

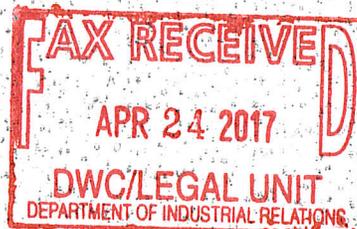
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April 24, 2017

Via Facsimile (510.286.0687) and Mail

Acting Administrative Director  
Division of Workers' Compensation  
1515 Clay Street, Suite 1800  
Oakland, California 94612Legal Unit, Division of Workers' Compensation  
1515 Clay Street, Suite 1800  
Oakland, California 94612**Re: Request for Hearing Per Labor Code § 139.21(b)(2)  
Respondent Steven Rigler, DC**

To Whom It May Concern:

We represent Respondent Steven Rigler, DC, in the above-referenced matter. All communication regarding this matter should be directed to me.

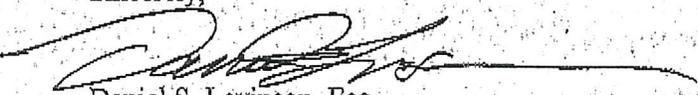
Pursuant to Labor Code § 139.21(b)(2), this is the written request for a hearing on the Acting Administrative Director of the Division of Workers' Compensation's ("DWC") pending suspension of Dr. Rigler from participation in the California workers' compensation system per Labor Code § 139.21(a)(1). Pursuant to Labor Code § 139.21(b)(2), this request for hearing stays the pending suspension. I anticipate that the setting of the hearing date as required by Labor Code § 139.21(b)(2) will be coordinated with my office, and hereby expressly request that you contact me to confirm availability before setting a hearing date.

Per CCR, Title 8 § 9788.2(a), Respondent contests the allegation that Labor Code § 139.21(a)(1) is applicable and the basis for suspension. The legal and factual reasons that Labor Code § 139.21(a)(1) is not applicable are as follows:

Respondent has not been "convicted of any felony or misdemeanor" as specified in Labor Code § 139.21(a)(1)(A). Respondent's waiver of indictment and plea, as relied upon by the DWC, does not constitute conviction as set forth in Labor Code § 139.21(a)(1)(A). Per California Penal Code § 1016, a plea to an indictment or an information is not the same as a conviction of a felony or misdemeanor.

Per Labor Code § 139.21(b)(2), proof will be provided at the hearing which indicates that 139.21(a)(1) does not apply.

Sincerely,

  
Daniel S. Levinson, Esq.Respondent's mailing address per CCR, Title 8 § 9788.2(c):  
1885 National Avenue  
San Diego, CA 91113