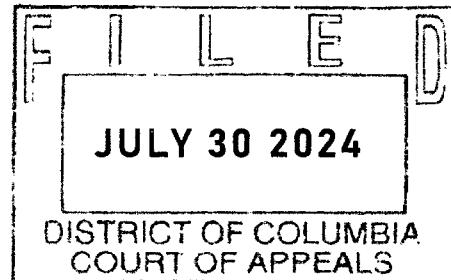


APP (A)

District of Columbia
Court of Appeals

No. 23-AA-0971



HAZEM GARADA,
Petitioner,
v.

MD045223

D.C. BOARD OF MEDICINE,
Respondent.

BEFORE: McLeese and Shanker, Associate Judges, and Fisher, Senior Judge.

JUDGMENT

On consideration of respondent's motion for summary affirmance and the opposition thereto; counsel's motion to withdraw; petitioner's brief and appendix; and the record on review; it is

ORDERED that counsel's motion is granted, and Richard S. Love, Esquire is hereby withdrawn as an attorney of record for respondent. It is

FURTHER ORDERED that respondent's motion for summary affirmance is granted. *See Jackson v. D.C. Bd. of Elections & Ethics*, 770 A.2d 79, 80 (D.C. 2001) (per curiam). We conclude that petitioner fails to show that respondent's denial of his application for a medical license based on his 1998 suspension by the State Medical Board of Ohio is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law." *R.O. v. Dep't of Youth Rehab. Servs.*, 199 A.3d 1160, 1166 (D.C. 2019) ("[W]e review agency decisions to determine whether they are '[a]rbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.'") (quoting D.C. Code § 2-510(a)(3)(A)); *see also Union Mkt. Neighbors v. D.C. Zoning Comm'n*, 204 A.3d 1267, 1270 (D.C. 2019) ("An agency's decision is presumed to be correct, so that the burden of demonstrating error is on the . . . petitioner who challenges the decision.") (internal quotation marks omitted). The record supports that the Ohio Board suspended petitioner in part because, during the course of applying for a medical license in Ohio, he failed to disclose disciplinary actions against him before the medical boards of both Kentucky and West Virginia. The record further supports that the Ohio Board's suspension order incorporated and approved the hearing examiner's conclusion that petitioner had "knowingly deceived the [Ohio] Board in completing his application . . . by minimizing the

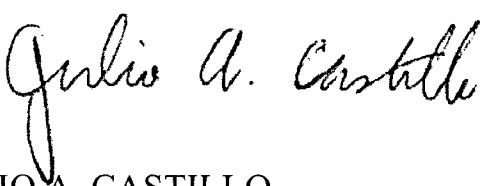
APP A

No. 23-AA-0971

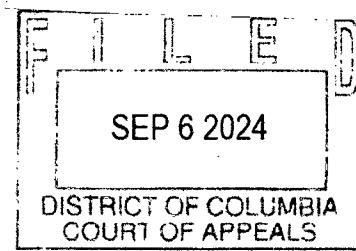
gravity of the actions by the Kentucky Board and the West Virginia Board,” and that he had thereby engaged in conduct that “constitutes ‘fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the [Ohio] Board’” in violation of Ohio Rev. Code § 4731.22(A). Petitioner does not dispute as a general matter that his prior suspension by another State’s medical board could be grounds for respondent to deny his application for a District medical license. *See* D.C. Code § 3-1205.14(a)(1) & (3) (permitting respondent to deny an application by a person who “fraudulently or deceptively obtains . . . a license[,]” or “is disciplined by a licensing or disciplinary authority . . . for conduct that would be grounds for disciplinary action under this section”). Petitioner’s reliance on the Ohio hearing examiner’s conclusion that he did not intend to commit “outright” fraud is unavailing to the extent that D.C. Code § 3-1204.14(a)(1) encompasses fraud *or* deceit, and he makes no argument that the ‘knowingly deceptive’ conduct for which the Ohio Board disciplined him falls outside the scope of § 3-1204.14(a)(1)’s similar prohibition against “deceptively” obtaining a license. Respondent’s denial of petitioner’s application on the basis of his Ohio suspension is thus “supported by and in accordance with reliable, probative and substantial evidence in the record, and [its] conclusions flow rationally from its findings.” *Davidson v. D.C. Bd. of Med.*, 562 A.2d 109, 115 (D.C. 1989). And any argument that ‘knowingly deceptive’ conduct to obtain a medical license is not covered by § 3-1205.14(a)(1) has not been raised. *See In re Shearin*, 764 A.2d 774, 778 (D.C. 2000) (“Points not urged in a party’s initial brief are treated as abandoned.”). In light of affirmance on this ground, we decline to address any of the other independent grounds on which respondent denied petitioner’s application. *See District of Columbia v. WICAL Ltd. P’ship*, 630 A.2d 174, 182 (D.C. 1993) (“Courts should not decide more than the occasion demands.”). It is

FURTHER ORDERED and ADJUDGED that the order on review is affirmed.

ENTERED BY DIRECTION OF THE COURT:


JULIO A. CASTILLO
Clerk of the Court

APP A



**District of Columbia
Court of Appeals**

No. 23-AA-0971

HAZEM GARADA,

Petitioner,

v.

MD045223

**DISTRICT OF COLUMBIA
BOARD OF MEDICINE,**

Respondent.

BEFORE: Blackburne-Rigsby, Chief Judge, and Beckwith, Easterly, McLeese, Deahl, Howard, and Shanker, Associate Judges.

ORDER

On consideration of petitioner's petition for rehearing en banc, and it appearing that no judge of this court has called for a vote on the petition for rehearing en banc, it is

ORDERED that the petitioner's petition for rehearing en banc is denied.

PER CURIAM

Copies e-mailed to:

Honorable Andrea Anderson

Director, Agency Division

Copy mailed to:

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10670 Canterbury Road
Fairfax Station, VA 22039

**Additional material
from this filing is
available in the
Clerk's Office.**