BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:  

DARRYL MATTHEW SEE, M.D.  

File No. 04-2004-161179

Physician's and Surgeon's
Certificate No. G 61569

Respondent.

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on October 30, 2007

IT IS SO ORDERED October 23, 2007

MEDICAL BOARD OF CALIFORNIA

By:  
Barbara Yaroslavsky, Chair
Panel B
Division of Medical Quality
EDMUND G. BROWN JR., Attorney General
of the State of California
STEVEN V. ADLER
Supervising Deputy Attorney General
RICHARD D. HENDLIN, State Bar No. 76742
Deputy Attorney General
California Department of Justice
110 West "A" Street, Suite 1100
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Attorneys for Complainant

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

DARRYL MATTHEW SEE, M.D.
6971 Faculty Circle #D
Buena Park, CA 90621
Physician’s and Surgeon’s Certificate
No. G 61569

Respondent.

Case No. 04-2004-161179
OAH No. L-2007050442
STIPULATED SURRENDER OF LICENSE AND ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the parties in this proceeding that the following matters are true:

PARTIES

1. Barbara Johnston (Complainant) is the Executive Director of the Medical Board of California, appears solely in her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Richard D. Hendlin, Deputy Attorney General.

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2. DARRYL MATTHEW SEE, M.D. (Respondent) is represented in this proceeding by attorney Kevin Gallagher, Esq., whose address is 680 Newport Center Drive, Suite 100 Newport Beach, CA 92660, and whose telephone number is (714) 757-8607.

3. On or about October 13, 1987, the Medical Board of California issued Physician's and Surgeon's Certificate No. G61569 to DARRYL MATTHEW SEE, M.D. The Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 04-2004-161179 and will expire on May 31, 2009, unless renewed.

JURISDICTION

4. Accusation No. 04-2004-161179 was filed before the Division of Medical Quality (Division) for the Medical Board of California, Department of Consumer Affairs, and is currently pending against Respondent. A true and correct copy of the Accusation and all other statutorily required documents were properly served on Respondent on November 20, 2006. Respondent timely filed his Notice of Defense contesting the Accusation. A true and correct copy of Accusation No. 04-2004-161179 is attached as Exhibit A and incorporated herein by reference.

ADVICEMENT AND WAIVERS

5. Respondent has carefully read, discussed with counsel, and fully understands the charges and allegations in Accusation No. 04-2004-161179. Respondent also has carefully read, discussed with counsel, and fully understands the effects of this Stipulated Surrender of License and Order.

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

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

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 04-2004-161179, agrees that cause exists for discipline and hereby surrenders his Physician's and Surgeon's Certificate No. G61569 for the Division's formal acceptance.

9. Respondent understands that by signing this stipulation he enables the Division to issue an order accepting the surrender of his Physician's and Surgeon's Certificate without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Division of Medical Quality. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Division regarding this stipulation and surrender, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Division considers and acts upon it. If the Division fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Division shall not be disqualified from further action by having considered this matter.

OTHER MATTERS

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Division may, without further notice or formal proceeding, issue and enter the following Order:

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ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G61569, issued to Respondent DARRYL MATTHEW SEE, M.D. is surrendered and accepted by the Division of Medical Quality.

13. The surrender of Respondent's Physician's and Surgeon's Certificate No. G61569 and the acceptance of the surrendered license by the Division shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Division.

14. Respondent shall lose all rights and privileges as a Physician and Surgeon in California as of the effective date of the Division's Decision and Order.

15. Respondent shall cause to be delivered to the Division both his wall certificate and pocket license certificate on or before the effective date of the Decision and Order.

16. Respondent fully understands and agrees that if he ever files an application for licensure or a petition for reinstatement in the State of California, the Division shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 04-2004-161179 shall be deemed to be true, correct and admitted by Respondent when the Division determines whether to grant or deny the petition.

17. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 04-2004-161179 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

18. The Division hereby finds good cause has been shown within the meaning of Business and Professions Code section 2307, subdivision (a), to permit Respondent to file a petition for reinstatement after two years from the effective date of this Order.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Kevin Gallagher, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. G61569. 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 Division of Medical Quality, Medical Board of California.

DATED: 8/29/07

DARRYL MATTHEW SBE, M.D.
Respondent

I have read and fully discussed with Respondent DARRYL MATTHEW SBE, M.D., the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 8/30/07

KEVIN GALLAGHER, Esq.
Attorney for Respondent
ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Division of Medical Quality, Medical Board of California of the Department of Consumer Affairs.

DATED: August 30th, 2007

EDMUND G. BROWN JR., Attorney General of the State of California

STEVEN V. ADLER
Supervising Deputy Attorney General

RICHARD D. HENDLIN
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SD2005701751
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