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5 Attorneys for Complainant  
6

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

11 In the Matter of the Accusation ) NO. 17-95-46707  
Against: )  
12 ) OAH No. L-9502120  
LAWSON ALOZIE AKPULONU, M.D. )  
13 P.O. Box 341528 ) **DEFAULT DECISION**  
Los Angeles, CA 90034 )  
14 ) [Gov. Code §11520]  
Physician's and Surgeon's )  
15 Certificate No. A-31917, )  
16 Respondent. )  
17

18 **FINDINGS OF FACT**

19 1. On or about February 28, 1995, Complainant Dixon  
20 Arnett, in his official capacity as Executive Director of the  
21 Medical Board of California, Department of Consumer Affairs,  
22 State of California, filed Accusation No. 17-95-46707 against  
23 Lawson Alozie Akpulonu, M.D. (hereinafter "respondent") before  
24 the Division of Medical Quality (hereinafter the "Division").

25 2. On or about March 1, 1995, Tom Buck, an employee of  
26 the California Department of Justice, sent by certified mail a  
27 copy of Accusation No. 17-95-46707, Statement to Respondent,

1 Government Code sections 11507.5, 11507.6, and 11507.7, Notice of  
2 Defense forms, and a Request for Discovery to respondent's  
3 address of record with the Board which was and is 5443 West  
4 Washington Blvd., Los Angeles, 90016. Respondent was also served  
5 at P.O. Box 341528, Los Angeles, CA 90034. On or about April 3,  
6 1995, the Domestic Return Receipts were signed by respondent and  
7 returned to the Department of Justice. On the return receipt for  
8 5443 West Washington Blvd., the address of P.O. Box 341528, Los  
9 Angeles, CA 90034 was placed by the post office over the 5443  
10 West Washington Blvd. address. Since on or about March 8, 1995,  
11 respondent has had on file with the United States Post Office a  
12 mail forwarding order directing that mail for 5443 West  
13 Washington Blvd., Los Angeles, CA 90016, be forwarded to P.O. Box  
14 341528, Los Angeles, CA 90034. (See "**Appendix E**," Attachment 2  
15 to Declaration.) A copy of the Accusation, the pleading packet,  
16 Declaration of Service and postal returned receipts are attached  
17 hereto as "**Appendix A**," and they are incorporated as if fully set  
18 forth herein.

19           3. On or about April 10, 1995, Complainant Dixon  
20 Arnett, in his official capacity as Executive Director of the  
21 Medical Board of California, Department of Consumer Affairs,  
22 State of California, filed a Supplemental Accusation in Case No.  
23 17-95-46707 against respondent Lawson Alozie Akpulonu, M.D.  
24 before the Division.

25           4. On or about April 11, 1995, Tom Buck, an employee  
26 of the California Department of Justice, sent by certified mail a  
27 copy of the Supplemental Accusation in Case No. 17-95-46707 and a

1 Supplemental Statement to Respondent to respondent's address of  
2 P.O. Box 341528, Los Angeles, CA 90034. On or about April 14,  
3 1995, the Domestic Return Receipt was signed by respondent and  
4 returned to the Department of Justice. Respondent's attorney was  
5 also served. A copy of the Supplemental Accusation, the  
6 Supplemental Statement to Respondent, Declaration of Service, and  
7 postal returned receipts are attached hereto as "**Appendix B,**" and  
8 they are incorporated as if fully set forth herein.

9           5. On or about March 28, 1995, respondent filed a  
10 Notice of Defense in which W. Phillip Higgins was designated as  
11 respondent's attorney. A copy of the Notice of Defense is  
12 attached hereto as "**Appendix C,**" and is incorporated as if fully  
13 set forth herein.

14           6. On or about May 19, 1995, a Notice of Hearing was  
15 served on respondent to respondent's address of P.O. Box 341528,  
16 Los Angeles, CA 90034, and also on his attorney by U.S. Mail. A  
17 copy of the Notice of Hearing and Declaration of Service are  
18 attached hereto as "**Appendix D,**" and are incorporated as if fully  
19 set forth herein. See the Declaration of Deputy Attorney General  
20 E. A. Jones, III, attached hereto as "**Appendix E,**" and  
21 incorporated as if fully set forth herein.

22           7. A hearing was convened on October 30, 1995, at the  
23 time and location indicated in the Notice of Hearing referred to  
24 in paragraph 6 above. Neither respondent nor any attorney  
25 representing him appeared at the hearing and nor otherwise  
26 contacted the Office of Administrative Hearings or the Deputy  
27 Attorney General assigned to the case. See the Declaration of

1 Deputy Attorney General E. A. Jones, III attached hereto as  
2 "Appendix E."

3 8. The above-described service was effective as a  
4 matter of law pursuant to the provisions of California Government  
5 Code section 11505, subdivision (c).

6 9. On February 16, 1978, the Medical Board of  
7 California issued Physician's and Surgeon's Certificate No.  
8 A-31917 to respondent. Respondent's license was suspended  
9 pursuant to Government Code section 11529 on or about February  
10 17, 1995. On or about April 30, 1995, respondent's certificate  
11 expired. A certificate of licensure is attached hereto as  
12 "Appendix F," and is incorporated as if fully set forth herein.

13 10. Business and Professions Code section 118  
14 provides, in pertinent part:

15 "(b) The suspension, expiration, or forfeiture by  
16 operation of law of a license issued by a board in the  
17 department, or its suspension, forfeiture, or cancellation  
18 by order of the board or by order of a court of law, or its  
19 surrender without the written consent of the board, shall  
20 not, during any period in which it may be renewed, restored,  
21 reissued, or reinstated, deprive the board of its authority  
22 to institute or continue a disciplinary proceeding against  
23 the licensee upon any ground provided by law or to enter an  
24 order suspending or revoking the license or otherwise taking  
25 disciplinary action against the license on any such ground."

26 11. Government Code section 11506 provides, in  
27 pertinent part:

1 (b) The respondent shall be entitled to a hearing on  
2 the merits if he files a notice of defense, and any such  
3 notice shall be deemed a specific denial of all parts of the  
4 accusation not expressly admitted. Failure to file such  
5 notice shall constitute a waiver of respondent's right to a  
6 hearing, but the agency in its discretion may nevertheless  
7 grant a hearing . . . ."

8 12. Government Code section 11520 provides, in  
9 pertinent part:

10 (a) If the respondent fails to file a notice of  
11 defense or to appear at the hearing, the agency may take  
12 action based upon the respondent's express admissions or  
13 upon other evidence and affidavits may be used as evidence  
14 without any notice to respondent; . . . ."

15 13. Pursuant to its authority under Government Code  
16 section 11520, the Division finds that as a result of his failure  
17 to appear at the scheduled hearing the respondent is in default  
18 and that he has waived his right to a hearing to contest the  
19 allegations in Accusation No. 17-95-46707 and the Supplemental  
20 Accusation in Case No. 17-95-46707. The Division will take  
21 action without further hearing and, based on the respondent's  
22 admissions by way of default and the evidence before it, as  
23 contained in **Appendix G**, finds that the allegations, and each of  
24 them, contained in Accusation No. 17-95-46707 and the  
25 Supplemental Accusation in Case No. 17-95-46707 are true.

26 **DETERMINATION OF ISSUES**

27 1. Respondent Lawson Alozie Akpulonu, M.D. has

1 subjected his Physician's and Surgeon's Certificate to  
2 disciplinary action pursuant to sections 2220, 2227 and 2234 of  
3 the California Business and Professions Code by reason of the  
4 Finding of Facts numbers 1 through 13, above.

5           2. Service of the Accusation, Supplemental Accusation  
6 and related documents, including the Notice of Hearing, was  
7 proper and in accordance with the law.

8           3. The agency has jurisdiction to adjudicate this  
9 case by default.

10  
11                                   **DECISION AND ORDER OF THE**  
12                                   **DIVISION OF MEDICAL QUALITY**  
                                  **MEDICAL BOARD OF CALIFORNIA**

13           Physician's and Surgeon's Certificate number A-31917,  
14 heretofore issued to respondent Lawson Alozie Akpulonu, M.D., is  
15 hereby revoked. An effective date of February 7, 1996, has been  
16 assigned to this Order.

17           Pursuant to Government Code section 11520, subdivision  
18 (b), respondent is entitled to make any showing by way of  
19 mitigation; however, such showing must be made in writing and  
20 received by the Division at least five (5) days prior to the  
21 effective date of this decision.

22           Made this 8th day of January, 1996.

23  
24                                   

25                                   \_\_\_\_\_  
                                  FOR THE DIVISION OF MEDICAL QUALITY  
                                  MEDICAL BOARD OF CALIFORNIA

26           Attachments: Appendices A through F and Appendix G, Evidence  
27           Packet

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11 In the Matter of the Accusation ) NO. 17-95-46707  
Against: ) OAH NO. L-9502120  
12 )  
LAWSON ALOZIE AKPULONU, M.D. ) A C C U S A T I O N  
13 P.O. Box 341528 )  
Los Angeles, CA 90034 )  
14 )  
Physician's and Surgeon's )  
15 Certificate No. A-31917, )  
16 Respondent. )

17  
18 The Complainant alleges:

19 **PARTIES**

- 20 1. Complainant, Dixon Arnett, is the Executive  
21 Director of the Medical Board of California, Department of  
22 Consumer Affairs, State of California (hereinafter the "Board")  
23 and brings this accusation solely in his official capacity.
- 24 2. On or about February 16, 1978, Physician's and  
25 Surgeon's Certificate No. A-31917 was issued by the Board to  
26 Lawson Alozie Akpulonu, M.D. (hereinafter "respondent"), and at  
27 all times relevant to the charges brought herein, this license

1 has been in full force and effect. Unless renewed, it will  
2 expire on April 30, 1995.

3 **JURISDICTION**

4 3. This accusation is brought before the Medical  
5 Board of California, Division of Medical Quality, Department of  
6 Consumer Affairs, State of California (hereinafter the "Board" or  
7 "Division"), under the authority of the following sections of the  
8 California Business and Professions Code (hereinafter "Code"):

9 A. Section 2227 of the Code provides that the  
10 Division may revoke, suspend for a period not to exceed one  
11 year, or place on probation, the license of any licensee who  
12 has been found guilty under the Medical Practice Act.

13 B. Section 2234 of the Code provides that  
14 unprofessional conduct includes, but is not limited to, the  
15 following:

16 "(b) Gross negligence.

17 (c) Repeated negligent acts."

18 C. Section 726 of the Code provides that the  
19 commission of any act of sexual abuse, misconduct, or  
20 relations with a patient, client or customer which is  
21 substantially related to the qualifications, functions, or  
22 duties of the occupation for which a license was issued  
23 constitutes unprofessional conduct and grounds for  
24 disciplinary action for any person licensed under this  
25 division, under any initiative act referred to this division  
26 and under Chapter 17 (commencing with Section 9000) of  
27 Division 3.





1 She felt his erect penis when she pushed him away.  
2 Respondent then gave her another shot and she went back to  
3 sleep. When patient A.A. awoke for a third time, she found  
4 her sweater had been removed and her bra partially pulled  
5 down exposing her right breast. Respondent was caressing  
6 patient A.A.'s body. At one point, when patient A.A. tried  
7 to scream, respondent placed his hand over her mouth.  
8 Respondent told patient A.A. she had a beautiful body. He  
9 said she was a very nice girl and a very sexy girl while he  
10 continued rubbing her inside her blouse and bra. He kissed  
11 her right breast. He then placed his business card inside  
12 her bra and said she could call him anytime.

13 B. Respondent's touching and fondling of patient  
14 A.A. and penetration of her with his penis on January 28,  
15 1995 was an extreme departure from the standard of care and  
16 constituted gross negligence.

17 C. Respondent's statements to A.A. on January  
18 28, 1995 that she was a very sexy girl and that she could  
19 call him anytime were, under the circumstances, extreme  
20 departures from the standard of care and constituted gross  
21 negligence.

22 D. Respondent's exposing of his penis to patient  
23 A.A. on January 28, 1995 was an extreme departure from the  
24 standard of care and represented gross negligence.

25 E. Respondent's failure to have a chaperon  
26 present for the procedure on patient A.A. on January 28,  
27 1995 was an extreme departure from the standard of care and

1 represented gross negligence.

2 F. The number of injections given by respondent  
3 to patient A.A. for the procedure on January 28, 1995 and  
4 the length of the procedure were grossly out of proportion  
5 to the norm and represent an extreme departure from the  
6 standard of care.

7 5. Respondent Lawson Alozie Akpulonu, M.D. is subject  
8 to disciplinary action under section 2234(b) of the Business and  
9 Professions Code in that he was grossly negligent in the care and  
10 treatment of patient T.O. The circumstances are as follows:

11 A. On or about November 9, 1992, patient T.O.  
12 went to the clinic of Lawson Akpulonu, M.D. for a  
13 therapeutic abortion. The clinic was located at 9236 Long  
14 Beach Blvd., South Gate, California. When she was in the  
15 operating room at the clinic, respondent gave her a shot  
16 that was supposed to put her to sleep during the operation.  
17 She was very drowsy but never fell asleep. After respondent  
18 gave her the shot, he ordered the nurse who was present to  
19 leave the room. Respondent then performed the operation.  
20 Immediately after the abortion, respondent began to massage  
21 patient T.O.'s vagina with his hand. Patient T.O. began to  
22 cry. Respondent also began to rub her thighs and buttocks  
23 and he fondled her breasts through her blouse. While  
24 respondent was touching her breasts, she could feel him rub  
25 his groin up against her exposed vagina. He had his pants  
26 on at the time. Patient T.O. continued to cry. She asked  
27 respondent what he was doing and pushed his hand away.

1 Respondent then left the room and patient T.O. did not see  
2 him again. A short time later the nurse came back into the  
3 room and gave the patient some follow-up instructions. She  
4 then put her pants on and left the clinic with the person  
5 who had brought her.

6 B. Conducting the termination procedure on or  
7 about November 9, 1992, under anesthesia without a chaperon  
8 present was an extreme departure from the standard of care  
9 by respondent and constituted gross negligence.

10 C. Respondent's fondling of patient T.O.'s  
11 breasts and touching her vagina and other parts of her body  
12 and his rubbing his crotch against patient T.O.'s exposed  
13 vagina on or about November 9, 1992, were extreme departures  
14 from the standard of care and constituted gross negligence.

15 6. Respondent Lawson Alozie Akpulonu, M.D. is subject  
16 to disciplinary action under section 2234(b) of the Business and  
17 Professions Code in that he was grossly negligent in the care and  
18 treatment of patient D.L. The circumstances are as follows:

19 A. On or about June 22, 1994 patient D.L. first  
20 went to see Dr. Lawson Akpulonu at his Culver City clinic  
21 for a termination of pregnancy. At the two week follow-up  
22 appointment on July 7, 1994 at a different clinic of  
23 respondent, she was told by respondent that she had HPV  
24 (human papilloma virus). On July 14, 1994 patient D.L. went  
25 to the Washington Blvd. clinic of respondent and he  
26 performed a colposcopy exam on her. During the examination,  
27 the phone rang and the respondent told his assistant to

1 answer the phone, leaving her alone with the respondent for  
2 the rest of the examination. After the exam, patient D.L.  
3 met with respondent in his office to discuss the results.  
4 He told her that her infection was very severe and that it  
5 would cost \$1500.00 for laser treatments. She began to cry  
6 when she learned the cost. He said what she had was  
7 treatable and that was more important than the money. He  
8 also said, "Don't worry, I like you, I'll do anything for  
9 you." On or about July 22, 1994 patient D.L. went to  
10 respondent for the laser treatment. When she was in the  
11 examination room with respondent and the nurse at the  
12 beginning of the procedure before she was put to sleep,  
13 respondent told the nurse to leave and get something. The  
14 nurse then left the room. Patient D.L. went to sleep after  
15 that. The procedure lasted an hour and a half. Patient  
16 D.L. does not know if the nurse was present during the  
17 procedure. On Tuesday, August 2, 1994, patient D.L. had her  
18 fifth visit with respondent. When she arrived at the  
19 clinic, the respondent, who was consulting with another  
20 patient, came to take her blood himself. The nurse returned  
21 to the front desk. He put his right hand on patient D.L.'s  
22 left shoulder and firmly squeezed it. He then proceeded  
23 with the blood test. He wrapped a latex rubber glove around  
24 her arm. He had apparently run out of tourniquets. As the  
25 glove was tightened around her arm, two fingers of the glove  
26 blew into shape. Patient D.L. tapped the two fingers  
27 humorously. Then respondent tapped the fingers referring to

1           them as penises by saying, "This one's Chinese, and this  
2           one's Vietnamese." After he made this comment, respondent  
3           closed the door. The nurse who was down the hall could no  
4           longer see them. He then finished the blood test. After  
5           respondent finished the blood test, patient D.L. got up to  
6           walk out the door. As she reached for the door knob,  
7           respondent from behind her put both of his hands firmly on  
8           her waist and pulled her back close towards him. She was  
9           confused. She turned her head and saw him smiling. She  
10          said "No" and freed herself from his hold and opened the  
11          door. A short time later she confronted him and said, "I  
12          didn't like what happened in the hallway. It shouldn't have  
13          happened. You crossed that line of trust between patient  
14          and doctor." He then replied, "What are you talking about?"  
15          She said, "You know exactly what happened. You grabbed me  
16          by the waist and pulled me close to you." He said, "Is that  
17          what this is all about? I'm sorry if you confused my  
18          holding your shoulders for your waist." Patient D.L.  
19          subsequently left the clinic.

20                    B. The statement of respondent that he liked the  
21          patient and would do anything for the patient represented an  
22          extreme departure from the standard of care since it was  
23          made with a sexual innuendo.

24                    C. Respondent's examination of the patient on  
25          July 14, 1994 without a chaperon present was an extreme  
26          departure from the standard of care and constituted gross  
27          negligence.







1 circumstances are as follows:

2           A. The facts and allegations set forth in  
3 paragraph 5 above are incorporated here as if fully set  
4 forth here.

5           12. Respondent Lawson Alozie Akpulonu, M.D. is subject  
6 to disciplinary action under section 2234(c) of the Business and  
7 Professions Code in that he engaged in repeated acts of  
8 negligence in the care and treatment of patient D.L. The  
9 circumstances are as follows:

10           A. The facts and allegations set forth in  
11 paragraph 6 above are incorporated here as if fully set  
12 forth here.

13

14

PRAYER

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WHEREFORE, the complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending License Number A-31917, heretofore issued to respondent Lawson Alozie Akpulonu, M.D.;

2. Ordering respondent to pay the Board the actual and reasonable costs of the investigation and enforcement of this case; and

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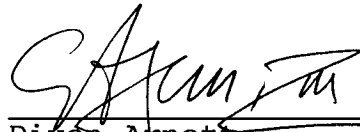
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3. Taking such other and further action as the Board  
deems proper.

DATED: 2/28/95.

*for*   
\_\_\_\_\_  
Dixon Arnett  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California

Complainant

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