

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2
3 In the Matter of

4 **RAFAEL N. MENDOZA, M.D**

5 Holder of License No. 27652
6 For the Practice of Medicine
In the State of Arizona.

Case No. MD-16-0946A

**ORDER FOR SURRENDER
OF LICENSE AND CONSENT
TO THE SAME**

7 Rafael N. Mendoza, M.D. ("Respondent"), elects to permanently waive any right to
8 a hearing and appeal with respect to this Order for Surrender of License; admits the
9 jurisdiction of the Arizona Medical Board ("Board") as well as the facts stated herein; and
10 consents to the entry of this Order by the Board.

11 **FINDINGS OF FACT**

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

14 2. Respondent is the holder of license number 27652 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-16-0946A on August 9, 2016 after
17 receiving a self-report from Respondent disclosing that he had been arrested on multiple
18 counts of sexual misconduct with a minor.

19 4. On August 15, 2016, Respondent entered into an Interim Consent
20 Agreement for Practice Restriction.

21 5. On March 19, 2020 Respondent's license expired, and the date of the
22 expiration was suspended pursuant to A.R.S. § 32-3202.

23 6. On January 25, 2022, in Maricopa County Superior Court case CR2016-
24 002288-001-DT, Respondent pled guilty to two counts of Child Abuse, both Class 5
25

1 Felonies. On April 5, 2022, Respondent was sentenced to concurrent five year terms of
2 probation.

3 7. Respondent subsequently requested surrender of his license.

4 **CONCLUSIONS OF LAW**

5 1. The Board possesses jurisdiction over the subject matter hereof and over
6 Respondent.

7 2. The conduct and circumstances described above constitute unprofessional
8 conduct pursuant to A.R.S. § 32-1401(27)(d) ("Committing a felony, whether or not
9 involving moral turpitude, or a misdemeanor involving moral turpitude. In either case,
10 conviction by any court of competent jurisdiction or a plea of no contest is conclusive
11 evidence of the commission.").

12 3. The conduct and circumstances described above constitute unprofessional
13 conduct pursuant to A.R.S. § 32-1401(27)(r) ("Committing any conduct or practice that is
14 or might be harmful or dangerous to the health of the patient or the public.").

15 4. The Board possesses statutory authority to enter into a consent agreement
16 with a physician and accept the surrender of an active license from a physician who
17 admits to having committed an act of unprofessional conduct. A.R.S. § 32-1451(T)(2).

1 ORDER

2 IT IS HEREBY ORDERED THAT Respondent immediately surrender License
3 Number 27652, issued to Rafael J. Mendoza, M.D., for the practice of allopathic medicine
4 in the State of Arizona, and return his certificate of licensure to the Board.

5 DATED and effective this 9th day of June, 2022.

6
7 ARIZONA MEDICAL BOARD

8 By: Pat E McSorley
9 Patricia E. McSorley
10 Executive Director

11 CONSENT TO ENTRY OF ORDER

12 1. Respondent has read and understands this Consent Agreement and the
13 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
14 acknowledges he has the right to consult with legal counsel regarding this matter.

15 2. Respondent acknowledges and agrees that this Order is entered into freely
16 and voluntarily and that no promise was made or coercion used to induce such entry.

17 3. By consenting to this Order, Respondent voluntarily relinquishes any rights
18 to a hearing or judicial review in state or federal court on the matters alleged, or to
19 challenge this Order in its entirety as issued by the Board, and waives any other cause of
20 action related thereto or arising from said Order.

21 4. The Order is not effective until approved by the Board and signed by its
22 Executive Director.

23 5. All admissions made by Respondent in this Order are solely for final
24 disposition of this matter and any subsequent related administrative proceedings or civil
25 litigation involving the Board and Respondent. Therefore, said admissions by Respondent
are not intended or made for any other use, such as in the context of another state or

1 federal government regulatory agency proceeding, civil or criminal court proceeding, in the
2 State of Arizona or any other state or federal court.

3 6. Notwithstanding any language in this Order, this Order does not preclude in
4 any way any other State agency or officer or political subdivision of this state from
5 instituting proceedings, investigating claims, or taking legal action as may be appropriate
6 now or in the future relating to this matter or other matters concerning Respondent,
7 including but not limited to, violations of Arizona's Consumer Fraud Act. Respondent
8 acknowledges that, other than with respect to the Board, this Order makes no
9 representations, implied or otherwise, about the views or intended actions of any other
10 state agency or officer or political subdivisions of the State relating to this matter or other
11 matters concerning Respondent.

12 7. Upon signing this agreement, and returning this document (or a copy
13 thereof) to the Board's Executive Director, Respondent may not revoke the consent to the
14 entry of the Order. Respondent may not make any modifications to the document. Any
15 modifications to this original document are ineffective and void unless mutually approved
16 by the parties.

17 8. This Order is a public record that will be publicly disseminated as a formal
18 disciplinary action of the Board and will be reported to the National Practitioner's Data
19 Bank and on the Board's web site as a disciplinary action.

20 9. If the Board does not adopt this Order, Respondent will not assert as a
21 defense that the Board's consideration of the Order constitutes bias, prejudice,
22 prejudgment or other similar defense.

23 10. ~~Respondent has read and understands the terms of this agreement.~~

24 
25 _____
26 RAFAEL J. MENDOZA, M.D.

N. (R.M.)

Dated: _____

4/29/22

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXECUTED COPY of the foregoing mailed by
US Mail this 9th day of June, 2022 to:

Dr. Rafael J. Mendoza
Address of Record

Christopher Dupont, Esq.
Trautman Dupont, PLC
PO Box 431
Phoenix, Arizona 85001-0431
Attorney for Respondent

ORIGINAL of the foregoing filed this
9th day of June, 2022 with:

The Arizona Medical Board
1740 West Adams, Suite 4000
Phoenix, Arizona 85007

Michelle Probus
Board staff