DANIEL E. LUNGREN, Attorney General of the State of California

ROY HEWITT, Deputy Attorney General

Department of Justice

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Attorneys for Complainant

BEFORE THE

MEDICAL BOARD OF CALIFORNIA

DIVISION OF MEDICAL QUALITY

DEPARTMENT OF CONSUMER AFFAIRS

STATE OF CALIFORNIA

In the Matter of the Accusation

Against:

STEPHEN HERMAN, M.D.
9341 Hazel Circle
Villa Park, CA 92667

Physician and Surgeon
License No. A20234

and

VALENTINE BIRDS, M.D.
12626 Riverside Dr., Ste. 510
North Hollywood, CA 91607

Physician and Surgeon
License No. A28695

Respondents.

CASE NOS. D-4512, AND D-4513

OAK NOS. L-53519, AND L-53520

STIPULATION FOR VOLUNTARY SURRENDER OF LICENSE

IT IS HEREBY STIPULATED AND AGREED by and between

Complainant, Kenneth J. Wagstaff, Executive Director of the

Medical Board of California (herein after "Board"), and Stephen
I Herman, M.D. (herein after "Respondent Herman"), parties to the
above-entitled matter, that:

1. Kenneth J. Wagstaff, Complainant, is the Executive
Director of the Medical Board of California and is represented by
Daniel E. Lungren, Attorney General of the State of California by
Roy W. Hewitt, Deputy Attorney General.

2. Respondent Herman is represented in this
administrative disciplinary proceeding before the Board by Andrew
Lloyd, Esq. Respondent Herman has counseled with Attorney Lloyd
concerning the effect of this stipulation, which Respondent
Herman has carefully read and fully understands.

3. At all times mentioned herein Respondent Herman
has been licensed by the Board under Physician and Surgeon
License No. A20234. Said License was issued by the Board on July
9, 1962.

4. On or about May 17, 1991, Complainant, in his
official capacity as Executive Director of the Board, filed
Accusation No. D-4152; OAH No. L-53519 against Respondent Herman.
A true and correct copy of Accusation No. D-4512; OAH No. L-
53519 is attached hereto as Attachment "A" and incorporated by
reference as if fully set forth herein. On or about May 17,
1991, Respondent Herman was served with Accusation No. D-4512;
OAH No. L-53519 together with all other statutorily required
documents, at his address of record on file with the Board: 9341
Hazel Circle, Villa Park, California 92667.

Respondent Herman is fully aware of the charges and
allegations contained in Accusation No. D-4512; OAH No. L-53519,
having been fully advised of the allegations by his attorney of record, Andrew Lloyd, Esq. Respondent Herman understands that the charges and allegations contained in Accusation No. D-4512; OAH No. L-53519 would, if proven, constitute cause for imposing discipline upon his physician and surgeon license.

5. Respondent Herman is fully aware of his right to a hearing on the charges and allegations contained in Accusation No. D-4512; OAH No. L-53519, his right to reconsideration, appeal, and any and all other rights which may be accorded him pursuant to the California Administrative Procedure Act and California Code of Civil Procedure, having been fully advised of same by attorney, Andrew Lloyd, Esq.

6. Respondent Herman, having the benefit of counsel, hereby freely, voluntarily, and intelligently waives his rights to a hearing, reconsideration, appeal, and any and all other rights which may be accorded him pursuant to the California Administrative Procedure Act and California Code of Civil Procedure with regard to Accusation No. D-4512; OAH No. L-53519.

7. Respondent Herman understands that by signing this stipulation, rather than contesting the charges and allegations contained in Accusation No. D-4512; OAH No. L-53519, he is enabling the Board to issue its order accepting the voluntary surrender of his physician and surgeon license without any further notice, opportunity to be heard, or formal proceeding.

8. Respondent hereby voluntarily surrenders his Physician and Surgeon License No. A20234 to the Medical Board of California for its formal acceptance.
9. Upon acceptance of this stipulation by the Board, Respondent agrees to surrender and cause to be delivered to the Board his wallet certification and his physician and surgeon license certificate.

10. Respondent Herman fully understands that when the Board accepts the voluntary surrender of his Physician and Surgeon License No. A20234, he will no longer be permitted to practice as a physician and surgeon within the State of California.

11. In consideration for the foregoing stipulations, admissions, and recitals, the Board, upon formal acceptance of Respondent Herman's formal surrender herein, agrees to dismiss with prejudice, Accusation No. D-4512; OAH No, L-53519, currently pending against Respondent Herman.

12. Respondent Herman fully understands that should he ever reapply for a physician and surgeon license, in the State of California, all the charges and allegations contained in Accusation No. D-4512; OAH No, L-53519 shall be deemed admitted by Respondent Herman as true and correct for purposes of any statement of issues or other proceedings seeking to deny such reapplication by Respondent.

13. Respondent Herman further stipulates that the Interim Order of suspension currently in effect shall remain in effect until either the board accepts respondent's voluntary surrender of his license; or, until a decision issues after hearing on accusation, if the board rejects the offer of license surrender.
14. This stipulation for voluntary surrender of Respondent Herman's physician and surgeon license is intended by the parties to be an integrated writing memorializing the complete agreements of the parties herein.

14. In the event this stipulation is rejected, for any reason, by the Medical Board of California, it will be of no force or effect for either party.

DATED: July 9, 1991.

DANIEL E. LUNGEN, Attorney General
of the State of California

ROY W. HEWITT
Deputy Attorney General

Attorneys for Complainant


ANDREW LLOYD
Attorney for Respondent
ACKNOWLEDGEMENT

I, Stephen Herman, have read the stipulation in Case No. D-4512; OAH No. L-53519 and enter into the stipulation for voluntary surrender of my physician and surgeon license freely, voluntarily, intelligently, on advice of counsel, and with full knowledge of its force and effect, and do hereby surrender my Physician and Surgeon License No. A20234 to the Medical Board of California for its formal acceptance. By so surrendering my license, I recognize that upon formal acceptance of the surrender by the Board, I will lose all rights and privileges to practice as a physician and surgeon in the State of California.


[Signature]

STEPHEN HERMAN
Respondent
ORDER

The voluntary surrender of Physician and Surgeon License No. A20234, by Respondent Stephen Herman, is accepted by the Medical Board of California. Accusation No. D-4512; OAH No. L-53519 is dismissed with prejudice.

This decision shall become effective the 12th day of March, 1992.

So ordered this 11th day of February, 1992.

[Signature]

Medical Board of California
Division of Medical Quality
Department of Consumer Affairs
State of California