

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation)	
Against:)	
)	
)	
MAURICE JAY WOLIN, M.D.)	File No. 12-2006-178269
)	
Physician's and Surgeon's)	
Certificate No. G 63494)	
)	
Respondent.)	
_____)	

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Medical Board of California, Department of Consumer Affairs, State of California, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on September 17, 2010.

IT IS SO ORDERED August 19, 2010.

MEDICAL BOARD OF CALIFORNIA

By: _____
Hedy Chang, Chair
Panel B



1 EDMUND G. BROWN JR.
 Attorney General of California
 2 JOSE R. GUERRERO
 Supervising Deputy Attorney General
 3 RUSSELL W. LEE
 Deputy Attorney General
 4 State Bar No. 94106
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7 *Attorneys for Complainant*

8
 9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
 10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 12-2006-178269

13 **MAURICE JAY WOLIN, M.D.**
 304 Scenic Avenue
 14 Piedmont, CA 94611

STIPULATION FOR REVOCATION OF
PHYSICIAN'S AND SURGEON'S
CERTIFICATE AND ORDER

15 **Physicians and Surgeons Certificate**
 16 **No. G63494**

17 Respondent.

18
 19 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties in this
 20 proceeding that the following matters are true:

21 **PARTIES**

22 1. Linda K. Whitney (complainant) is the Executive Director of the Medical Board of
 23 California (Board) and is represented in this matter by Edmund G. Brown Jr., Attorney General of
 24 the State of California, by Russell W. Lee, Deputy Attorney General. Complainant brought this
 25 action solely in her official capacity Executive Director of the Board.

26 2. Maurice Jay Wolin, M.D. (respondent) is represented in this proceeding by attorney
 27 Mark Allen Levin, Esq., Lewin & Levin, 11377 W. Olympic Boulevard, 5th Floor, Los Angeles,
 28 CA 90064-1683.

1 subject to disciplinary action and revocation as set forth in paragraphs 21A, 21B, 21C, 21E, and
2 22 of the First Amended Accusation No. 12-2006-178269, and agrees that the Board may
3 forthwith revoke his Physician's and Surgeon's Certificate No. G63494 .

4 9. Respondent understands that by signing this Stipulation he enables the Board to issue
5 an order revoking his Physician's and Surgeon's Certificate without further process.

6 STATEMENT OF MITIGATION

7 10. Respondent has been cooperative with the Medical Board's investigation since his
8 arrest in 2006. When advised that the Medical Board would be seeking an Interim Order of
9 Suspension against respondent's Physician's and Surgeon's Certificate, respondent immediately
10 agreed to stipulate to a full suspension and has, in fact, been fully suspended from the practice of
11 medicine since November 29, 2006.

12 CONTINGENCY

13 11. This Stipulation shall be subject to approval by the Medical Board of California.
14 Respondent understands and agrees that counsel for complainant and the staff of the Medical
15 Board of California may communicate directly with the Board regarding this Stipulation for
16 Revocation of Physician's and Surgeon's Certificate, without notice to or participation by
17 respondent or his counsel. By signing the Stipulation, respondent understands and agrees that he
18 may not withdraw his agreement or seek to rescind the Stipulation prior to the time the Board
19 considers and acts upon it. If the Board fails to adopt this Stipulation as its Decision and Order,
20 the Stipulation for Revocation of Physician's and Surgeon's Certificate and Order shall be of no
21 force or effect, except for this paragraph, it shall be inadmissible in any legal action between the
22 parties, and the Board shall not be disqualified from further action by having considered this
23 matter.

24 12. The parties understand and agree that facsimile copies of this Stipulation for
25 Revocation of Physician's and Surgeon's Certificate and Order, including facsimile signatures
26 thereto, shall have the same force and effect as the originals.

27 13. In consideration of the foregoing admissions and Stipulations, the parties agree that
28 the Board 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. G63494, issued to respondent Maurice Jay Wolin, M.D. is revoked.

1. The revocation of respondent's Physician's and Surgeon's Certificate by the Board 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 Board.

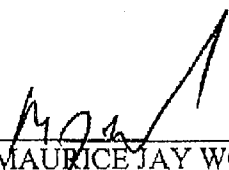
2. Respondent shall lose all rights and privileges as a Physician and Surgeon in California as of the effective date of the Board's Decision and Order.

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

ACCEPTANCE


I have carefully read the above Stipulation for Revocation of Physician's and Surgeon's Certificate and Order and have fully discussed it with my attorney, Mark Allen Levin. I understand the Stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulation for Revocation of Physician's and Surgeon's Certificate and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 7/17/10


MAURICE JAY WOLIN, M.D.
Respondent

I have read and fully discussed with respondent Maurice Jay Wolin, M.D., the terms and conditions and other matters contained in this Stipulation for Revocation of Physician's and Surgeon's Certificate and Order. I approve its form and content.

DATED: 7/22/2010


MARK ALLEN LEVIN
Attorney for Respondent

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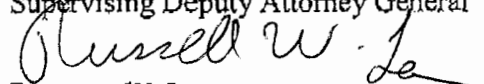
ENDORSEMENT

The foregoing Stipulation for Revocation of Physician's and Surgeon's Certificate and Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: 7-23, 2010

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of California
Jose R. Guerrero
Supervising Deputy Attorney General



RUSSELL W. LEE
Deputy Attorney General
Attorneys for Complainant

EXHIBIT A

1 EDMUND G. BROWN JR.
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 RUSSELL W. LEE
Deputy Attorney General
4 State Bar No. 94106
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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO, May 26, 2010
BY: [Signature] ANALYST

8
9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 12-2006-178269

13 **MAURICE JAY WOLIN, M.D.**
14 **304 Scenic Avenue**
Piedmont, CA 94611

FIRST AMENDED ACCUSATION

15 **Physician's and Surgeon's Certificate**
16 **No. G63494**

17 Respondent.

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19 Complainant alleges:

20 **PARTIES**

21 1. Complainant, Linda K. Whitney, is the Executive Director of the Medical Board of
22 California, State of California (hereinafter "the Medical Board") and brings this First Amended
23 Accusation solely in her official capacity. This First Amended Accusation amends the original
24 Accusation filed on August 25, 2009, by then Complainant, Barbara Johnston, by addition of the
25 Additional Causes For Discipline set forth beginning with Paragraph 18 hereunder.

26 2. At all times material herein, respondent, MAURICE JAY WOLIN, M.D., (hereinafter
27 "respondent" or "Dr. Wolin") has held Physician's and Surgeon's Certificate No. G63494, which
28

1 was issued to him by the Board on or about July 25, 1988. Said Certificate expired on February
2 29, 2008.

3 3. On November 29, 2006, respondent's Certificate was suspended by the Medical
4 Board pursuant to a "Stipulation and Order Re: Interim Order of Suspension Pursuant to
5 Government Code Section 11529." Said suspension remains in full force and effect and
6 precludes respondent from practicing medicine in California.

7 JURISDICTION

8 4. This Accusation is brought before the Medical Board of California (Board)¹,
9 Department of Consumer Affairs, under the authority of the following laws. All section
10 references are to the Business and Professions Code unless otherwise indicated.

11 5. Section 2004 of the Code provides, pertinent part, that the Medical Board shall have
12 responsibility for:

13 "(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice
14 Act.

15 (b) The administration and hearing of disciplinary actions.

16 (c) Carrying out disciplinary actions appropriate to findings made by a panel or an
17 administrative law judge.

18 (d) Suspending, revoking, or otherwise limiting certificates after the conclusion of
19 disciplinary actions.

20 (e) Reviewing the quality of medical practice carried out by physician and surgeon
21 certificate holders under the jurisdiction of the board. . . "

22 6. Section 2227 of the Code provides that a licensee who is found guilty under the
23 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed
24 one year, placed on probation and required to pay the costs of probation monitoring, or such other
25 action taken in relation to discipline as the Board deems proper.

26 ///

27 ¹ The term "board" means the Medical Board of California. "Division of Medical
28 Quality" shall also be deemed to refer to the board. (Bus. & Prof. Code §2002)

1 9. Early on in their chatting, “Willow” identified herself as a 13-year old girl living in
2 the 707 area code. Respondent replied “oh goodness” . . . “you seemed so much older”, but
3 continued the chatting. Respondent indicated that he was 29 years old and from SF. (At the time,
4 respondent was 48 years old and lived in Piedmont).

5 10. “Willow” was, in fact, Xavier Von Erck, an adult male, (hereinafter referred to as
6 “Willow”) and a volunteer for a non-profit child protection organization called “Perverted-
7 Justice.com.” The staff of this website are trained volunteer adult citizen-contributors who enter
8 regional chatrooms as underage kids and, if solicited for sex by adults, work with police to
9 prosecute and convict those adults. The volunteers, otherwise known as contributors, enter
10 regional internet chat rooms posing as children ranging in age from ten to thirteen. Perverted-
11 Justice.com has worked closely with law enforcement agencies throughout the United States in
12 order to further the goal of prosecuting those adults who sexually solicit and molest young
13 children. Their contributors are carefully screened, selected and then trained in a specific
14 manner; this leads to their role of establishing themselves as an underage child on the internet via
15 the creation of a profile. The contributors are trained not to initiate any conversation on the
16 internet, but to allow the suspect to make the first contact.

17 11. Perverted Justice.com has established a verification process once a suspect has been
18 profiled from their internet conversations. The process incorporates a second person after the
19 contributor obtains a telephone number for the suspect. The second person, who typically sounds
20 like a juvenile, will contact the suspect by telephone and verify that the suspect is the same person
21 who participated in the internet conversation with the contributor. Furthermore, all of the Internet
22 conversations between the suspect and the perceived juvenile are maintained in archived logs.
23 Those logs are provided to law enforcement as evidence for each investigation.

24 12. After Willow identified herself as a 13 year old girl, respondent asked “do you want
25 my picture,” after which he e-mailed Willow his picture. Respondent then inquired of Willow,
26 “is your pic on your profile,” to which Willow provided respondent with links to her “myspace”
27 and “yahoo” profiles. Respondent then viewed Willow’s pictures and responded “willow, you
28 look great . . . i like your smile.” (Willow’s picture on her profiles was in fact, that of a teenage

1 girl placed there by Xavier Von Erck).

2 13. Thereafter, over the next couple of days, respondent engaged Willow in sexually
3 explicit or seductive chat which included, but was not limited to, advising Willow that respondent
4 had a Mercedes 550 SL sports car and inviting her for a ride, asking where her parents were,
5 asking whether she would date older men, telling her not to tell her mother about him, advising
6 her that he was 30 years old from San Francisco, asking her if she had ever been in love, whether
7 she liked to cuddle, advising her that he could “make out slowly for hours,” advising that he
8 would perform specific sexual acts on her, asking her if she would be alone if he met her at her
9 house, telling her that she was under 18 and “we would have to be soooo careful” asking about
10 the neighbors, asking how he would be sure her mother would be gone if he came to her house,
11 asking if she liked specific certain sexual acts, asking her bra size, and advising that “i care about
12 you” . . . “can you imagine me licking you while you rub yourself?” . . . “will you touch yourself
13 tonight and think of me?” In addition, regarding her age, respondent advised Willow that “its just
14 i can get into big trouble, willow”, that “it just doesn’t seem right..im 29 youre 13”, that “its
15 against the law”. Respondent then made arrangements to meet Willow at her house while her
16 parents were out of town and that he would enter through an open garage.

17 14. On the afternoon of 08/26/06, respondent drove from Piedmont to the specific
18 address on a residential street in the city limits of Petaluma specified by Willow (1853 Castle Dr.,
19 Petaluma, CA 94954). Respondent was observed by Petaluma Police Department as he arrived at
20 the location in a black Subaru Forester. Respondent walked up to the residence and entered the
21 residence through the open garage door where he was greeted by a teenage actress posing as
22 “Willow.” Thereafter, the following events or conversation took place:

23 Willow: Hey, you made it. Come on back. [Respondent enters backyard].

24 Respondent: Yeah, please. How are you?

25 Willow: Good, how are you? So, not bad of a drive?

26 Respondent: Naw, well, not too bad.

27 Willow: Oh, take a seat. I made some drinks. I made frozen lemonade. [Respondent takes a
28 seat at backyard table].

1 Respondent: Thank you.

2 Willow: Pour me a drink. I'm actually gonna put on my suit so maybe we can get in the hot
3 tub cause it's all warm.

4 Respondent: I can't-- (spills) oh, geez, I'll get a rag. [Respondent spills lemonade].

5 Willow: So where you coming from?

6 Respondent: San Francisco.

7 Willow: Oh, okay. Oh yeah, so there probably was a lot traffic, huh?

8 Respondent: Do you have a——do you have a towel, or a—— [Respondent gets up and
9 looks for a towel].

10 Willow: Yeah there's a towel on the chair. [Respondent then spots a Dateline NBC camera
11 crew who was surreptitiously filming the events].

12 Respondent: Okay, I gotta take off.

13 Willow: What?

14 Chris Hansen of Dateline NBC: Sir? Sir?

15 Respondent: Yeah?

16 Hansen: I need to talk to you for a minute.

17 [Respondent leaves quickly through garage but is confronted and detained by Sheriff's
18 Deputies].

19 15. Respondent was detained and taken to the Command Post located at the Petaluma
20 Municipal Airport where he was questioned and arrested. Respondent's car was taken to the
21 Command Post for a search incident to the arrest. Located in respondent's car was a Garmin
22 Navigational System which contained the address and directions for the target house from
23 respondent's residence. Respondent was eventually charged by the Sonoma County District
24 Attorneys Office with violations of California Penal Code Section 288(a)/664 (a) - (Attempted)
25 Lewd or Lascivious Acts with a Child under 14-years-of-age.

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Acts or Omissions

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2 16. Respondent committed the following acts or omissions regarding his interactions with
3 “Willow:”

4 A. Respondent acted as a sexual predator in his driving to Petaluma in an attempt to
5 meet with, seduce, and/or have sex with what he believed to be a 13-year old girl, while her
6 parents were out of town; and/or

7 B. Respondent engaged in and continued to engage in sexually explicit, lewd and
8 graphic, internet chat conversations with what he believed to be a 13-year old girl that were
9 designed to arouse and seduce, even though the chat conversations indicate he was fully aware
10 that he was doing something wrong and equally aware that he could get into trouble; and/or

11 C. Respondent conducted seductive or lewd telephone conversations with a person he
12 believed to be a 13-year-old girl; and/or

13 D. Respondent engaged in deception and subterfuge regarding his age and motivation
14 which was designed to arouse and seduce Willow; and/or

15 E. Respondent engaged in deception and subterfuge in questioning Willow about her
16 parents and in coming to her house when he thought her parents were out of town; and/or

17 F. Respondent’s behavior reflected poor judgment and poor impulse control inconsistent
18 with the safe practice of medicine; and/or

19 H. Respondent, as both a physician and father, put his own predatory interests and drives
20 ahead of his protective instincts; and/or

21 I. Respondent, as a physician, violated or attempted to violate ethical codes or laws
22 imposed on physicians which are specifically designed to prevent child abuse (for example, Penal
23 Code section 11166 (child abuse reporting requirement), Business and Professions Code section
24 2232 (revocation of license for registered sex offenders)).

25 Grounds For Discipline

26 17. Respondent is subject to disciplinary action for unprofessional conduct based upon
27 the Events, Acts, Omissions set forth hereinabove, pursuant to Business and Professions Code
28

1 sections: 2234 (general unprofessional conduct); and/or 2234(a) (violating or attempting to
2 violate any provision of this chapter); and/or 2234(e) (acts involving dishonesty or corruption).

3
4 ADDITIONAL CAUSES FOR DISCIPLINE

5 (Conviction of a Crime Requiring Sex Offender Registration/Revocation of License)

6 18. Section 2232 of the Code provides, in pertinent part, that the Board shall promptly
7 revoke the license of any person who has been required to register as a sex offender pursuant to
8 the provisions of Section 290 of the Penal Code.

9 19. Section 2236 of the Code provides, in pertinent part, that a licensee who is convicted
10 of any offense substantially related to the qualifications, functions, or duties of a physician and
11 surgeon is guilty of unprofessional conduct. The record of conviction shall be conclusive
12 evidence of the fact that the conviction occurred.

13 20. Sections 490 and 493 of the Code provide, in pertinent part, as follows:

14 490. "A board may suspend or revoke a license on the ground that the licensee has
15 been convicted of a crime, if the crime is substantially related to the qualifications, functions, or
16 duties of the business or profession for which the license was issued A conviction within the
17 meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo
18 contendere."

19 493 ". . . . the record of conviction of the crime shall be conclusive evidence of the
20 fact that the conviction occurred"

21 21. Respondent is subject to disciplinary action for unprofessional conduct in violation of
22 Business and Professions Code section 2236, and/or Business and Professions Code sections
23 490/493, in that respondent was convicted of a crime that is substantially related to the
24 qualifications, functions, or duties of a physician and surgeon. The factual circumstances are as
25 follows:

26 A. On or about February 7, 2008, in the County of Sonoma, Superior Court of the
27 State of California, Superior Court Case No. SCR 495892, the Sonoma County District Attorney
28 filed a 1st Amended Information against Maurice J. Wolin, charging a felony in Count 1, wherein
it was alleged that "on or about the 26th day of August, 2006, in the County of Sonoma, State of

1 California, the said defendant, MAURICE JAY WOLIN, did violate Section 664/288(a) of the
2 PENAL CODE, in that he did willfully, unlawfully, and lewdly attempt to commit a lewd and
3 lascivious act upon and with the body and certain parts and members thereof of JANE DOE, a
4 child under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the
5 lust, passions, and sexual desires of the said defendant and the said child.”

6 B. On or about December 17, 2009, in the County of Sonoma, Superior Court of
7 the State of California, Superior Court Case No. SCR 495892, respondent was found guilty by the
8 Court and convicted following a plea of No Contest, to Count 1, Section 664/288(a) of the Penal
9 Code.

10 C. On or about March 10, 2010, the Court sentenced respondent to 3 years
11 criminal probation with numerous terms and conditions, including a requirement that respondent
12 register as a sex offender pursuant to section 290 of the Penal Code.

13 D. The facts and circumstances of said conviction are as set forth in the FIRST
14 CAUSES FOR DISCIPLINE hereinabove.

15 E. Respondent’s conviction of a crime is substantially related to the qualifications,
16 functions or duties of a Physician and Surgeon.

17 22. Respondent’s conviction further requires registration as a sex offender pursuant to
18 Penal Code section 290. Therefore respondent’s Physician’s and Surgeon’s Certificate No.
19 G63494 is subject to the provisions of section 2232 of the Code and his license must be revoked.

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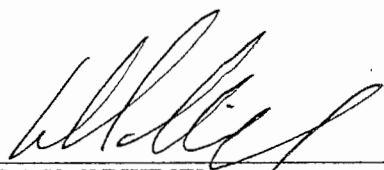
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PRAYER

WHEREFORE, complainant prays that a hearing be held and that the Board issue an order:

1. Revoking or suspending Physician's and Surgeon's Certificate No. G63494, heretofore issued to respondent MAURICE JAY WOLIN, M.D.;
2. Revoking, suspending, or denying approval of respondent's authority to supervise physician assistants; and
3. Ordering respondent, if placed on probation, to pay the Medical Board of California the costs of the probation monitoring upon order of the Board; and
4. Taking such other and further action as may be deemed proper and appropriate.

DATED: May 26, 2010.



LINDA K. WHITNEY
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant