rios and/or Chi Yang while
4 acting as a conspirator, directed that bills from the P&R entities demanding payment for services
5 that were not rendered be presented to Berkshire Hathaway Homestate Companies, Liberty
6 Mutual Insurance, State Compensation Insurance Fund, State Farm Insurance, Traveler's
7 Insurance and/or Zenith.

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25 VERDICT

1 OVERT ACT THREE

2 On or about and between November 1, 2003 and April 30, 2012, John Arakelian, Cecilia
3 Cabangangan, Charles Lewis, Cathy Pierce, Dolphus Pierce, Tomas Rios and/or Chi Yang while
4 acting as a conspirator, directed that bills from the P&R entities demanding payment for services
5 that were medically unnecessary be presented to Berkshire Hathaway Homestate Companies,
6 Liberty Mutual Insurance, State Compensation Insurance Fund, State Farm Insurance, Traveler's
7 Insurance and/or Zenith.

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25 VERDICT

1 OVERT ACT FOUR

2 On or about and between November 1, 2003 and April 30, 2012, John Arakelian, Cecilia
3 Cabangangan, Charles Lewis, Cathy Pierce, Dolphus Pierce, Tomas Rios and/or Chi Yang while
4 acting as a conspirator, directed that bills from the P&R entities demanding payment for services
5 that were rendered previously presented to Berkshire Hathaway Homestate Companies, Liberty
6 Mutual Insurance, State Compensation Insurance Fund, State Farm Insurance, Traveler's
7 Insurance and/or Zenith be re-presented without indicating credit for previous payment on the
8 claim.

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25 VERDICT

1 OVERT ACT FIVE

2 On or about and between November 1, 2003 and April 30, 2012, John Arakelian, Cecilia
3 Cabangangan, Charles Lewis, Cathy Pierce, Dolphus Pierce, Tomas Rios and/or Chi Yang while
4 acting as a conspirator, directed that bills from the P&R entities demanding payment for services
5 that misrepresented who provided the alleged services be presented to Berkshire Hathaway
6 Homestate Companies, Liberty Mutual Insurance, State Compensation Insurance Fund, State
7 Farm Insurance, Traveler's Insurance and/or Zenith.

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25 VERDICT

1 OVERT ACT SIX

2 On or about and between November 1, 2003 and April 30, 2012, John Arakelian, Cecilia
3 Cabangangan, Charles Lewis, Cathy Pierce, Dolphus Pierce, Tomas Rios and/or Chi Yang while
4 acting as a conspirator, directed that bills from the P&R entities demanding payment for services
5 that were previously presented to Berkshire Hathaway Homestate Companies, Liberty Mutual
6 Insurance, State Compensation Insurance Fund, State Farm Insurance, Traveler's Insurance
7 and/or Zenith that contained alterations to the named treating physician.

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25 VERDICT

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2 **OVERT ACT SEVEN**

3 On or about and between November 1, 2003 and April 30, 2012, John Arakelian, Cecilia
4 Cabangangan, Charles Lewis, Cathy Pierce, Dolphus Pierce, Tomas Rios and/or Chi Yang while
5 acting as a conspirator, directed that bills from the P&R entities demanding payment for services
6 that were previously presented to Berkshire Hathaway Homestate Companies, Liberty Mutual
7 Insurance, State Compensation Insurance Fund, State Farm Insurance, Traveler's Insurance
8 and/or Zenith that contained alterations to the date the bill was allegedly signed by the treating
9 physician.
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VERDICT

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2 **OVERT ACT EIGHT**

3 On or about and between January 1, 2004 and December 31, 2011, Tomas Rios and/or
4 Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med-Legal Medical
5 Corp; Tax ID number 20-05155258; accepted payment from Berkshire Hathaway Homestate
6 Companies with last payment being accepted on or about October 25, 2011.
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VERDICT

1 OVERT ACT NINE

2 On or about and between January 1, 2004 and April 30, 2012, Tomas Rios and/or
3 Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med-Legal Medical
4 Corp; Tax ID number 20-05155258; accepted payment from State Compensation Insurance Fund
5 with last payment in the charged period being accepted on or about April 25, 2012.

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25 VERDICT

1 OVERT ACT TEN

2 On or about and between January 1, 2004 and April 30, 2012, Tomas Rios and/or
3 Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med-Legal Medical
4 Corp; Tax ID number 20-05155258; accepted payment from Zenith Insurance Company with the
5 last payment being accepted on or about March 06, 2012.

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VERDICT

1 OVERT ACT ELEVEN

2 On or about and between January 1, 2010 and March 1, 2011, Tomas Rios rented post
3 office box number 290 at 8200 Stockdale Highway, suite M-10 in the name "P&R Med Legal."
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25 VERDICT

OVERT ACT TWELVE

On or about and between January 1, 2010 and March 1, 2011, Tomas Rios, Cecilia Cabangangan and/or other persons unknown or unnamed picked up the mail from post box number 290 at 8200 Stockdale Highway, suite M-10 in the name of "P&R Med Legal."

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VERDICT

1 OVERT ACT THIRTEEN

2 On or about December 4, 2010, Dolphus Pierce, or other person unknown or unnamed
3 caused to be filed a California Secretary of State "Statement of Information" for P&R Med-
4 Legal, Medical Corp. with the Secretary of State.

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25 VERDICT

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FINDING ON OVERT ACTS

We, the Jury, empanelled to try the above entitled case, find it to be true that an overt act was completed after June 3, 2009 in furtherance of the conspiracy as alleged in the Indictment while the defendant was a member of the conspiracy.



Foreperson

We, the Jury, empanelled to try the above entitled case, find it to be not true that an overt act was completed after June 3, 2009 in furtherance of the conspiracy as alleged in the Indictment while the defendant was a member of the conspiracy.



Foreperson

VERDICT

1 SECOND COUNT

2 We, the Jury, empanelled to try the above entitled case, find the defendant, DOLPHUS
3 DWAYNE PIERCE, II, guilty of a felony, to wit: Presenting or Causing to be Presented Multiple
4 Claims for Payment with the Intent to Defraud in regards to submission to Liberty Mutual
5 Insurance for Jesus C. on or about March 24, 2009, in violation of Section 550(A)(8) of the Penal
6 Code, as charged in the second count of the Indictment.

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Foreperson

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13 We, the Jury, empanelled to try the above entitled case, find the defendant, DOLPHUS
14 DWAYNE PIERCE, II, not guilty of a felony, to wit: Presenting or Causing to be Presented
15 Multiple Claims for Payment with the Intent to Defraud in regards to submission to Liberty
16 Mutual Insurance for Jesus C. on or about March 24, 2009, in violation of Section 550(A)(8) of
17 the Penal Code, as charged in the second count of the Indictment.

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20 Foreperson.

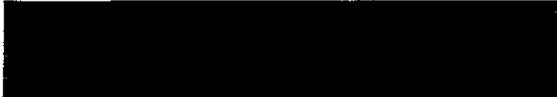
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25 VERDICT

1 FOURTH COUNT

2 We, the Jury, empanelled to try the above entitled case, find the defendant, DOLPHUS
3 DWAYNE PIERCE, II, guilty of a felony, to wit: Presenting or Causing to be Presented Multiple
4 Claims for Payment with the Intent to Defraud in regards to submission to State Compensation
5 Insurance Fund for Jesus L. on or about April 2, 2009, in violation of Section 550(A)(8) of the
6 Penal Code, as charged in the fourth count of the Indictment.

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9 Foreperson
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13 We, the Jury, empanelled to try the above entitled case, find the defendant, DOLPHUS
14 DWAYNE PIERCE, II, not guilty of a felony, to wit: Presenting or Causing to be Presented
15 Multiple Claims for Payment with the Intent to Defraud in regards to submission to State
16 Compensation Insurance Fund for Jesus L. on or about April 2, 2009, in violation of Section
17 550(A)(8) of the Penal Code, as charged in the fourth count of the Indictment.

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20 Foreperson
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25 VERDICT

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FIFTH COUNT

We, the Jury, empanelled to try the above entitled case, find the defendant, DOLPHUS DWAYNE PIERCE, II, guilty of a felony, to wit: Presenting False or Fraudulent Material Statement in Support of Claim for Workers Compensation Benefit in regards to submission to State Compensation Insurance Fund for Jesus L. on or about April 2, 2009, in violation of Section 1871.4(A)(2) of the Insurance Code, as charged in the fifth count of the Indictment.

Foreperson

We, the Jury, empanelled to try the above entitled case, find the defendant, DOLPHUS DWAYNE PIERCE, II, not guilty of a felony, to wit: Presenting False or Fraudulent Material Statement in Support of Claim for Workers Compensation Benefit in regards to submission to State Compensation Insurance Fund for Jesus L. on or about April 2, 2009, in violation of Section 1871.4(A)(2) of the Insurance Code, as charged in the fifth count of the Indictment.



Foreperson

VERDICT

1 TWELFTH COUNT

2 We, the Jury, empanelled to try the above entitled case, find the defendant, DOLPHUS
3 DWAYNE PIERCE, II, guilty of a felony, to wit: Presenting or Causing to be Presented Multiple
4 Claims for Payment with the Intent to Defraud in regards to submission to Traveler's Insurance
5 for Anthony G. on or about April 15, 2009, in violation of Section 550(A)(8) of the Penal Code,
6 as charged in the twelfth count of the Indictment.

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9 Foreperson
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13 We, the Jury, empanelled to try the above entitled case, find the defendant, DOLPHUS
14 DWAYNE PIERCE, II, not guilty of a felony, to wit: Presenting or Causing to be Presented
15 Multiple Claims for Payment with the Intent to Defraud in regards to submission to Traveler's
16 Insurance for Anthony G. on or about April 15, 2009, in violation of Section 550(A)(8) of the
17 Penal Code, as charged in the twelfth count of the Indictment.

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20 Foreperson
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25 VERDICT

1 FOURTEENTH COUNT

2 We, the Jury, empanelled to try the above entitled case, find the defendant, DOLPHUS
3 DWAYNE PIERCE, II, guilty of a felony, to wit: Presenting or Causing to be Presented Multiple
4 Claims for Payment with the Intent to Defraud in regards to submission to Traveler's Insurance
5 for Anthony G. on or about November 15, 2009, in violation of Section 550(A)(8) of the Penal
6 Code, as charged in the fourteenth count of the Indictment.

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Foreperson

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13 We, the Jury, empanelled to try the above entitled case, find the defendant, DOLPHUS
14 DWAYNE PIERCE, II, not guilty of a felony, to wit: Presenting or Causing to be Presented
15 Multiple Claims for Payment with the Intent to Defraud in regards to submission to Traveler's
16 Insurance for Anthony G. on or about November 15, 2009, in violation of Section 550(A)(8) of
17 the Penal Code, as charged in the fourteenth count of the Indictment.

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20 Foreperson

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25 VERDICT

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EIGHTEENTH COUNT

We, the Jury, empanelled to try the above entitled case, find the defendant, DOLPHUS DWAYNE PIERCE, II, guilty of a felony, to wit: Presenting or Causing to be Presented Multiple Claims for Payment with the Intent to Defraud in regards to submission to Traveler's Insurance for Oscar S. on or about April 17, 2009, in violation of Section 550(A)(8) of the Penal Code, as charged in the fourteenth count of the Indictment.

Foreperson

We, the Jury, empanelled to try the above entitled case, find the defendant, DOLPHUS DWAYNE PIERCE, II, not guilty of a felony, to wit: Presenting or Causing to be Presented Multiple Claims for Payment with the Intent to Defraud in regards to submission to Traveler's Insurance for Oscar S. on or about April 17, 2009, in violation of Section 550(A)(8) of the Penal Code, as charged in the fourteenth count of the Indictment.



Foreperson

VERDICT

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TWENTY-FIRST COUNT

We, the Jury, empanelled to try the above entitled case, find the defendant, DOLPHUS DWAYNE PIERCE, II, guilty of a felony, to wit: Presenting False or Fraudulent Material Statement in Support of Claim for Workers Compensation Benefit in regards to submission to Zenith Insurance for Pedro R. on or about April 20, 2009, in violation of Section 1871.4(A)(2) of the Insurance Code, as charged in the twenty-first count of the Indictment.

Foreperson

We, the Jury, empanelled to try the above entitled case, find the defendant, DOLPHUS DWAYNE PIERCE, II, not guilty of a felony, to wit: Presenting False or Fraudulent Material Statement in Support of Claim for Workers Compensation Benefit in regards to submission to Zenith Insurance for Pedro R. on or about April 20, 2009, in violation of Section 1871.4(A)(2) of the Insurance Code, as charged in the twenty-first count of the Indictment.



Foreperson

KCZ/sac

VERDICT

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 CHRISTINE J. LEE
Deputy Attorney General
4 State Bar No. 282502
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2539
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

8 **BEFORE THE**
9 **BOARD OF CHIROPRACTIC EXAMINERS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:
12 **DOLPHUS DWAYNE PIERCE**
196 Hotchkiss Dr.
13 Lemoore, CA 93245

Case No. AC 2015-1033

14 Chiropractor License No. DC 19570

A C C U S A T I O N

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Robert Puleo ("Complainant") brings this Accusation solely in his official capacity as
20 the Executive Officer of the Board of Chiropractic Examiners.

21 2. On or about January 27, 1989, the Board of Chiropractic Examiners ("Board") issued
22 Chiropractor License Number DC 19570 to Dolphus Dwayne Pierce, ("Respondent"). The
23 Chiropractic License was in full force and effect at all times relevant to the charges brought
24 herein and will expire on or about October 31, 2017.

25 3. In a disciplinary action entitled "In the Matter of the Accusation Against Dolphus D.
26 Pierce," Case No. 1991-09, the Board of Chiropractic Examiners issued a Stipulation and Order
27 effective November 16, 1991, in which Respondent's Chiropractic License was revoked.

28 However, the revocation was stayed and Respondent's Chiropractic License was placed on

1 probation for five (5) years with certain terms and conditions. Under the probation, Respondent's
2 license was suspended for sixty days along with other terms and conditions. A copy of that
3 Decision and Order is attached as Exhibit A and is incorporated by reference.

4 JURISDICTION

5 3. This Accusation is brought before the Board of Chiropractic Examiners (Board), under
6 the authority of the following sections of the Chiropractor Act (Act).¹ All section references are to
7 the Act unless otherwise specified.

8 4. Section 10(b) of the Act provides in pertinent part:

9 The board may refuse to grant, or may suspend or revoke, a license to practice
10 chiropractic in this state, or may place the licensee upon probation or issue a reprimand
11 to him, for violation of the rules and regulations adopted by the board in accordance
12 with this act, or for any cause specified in this act, including, but not limited to: The
13 employment of fraud or deception in applying for a license or in passing an
14 examination as provided in this act; the practice of chiropractic under a false or
15 assumed name; or the personation of another practitioner of like or different name; a
16 plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
17 charge of a felony or of any offense substantially related to the practice of chiropractic;
18 habitual intemperance in the use of ardent spirits, narcotics or stimulants to such an
19 extent as to incapacitate him for the performance of his professional duties; . . .

20 5. California Code of Regulations, title 16, section 372 provides:

21 The suspension, expiration, or forfeiture by operation of law of a license issued by the
22 board, or its suspension, or forfeiture by order of the board or by order of a court of
23 law, or its surrender without the written consent of the board shall not, during any
24 period in which it may be renewed, restored, reissued, or reinstated, deprive the board
25 of its authority to institute or continue a disciplinary proceeding against the licensee
26 upon any ground

27 provided by law or to enter an order suspending or revoking the license or otherwise
28 taking disciplinary action against the licensee on any such ground.

29 STATUTORY PROVISIONS

30 6. Business and Professions Code Section 650 states, in pertinent part:

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¹The Chiropractic Act, an initiative measure approved by the electors on November 7, 1922, while not included in the Business and Professions Code by the legislature, is set out in West's Annotated California Codes as sections 1000-1 to 1000-19, and is included in Deering's California Codes as Appendix I, for convenient reference.

1 (a) Except as provided in Chapter 2.3 (commencing with Section 1400) of Division 2 of
2 the Health and Safety Code, the offer, delivery, receipt, or acceptance by any person
3 licensed under

4 this division or the Chiropractic Initiative Act of any rebate, refund, commission,
5 preference, patronage dividend, discount, or other consideration, whether in the form of
6 money or otherwise, as compensation or inducement for referring patients, clients, or
7 customers to any person, irrespective of any membership, proprietary interest, or
8 coownership in or with any person to whom these patients, clients, or customers are
9 referred is unlawful.

10 (b) The payment or receipt of consideration for services other than the referral of
11 patients which is based on a percentage of gross revenue or similar type of contractual
12 arrangement shall not be unlawful if the consideration is commensurate with the value
13 of the services furnished or with the fair rental value of any premises or equipment
14 leased or provided by the recipient to the payer.

15 7. Business and Professions Code Section 810, states in pertinent part:

16 (a) It shall constitute unprofessional conduct and grounds for disciplinary action,
17 including suspension or revocation of a license or certificate, for a health care
18 professional to do any of the following in connection with his or her professional
19 activities:

20 (1) Knowingly present or cause to be presented any false or fraudulent claim for the
21 payment of a loss under a contract of insurance.

22 (2) Knowingly prepare, make, or subscribe any writing, with intent to present or use the
23 same, or to allow it to be presented or used in support of any false or fraudulent claim.

24 (b) It shall constitute cause for revocation or suspension of a license or certificate for a
25 health care professional to engage in any conduct prohibited under Section 1871.4 of
26 the Insurance Code or Section 549 or 550 of the Penal Code.

27 (c) (1) It shall constitute cause for automatic suspension of a license or certificate
28 issued pursuant to Chapter 4 (commencing with Section 1600), Chapter 5 (commencing
with Section 2000), Chapter 6.6 (commencing with Section 2900), Chapter 7
(commencing with Section 3000), or Chapter 9 (commencing with Section 4000), or
pursuant to the Chiropractic Act or the Osteopathic Act, if a licensee or certificate
holder has been convicted of any felony involving fraud committed by the licensee or
certificate holder in conjunction with providing benefits covered by worker's
compensation insurance, or has been convicted of any felony involving Medi-Cal fraud
committed by the licensee or certificate holder in conjunction with the Medi-Cal
program, including the Denti-Cal element of the Medi-Cal program, pursuant to
Chapter 7 (commencing with Section 14000), or Chapter 8 (commencing with Section
14200), of Part 3 of Division 9 of the Welfare and Institutions Code. The board shall
convene a disciplinary hearing to determine whether or not the license or certificate
shall be suspended, revoked, or some other disposition shall be considered, including,
but not limited to, revocation with the opportunity to petition for reinstatement,
suspension, or other limitations on the license or certificate as the board deems
appropriate.

(4) Nothing in this subdivision shall preclude a board from suspending or revoking a
license or certificate pursuant to any other provision of law.

1 (d) As used in this section, health care professional means any person licensed or
2 certified pursuant to this division, or licensed pursuant to the Osteopathic Initiative Act,
3 or the Chiropractic Initiative Act.

4 8. Insurance Code Section 750, states in pertinent part:

5 (a) Except as provided in Section 750.5, any person acting individually or through his
6 or her employees or agents, who engages in the practice of processing, presenting, or
7 negotiating claims, including claims under policies of insurance, and who offers,
8 delivers, receives, or accepts any rebate, refund, commission, or other consideration,
9 whether in the form of money or otherwise, as compensation or inducement to or from
10 any person for the referral or procurement of clients, cases, patients, or customers, is
11 guilty of a crime.

12 REGULATORY PROVISIONS

13 9. California Code of Regulations, title 16, section 317, states:

14 "The board shall take action against any holder of a license who is guilty of
15 unprofessional conduct which has been brought to its attention, or whose license has
16 been procured by fraud or misrepresentation or issued by mistake.

17 "Unprofessional conduct includes, but is not limited to, the following:

18 ...

19 "(g) Conviction of a crime which is substantially related to the qualifications, functions
20 or duties of a chiropractor;

21 "(h) Conviction of any offense, whether felony or misdemeanor, involving moral
22 turpitude, dishonesty, physical violence or corruption. The board may inquire into the
23 circumstances surrounding the commission of the crime in order to fix the degree of
24 discipline or to determine if such conviction was of an offense involving moral
25 turpitude, dishonesty, physical violence or corruption. A plea or verdict of guilty, or a
26 plea of nolo contendere is deemed to be a conviction within the meaning of the board's
27 disciplinary provisions, irrespective of a subsequent order under the provisions of
28 Section 1203.4 of the Penal Code. The board may order a license to be suspended or
revoked, or may decline to issue a license upon the entering of a conviction or
judgment in a criminal matter.

...

"(k) The commission of any act involving moral turpitude, dishonesty, or corruption,
whether the act is committed in the course of the individual's activities as a license
holder, or otherwise;

...

"(m) Violating or attempting to violate, directly or indirectly, or assisting in or abetting
in the violation of, or conspiring to violate any provision or term of the Act or the
regulations adopted by the board thereunder;

...

25 COST RECOVERY

26 10. California Code of Regulations, title 16, section 317.5, (a) provides:

27 "In any order in resolution of a disciplinary proceeding before the Board of
28 Chiropractic Examiners, the board may request the administrative law judge to direct a

1 Montate found to have committed a violation or violations of the Chiropractic
2 Initiative Act to pay a sum not to exceed the reasonable costs of the investigation and
3 enforcement of the case."

3 FACTUAL ALLEGATIONS

4 11. Respondent, co-owner of P & R Medical Legal also known as Rios & Pierce Medical
5 Corporation in Bakersfield, California, was involved in a healthcare fraud scheme intended to
6 defraud insurance companies and the State of California. Between November 2003 and April
7 2012, Respondent and other co-conspirators unlawfully for patient referrals. These payments
8 were called "rent" but were tied to time permitted direct access to these patients and the income
9 earned for dispensing medications. Respondent and other co-conspirators prepared reports in
10 support of billing for services allegedly provided at chiropractic clinics by their employees and
11 contracted personnel that contained material misrepresentations in support of bills Respondent
12 directed to be sent to insurance companies for reimbursement. These misrepresentations included
13 statements for services that were never rendered and electronically scanned signatures of
14 employees or contract physicians affixed to declarations under penalty of perjury, when the
15 employee or contract personnel had not reviewed or authorized the report.

16 Respondent and other co-conspirators would contract out part-time doctors to travel to
17 chiropractic clinics to rent offices for a short period of time, usually one day a month to provide
18 examinations to several chiropractic patients. In turn, the chiropractor received "rent" to schedule
19 those patients and allowing Respondent to use the office space. The chiropractor completed a
20 referral form for each patient containing prescriptions for the patient. The doctor gave patients the
21 prescriptions, and billed the insurance company for services, including examinations, and
22 teleconferences which were not performed.

23 The total amount of the fraud scheme was in excess of \$3.2 million. Respondent was
24 convicted of conspiracy to commit insurance fraud and was ordered to pay restitution in the
25 amount of \$770,421.00.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Felony Conviction of Insurance Fraud)

3 12. Respondent is subject to disciplinary action under Business and Professions Code
4 section 810 (b) and (c) for unprofessional conduct in that the Respondent was convicted of
5 conspiring to commit the crimes of insurance fraud in violation of Penal Code section 182(a)(2),

6 a. On or about September 16, 2016, Respondent was convicted of one felony count of
7 violating Penal Code section 182(a)(2) [conspiracy], in the criminal proceeding entitled *The*
8 *People of the State of California v. Dolphus Dwayne Pierce* (Super. Ct. Kern County, No.
9 BF141700E). The court sentenced Respondent to one year in prison, and granted formal
10 probation for 5 years. Respondent was also ordered to pay \$770,421.00 in restitution.

11 b. Complainant refers to and by this reference incorporates the allegations set forth in
12 paragraph 12 as though set forth fully herein.

13 SECOND CAUSE FOR DISCIPLINE

14 (Conviction of Substantially Related Crime)

15 13. Respondent is subject to disciplinary action under section 10 of the Act, in
16 accordance with California Code of Regulations, Title 16, section 317(g), for unprofessional
17 conduct in that Respondent was convicted of a crime substantially related to the qualification,
18 functions or duties of a chiropractor. Complainant refers to and by this reference incorporates the
19 allegations set forth in paragraphs 12 through 13, inclusive, as though set forth fully herein.

20 THIRD CAUSE FOR DISCIPLINE

21 (Conviction of a Crime Involving Moral Turpitude, Dishonesty, Corruption)

22 14. Respondent is subject to disciplinary action under section 10 of the Act, in accordance
23 with California Code of Regulations, Title 16, section 317(h), for unprofessional conduct in that
24 the Respondent was convicted of a crime involving moral turpitude, dishonesty, physical violence
25 or corruption. Complainant refers to and by this reference incorporates the allegations set forth in
26 paragraphs 12 through 14, inclusive, as though set forth fully herein.

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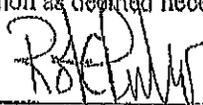
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Chiropractic Examiners issue a decision:

1. Revoking or suspending Chiropractic License Number DC 19570, issued to Dolphus Dwayne Pierce;
2. Revoking or suspending Satellite Certification Number 16458, issued to Dolphus Dwayne Pierce;
3. Ordering Dolphus Dwayne Pierce to pay the Board of Chiropractic Examiners the reasonable costs of the investigation and enforcement of this case, pursuant to Title 16, California Code of Regulations, section 317.5; and,
4. Taking such other and further action as deemed necessary and proper.

DATED: 33/06/17


ROBERT PULEO
Executive Officer
Board of Chiropractic Examiners
State of California
Complainant

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BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

DOLPHUS DWAYNE PIERCE, DC
196 Hotchkiss Dr.
Lemoore, CA 93245

Chiropractic License No. DC 19570

Respondent.

Case No. 2015-1033

DECISION and ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Chiropractic Examiners, Department of Consumer Affairs, as its decision in this matter.

This Decision shall become effective on June 3, 2017

IT IS SO ORDERED May 4, 2017


HEATHER DEHN, D.C.

BOARD CHAIR

Board of Chiropractic Examiners
Department of Consumer Affairs

1 XAVIER BECERRA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 CHRISTINE J. LEE
Deputy Attorney General
4 State Bar No. 282502
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2539
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

8 **BEFORE THE**
BOARD OF CHIROPRACTIC EXAMINERS
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. AC 2015-1033

11 **DOLPHUS DWAYNE PIERCE, D.C.**
12 196 Hotchkiss Dr.
13 Lemoore, CA 93245

STIPULATED SURRENDER OF
LICENSE AND ORDER

14 Chiropractic License No. DC 19570

15
16 Respondent.
17

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Robert Puleo (Complainant) is the Executive Officer of the Board of Chiropractic
22 Examiners (Board). He brought this action solely in his official capacity and is represented in this
23 matter by Xavier Becerra, Attorney General of the State of California, by Christine J. Lee, Deputy
24 Attorney General.

25 2. Dolphus Dwayne Pierce, D.C. (Respondent) is representing himself in this
26 proceeding and has chosen not to exercise his right to be represented by counsel.

27 3. On or about January 27, 1989, the Board issued Chiropractic License No. DC 19570
28 to Dolphus Dwayne Pierce, D.C. (Respondent). The Chiropractic License was in full force and

1 effect at all times relevant to the charges brought in Accusation No. AC 2015-1033 and will
2 expire on October 31, 2017, unless renewed.

3 JURISDICTION

4 4. Accusation No. AC 2015-1033 was filed before the (Board),, and is currently pending
5 against Respondent. The Accusation and all other statutorily required documents were properly
6 served on Respondent on March 16, 2017. Respondent timely filed his Notice of Defense
7 contesting the Accusation. A copy of Accusation No. AC 2015-1033 is attached as Exhibit A and
8 incorporated by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. AC 2015-1033. Respondent also has carefully read, and understands the effects
12 of this Stipulated Surrender of License and Order.

13 6. Respondent is fully aware of his legal rights in this matter, including the right to a
14 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
15 his own expense; the right to confront and cross-examine the witnesses against him; the right to
16 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
17 the attendance of witnesses and the production of documents; the right to reconsideration and
18 court review of an adverse decision; and all other rights accorded by the California
19 Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. AC 2015-1033, agrees that cause exists for discipline and hereby surrenders his Chiropractic
25 License No. DC 19570 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation he enables the Board to issue
27 an order accepting the surrender of his Chiropractic License without further process.

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1 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
2 license history with the Board of Chiropractic Examiners.

3 2. Respondent shall lose all rights and privileges as a Chiropractor in California as of the
4 effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
6 issued, his wall certificates on or before the effective date of the Decision and Order.

7 4. If he ever applies for licensure or petitions for reinstatement in the State of California,
8 the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws,
9 regulations and procedures for licensure in effect at the time the application or petition is filed,
10 and all of the charges and allegations contained in Accusation No. AC 2015-1033 shall be
11 deemed to be true, correct and admitted by Respondent when the Board determines whether to
12 grant or deny the application or petition.

13 5. Respondent shall pay the agency its costs of investigation and enforcement in the
14 amount of \$5,235.00 prior to issuance of a new or reinstated license.

15 6. If Respondent should ever apply or reapply for a new license or certification, or
16 petition for reinstatement of a license, by any other health care licensing agency in the State of
17 California, all of the charges and allegations contained in Accusation, No. AC 2015-1033 shall be
18 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
19 Issues or any other proceeding seeking to deny or restrict licensure.

20 7. Respondent shall not apply for licensure or petition for reinstatement for two (2)
21 years from the effective date of the Board's Decision and Order.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Chiropractic License, and Satellite Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Chiropractic Examiners.

DATED: 4-2-17



DOLPHUS DWAYNE PIERCE, D.C.
Respondent

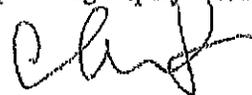
ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Chiropractic Examiners of the Department of Consumer Affairs.

Dated: 4/14/17

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General



CHRISTINE J. LEE
Deputy Attorney General
Attorneys for Complainant

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