

1 **BEFORE THE ARIZONA STATE BOARD OF HOMEOPATHIC AND INTEGRATED**  
2 **MEDICINE EXAMINERS**

3 In the Matter of:

4 In the Matter of: )  
5 **FRANK M. LOBACZ, M.D.(H)** )  
6 )  
7 License No. 0041 )  
8 As a Homeopathic Physician )  
9 In the State of Arizona )

**FINDINGS OF FACT, CONCLUSIONS OF  
LAW, AND ORDER**

11 Pursuant to Notice of Hearing Number 11-03 (Notice) this matter came before the  
12 Arizona Board of Homeopathic and Integrated Medicine Examiners (“Board”) on May 13, 2014.  
13 Todd Rowe, MD, MD(H), President, presided at the meeting with Board members LaJuana  
14 Gillette, Les Adler, MD, MD(H), Mary Grace Warner, MD, MD(H), Bruce Shelton, MD,  
15 MD(H), and Alan Kennedy in attendance.

16 The State was represented by the Office of the Attorney General, Mona Baskin, Assistant  
17 Attorney General, Licensing and Enforcement Section. Christopher Munns, with the Solicitor  
18 General’s Section of the Attorney General’s Office, was present and available to provide  
19 independent legal advice to the Board. Frank M. Lobacz, (“Respondent”) was not present and  
20 was not represented by counsel.

21 The Board, after considering the testimony and evidence presented, hereby issues the  
22 following Findings of Fact, Conclusions of Law, and Order.

23 **AUTHORITIES AND JURISDICTION**

- 24  
25 1. The Board is the duly constituted authority for licensing and regulating the practice of  
26 Homeopathic Medicine in the state of Arizona.  
27 2. Respondent is the holder of license number 0041, which allows him to practice as a

1 homeopathic physician in the state of Arizona.

2 3. Under A.R.S. § 32-2901 et seq., the Board has jurisdiction over the subject matter and  
3 over the Respondent as a licensee of the Board.

4 **FINDINGS OF FACT**

5 1. On or about January 18, 2008, Respondent submitted a License Renewal form for  
6 Homeopathic Medical License No. 0041 for license year 2008. In response to Question No. 5 on  
7 the Renewal form, Respondent answered 'Yes' when asked if he had been arrested in 2007 or  
8 charged within the last 10 days with any criminal act. Respondent was advised that his license  
9 was under investigation.

10 2. On or about June 17, 2009, Respondent was indicted in the U.S. District Court,  
11 Eastern Division for New York in Case No. CR-07-0744(S1)-01. The superseding indictment  
12 alleged the following felony counts: Count 1, Conspiracy to Commit Health Care Fraud; Count  
13 2, Health Care Fraud; Count 3, Filing False Annual Return/Report of Employee Benefit Plan;  
14 and Counts 4-6, Income Tax Evasion.

15 3. On or about November 12, 2010, in Case No. CR-07-0744(S1)-01, Respondent  
16 was found guilty following a jury trial of felony Counts 1-6 as alleged in the indictment.  
17 Respondent was detained in custody until sentencing.

18 4. On or about July 17, 2013, in the United States District Court of the Eastern  
19 District of New York, in Case No. CR-07-0744(S1)-01, judgment of guilt was entered in the  
20 following felonies: conspiracy to commit health care fraud; health care fraud; filing a false  
21 annual report to an employee benefit plan; and income tax evasion. Respondent was sentenced to  
22 concurrent terms of imprisonment for sixty-five months on counts 1 and 2, thirty six months on  
23 count 3, and sixty months on counts 4, 5, and 6. Respondent was ordered to pay a \$600.00  
24 criminal assessment, a \$17,500.00 fine, and \$3,613,935.04 in restitution. Following his release  
25 from imprisonment, Respondent was ordered to serve concurrent terms of supervised release for  
26 three years on counts 1 and 2, one year on count 3, and three years on counts 4, 5, and 6.

27 5. On or about August 2, 2013, Respondent filed a notice of appeal from the  
28 convictions and sentences in Case No. CR-07-0744(S1)-01.





1 Dated and signed this 6th day of June, 2014.

2 ARIZONA BOARD OF HOMEOPATHIC AND INTEGRATED  
3 MEDICINE EXAMINERS

4 By: Christine Springer

5 Christine Springer  
6 Executive Director

7  
8 ORIGINAL OF THE FOREGOING FILED  
9 this 6th day of June, 2014 with the:

10  
11 Arizona State Board of Homeopathic and Integrated Medicine Examiners  
12 1400 West Washington, Suite 300  
13 Phoenix, AZ 85007

14  
15 EXECUTED COPY OF THE FOREGOING MAILED  
16 BY CERTIFIED & REGULAR FIRST-CLASS MAIL  
17 this 6th day of June, 2014, to:

18  
19 Frank M. Lobacz  
20 Register #72068-053  
21 FCI Butner Low  
22 Federal Correctional Institution  
23 P.O. Box 999  
24 Butner, N.C. 27509

25  
26 COPY OF THE FOREGOING MAILED  
27 this 6<sup>th</sup> day of June, 2014

28  
29 Christopher Munns  
30 Assistant Attorney General  
31 1275 W. Washington Street, CIV/SGO  
32 Phoenix, Arizona 85007  
33 Attorney for the Board

34  
35 Mona Baskin  
36 Assistant Attorney General  
37 1275 W. Washington Street, CIV/LES  
38 Phoenix, Arizona 85007  
39 Attorney for the State  
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