BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of **CESAR VILLARREAL, M.D.** Holder of License No. **30915** For the Practice of Allopathic Medicine In the State of Arizona.	Board Case No. MD-06-0554A **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER** (Letter of Reprimand)

The Arizona Medical Board ("Board") considered this matter at its public meeting on August 9, 2007. Cesar Villarreal, M.D., ("Respondent") appeared before the Board without legal counsel for a formal interview pursuant to the authority vested in the Board by A.R.S. § 32-1451(H). The Board voted to issue the following Findings of Fact, Conclusions of Law and Order after due consideration of the facts and law applicable to this matter.

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of License No. 30915 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-06-0554A after Respondent informed the Board he had been detained in Albuquerque, New Mexico and charged with patronizing a prostitute. The New Mexico police report and criminal complaint showed that at approximately 8:15 p.m. while working undercover a police officer intended to arrest a female for prostitution, but before he could approach her, a minivan pulled up and she got into the vehicle. The police followed the vehicle to a hotel and made contact with the driver (Respondent) and the female. Respondent and the female were advised of their rights. According to the arresting officer Respondent admitted he was going to pay the female for sexual services and the female admitted that she was going to perform these services. Respondent was then arrested and charged with

patronizing a prostitute. Documents from the New Mexico Court state the charges against Respondent were dismissed. The arresting officer reported the unavailability of the prostitute was a major factor in the decision not to take this case to trial.

4. According to Respondent he was in Albuquerque with his wife to take her to a doctor's appointment. Respondent claimed he was leaving his car to go to his room and pick up his wife to go to dinner when he was detained by several police officers with guns and he does not know why he was arrested. The minivan mentioned in the police report was Respondent's vehicle and he had the female in the minivan with him. Respondent claimed the female was in his minivan because he was asking for directions to the doctor's office for his wife's appointment and the female told him she was going that way and would show him where it was. Respondent and the female were in his car for ten minutes. Respondent could not explain how the female got into his car if he did not invite her – something he denied doing.

CONCLUSIONS OF LAW

1. The Arizona Medical Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The Board has received substantial evidence supporting the Findings of Fact described above and said findings constitute unprofessional conduct or other grounds for the Board to take disciplinary action.

3. The conduct and circumstances described above constitutes unprofessional conduct pursuant to A.R.S. § 32-1401(27)(d) ("[c]ommitting a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude. In either case, conviction by a court of competent jurisdiction or a plea of no contest is conclusive evidence of the commission.").

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED:

Respondent is issued a Letter of Reprimand for committing a misdemeanor involving moral turpitude.

RIGHT TO PETITION FOR REHEARING OR REVIEW

Respondent is hereby notified that he has the right to petition for a rehearing or review. The petition for rehearing or review must be filed with the Board's Executive Director within thirty (30) days after service of this Order. A.R.S. § 41-1092.09(B). The petition for rehearing or review must set forth legally sufficient reasons for granting a rehearing or review. A.A.C. R4-16-103. Service of this order is effective five (5) days after date of mailing. A.R.S. § 41-1092.09(C). If a petition for rehearing or review is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent.

Respondent is further notified that the filing of a motion for rehearing or review is required to preserve any rights of appeal to the Superior Court.

DATED this 12th day of October 2007.

THE ARIZONA MEDICAL BOARD

By _____
TIMOTHY C. MILLER, J.D.
Executive Director

ORIGINAL of the foregoing filed this 12th day of October, 2007 with:

Arizona Medical Board
9545 East Doubletree Ranch Road
Scottsdale, Arizona 85258

Executed copy of the foregoing
mailed by U.S. Mail this

1 8th day of October, 2007, to:

2 Cesar Villarreal, M.D.
Address of Record

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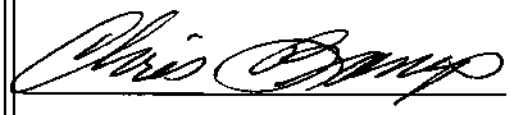
4 

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