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**BEFORE THE ARIZONA MEDICAL BOARD**

In the Matter of  
**WALEED N. MANSOUR, M.D.,**  
Holder of License No. 31749  
For the Practice of Allopathic Medicine  
In the State of Arizona.

Case No.14A-31749-MDX

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER  
(Letter of Reprimand)**

On June 3, 2015, this matter came before the Arizona Medical Board ("Board") for consideration of the Administrative Law Judge (ALJ) Thomas Shedden's proposed Findings of Fact, Conclusions of Law and Recommended Order. Waleed N. Mansour, M.D., ("Respondent") appeared before the Board; Assistant Attorney General Mary D. Williams, represented the State. Christopher Munns with the Solicitor General's Section of the Attorney General's Office, was available to provide independent legal advice to the Board.

The Board, having considered the ALJ's decision and the entire record in this matter, hereby issues the following Findings of Fact, Conclusions of Law and Order.

**FINDINGS OF FACT**

1. The Arizona Medical Board ("Board") is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.
2. Respondent Waleed N. Mansour, M.D. holds license number 31749 that was issued by the Board.
3. On December 15, 2014, the Board issued a Complaint and Notice of Hearing setting the above-captioned matter for hearing on January 22, 2015, at the Office of Administrative Hearings in Phoenix, Arizona.
4. The Complaint alleges that Dr. Mansour committed acts of unprofessional conduct in violation of ARIZ. REV. STAT. sections 32-1401(27)(aa), (27)(o), and (27)(jj).
5. The matter was continued and the hearing was conducted on April 13, 2015.
6. Dr. Mansour appeared and testified on his own behalf; the Board presented the testimony of Raquel Rivera, a senior medical investigator.

1 7. On December 18, 2014, the Board received a complaint in which it was alleged that  
2 the State Medical Board of Ohio (the "Ohio Board") had suspended Dr. Mansour's Ohio  
3 medical license. Based on that complaint, the Board initiated an investigation.

4 8. In April 2010, Dr. Mansour was indicted and charged with sixty-six counts of  
5 trafficking in drugs, two counts of aggravated trafficking in drugs, and two counts of  
6 tampering with evidence.<sup>1</sup>

7 9. In June 2010, Dr. Mansour filed with the Ohio Board a renewal application. On  
8 October 24, 2013, the Ohio Board conducted a hearing related to a Summary Suspension  
9 order that it had issued to Dr. Mansour. At that hearing, the Ohio Board addressed  
10 allegations that Dr. Mansour was not safe to practice and that he had violated Ohio law by  
11 failing to report that he had been indicted.

12 10. The Ohio Board subsequently determined that the evidence did not demonstrate  
13 that Dr. Mansour was, or had been, unsafe to practice, but the Ohio Board also concluded  
14 that Dr. Mansour had violated Ohio law when he filed a renewal application in which he did  
15 not disclose the indictment.

16 11. In 2012, Dr. Mansour filed with the Board an application to renew his Arizona  
17 license.

18 12. In his 2012 renewal application, Dr. Mansour answered "no" to questions nine and  
19 ten.

20 13. Question nine asks: "Since your last renewal, have you been charged with or  
21 convicted, pardoned or had a record expunged or vacated of a felony, misdemeanor  
22 involving moral turpitude?"

23 14. Question ten asks: "Since your last renewal have you been charged with or  
24 convicted (including a nolo contendere plea or guilty plea) of a violation of any federal or  
25 state drug law(s) or rule(s) whether or not sentence was imposed or suspended?"

15. Dr. Mansour testified that he had relied on a staff-member to complete his 2012  
renewal application.

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<sup>1</sup> The underlying charges are not at issue in this matter.

1 16. Dr. Mansour acknowledged that he was responsible for ensuring that he submitted  
2 to the Board accurate information in his renewal application. Dr. Mansour did not believe  
3 that he had reviewed his 2012 renewal application before it was submitted to the Board,  
4 but he acknowledged that he had a responsibility to do so.

5 17. The Board requested that Dr. Mansour be issued a letter of reprimand.

#### 6 CONCLUSIONS OF LAW

7 1. The Board has the burden of proof and the standard of proof is that of clear and  
8 convincing evidence. ARIZ. REV. STAT. § 32-1451.04.

9 2. Clear and convincing evidence is "[e]vidence indicating that the thing to be proved is  
10 highly probable or reasonably certain." BLACK'S LAW DICTIONARY 674 (10th ed. 2014).

11 3. Statutes should be interpreted to provide a fair and sensible result. Gutierrez v.  
12 Industrial Commission of Arizona, 226 Ariz. 395, 249 P.3d 1095 (2011)(citation omitted);  
13 State v. McFall, 103 Ariz. 234, 238, 439 P.2d 805, 809 (1968) ("Courts will not place an  
14 absurd and unreasonable construction on statutes.").

15 4. "Knowingly" requires only a knowledge that the facts exist to bring the act or  
16 omission within the provisions of the statute using such word and does not require any  
17 knowledge of the unlawfulness of the act or omission. ARIZ. REV. STAT. § 1-215(17).

18 5. Dr. Mansour, in his 2012 renewal application, failed to disclose that he had been  
19 indicted on charges related to drug trafficking and he answered "no" in response to the  
20 question of whether he been charged with any violations of federal or state drug laws or  
21 rules. This constitutes unprofessional conduct as defined in ARIZ. REV. STAT. sections  
22 32-1401(27)(aa)(procuring a license renewal by misrepresentation or by knowingly taking  
23 advantage of the mistake of another person) and (jj) (knowingly making a false or  
24 misleading statement on a form required by the Board).

25 6. The Ohio Board found that Dr. Mansour had violated Ohio law by his failure to report  
to that board that he had been indicted. This constitutes unprofessional conduct as defined  
in ARIZ. REV. STAT. section 32-1401(27)(o).

7. Considering the facts and circumstances of this matter, the Board's request that Dr.  
Mansour be issued a letter of reprimand is appropriate.

1 **ORDER**

2 **IT IS ORDERED** issuing to Dr. Mansour a letter of reprimand.

3 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

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

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

14 DATED this 4<sup>th</sup> day of June 2015.

15 THE ARIZONA MEDICAL BOARD

16 By Patricia E. McSorley  
17 Patricia E. McSorley  
18 Executive Director

19 ORIGINAL of the foregoing filed this  
20 4<sup>th</sup> day of June, 2015 with:

21 Arizona Medical Board  
22 9545 East Doubletree Ranch Road  
23 Scottsdale, Arizona 85258

24 COPY of the foregoing filed this  
25 4<sup>th</sup> day of June, 2015 with:

Greg Hanchett, Director  
Office of Administrative Hearings

1 1400 W. Washington, Ste 101  
2 Phoenix, AZ 85007

3 Executed copy of the foregoing  
4 mailed by U.S. Mail this  
5 4<sup>th</sup> day of June, 2015 to:

6 Waleed N. Mansour, M.D.  
7 Address of Record

8 Mary D. Williams  
9 Assistant Attorney General  
10 Office of the Attorney General  
11 CIV/LES  
12 1275 W. Washington  
13 Phoenix, AZ 85007

14 Mary Bobey  
15 # 4470018

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