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**BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. AC 2024-1388

**MARLENE BALABANIAN
1300 Gardena Ave.
Glendale, CA, 91204**

ACCUSATION

Chiropractor License No. DC 25841

Respondent.

PARTIES

1. Kristin Walker (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Chiropractic Examiners, Department of Consumer Affairs (Board).

2. On or about November 7, 1998, the Board of Chiropractic Examiners issued Chiropractor License Number DC 25841 to Marlene Balabanian (Respondent). The Chiropractor License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2025, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board under the authority of the following sections of the Chiropractic Act (Act).¹,

4. Section 10 of the Act states, in pertinent part, that the Board may suspend or revoke a license to practice chiropractic or may place the license on probation for violations of the rules and regulations adopted by the Board or for any cause specified in the Chiropractic Initiative Act.

5. Business and Professions Code section 1005 states:

The provisions of Section 12.5, 23.9, 29.5, 30, 31, 35, 104, 114, 115, 119, 121, 1215, 125, 125.6, 136, 137, 140, 141, 143, 163.5, 461, 462, 475, 480, 484, 487, 489, 490, 490.5, 491, 494, 495, 496, 498, 499, 510, 511, 512, 701, 702, 703, 704, 410, 716, 730.5, 731, and 851, are all applicable to persons licensed by the State Board of the Chiropractic Examiners under the Chiropractic Act.

6. California Code of Regulations, title 16, section 372 states:

The suspension, expiration, or forfeiture by operation of law of a license issued by the board, or its suspension, or forfeiture by order of the board or by order of a court of law, or its surrender without the written consent of the board shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

STATUTORY PROVISIONS

5. Business and Professions Code section 490 provides that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

6. Business and Professions Code section 810 states:

• • • •

(b) It shall constitute cause for revocation or suspension of a license or certificate for a health care professional to engage in any conduct prohibited under Section 1871.4 of the Insurance Code or Section 549 or 550 of the Penal Code.

(c) (1) It shall constitute cause for automatic suspension of a license or

¹ The Chiropractic Act, an initiative measure approved by the electors on November 7, 1922, while not included in the Business and Professions Code by the legislature, is set out in West's Annotated California Codes as sections 1000-1 to 1000-19, and is included in Deering's California Codes as Appendix I, for convenient reference.

certificate issued pursuant to Chapter 4 (commencing with Section 1600), Chapter 5 (commencing with Section 2000), Chapter 6.6 (commencing with Section 2900), Chapter 7 (commencing with Section 3000), or Chapter 9 (commencing with Section 4000), or pursuant to the Chiropractic Act or the Osteopathic Act, if a licensee or certificate holder has been convicted of any felony involving fraud committed by the licensee or certificate holder in conjunction with providing benefits covered by worker's compensation insurance, or has been convicted of any felony involving Medi-Cal fraud committed by the licensee or certificate holder in conjunction with the Medi-Cal program, including the Denti-Cal element of the Medi-Cal program, pursuant to Chapter 7 (commencing with Section 14000), or Chapter 8 (commencing with Section 14200), of Part 3 of Division 9 of the Welfare and Institutions Code. The board shall convene a disciplinary hearing to determine whether or not the license or certificate shall be suspended, revoked, or some other disposition shall be considered, including, but not limited to, revocation with the opportunity to petition for reinstatement, suspension, or other limitations on the license or certificate as the board deems appropriate.

....

(4) Nothing in this subdivision shall preclude a board from suspending or revoking a license or certificate pursuant to any other provision of law.

....

(d) As used in this section, health care professional means any person licensed or certified pursuant to this division, or licensed pursuant to the Osteopathic Initiative Act, or the Chiropractic Initiative Act.

7. Business and Professions Code section 1003 states:

(a) Except as otherwise allowed by law, the employment of runners, cappers, steerers, or other persons to procure patients constitutes unprofessional conduct.

(b) A licensee of the State Board of Chiropractic Examiners shall have his or her license to practice revoked for a period of 10 years upon a second conviction for violating any of the following provisions or upon being convicted of more than one count of violating any of the following provisions in a single case: Section 650 of this code, Section 750 or 1871.4 of the Insurance Code, or Section 549 or 550 of the Penal Code. After the expiration of this 10-year period, an application for license reinstatement may be made pursuant to subdivision (c) of Section 10 of the Chiropractic Act.

REGULATORY PROVISIONS

8. California Code of Regulations, title 16, section 316.5, states:

(a) For the purposes of the denial, suspension or revocation of a license pursuant to Section 141 of the Business and Professions Code, Division 1.5 (commencing with Section 475) of the Business and Professions Code, or a violation of Section 10(b) of the Chiropractic Initiative Act of California, a crime, professional misconduct, or act shall be considered substantially related to the qualifications, functions or duties of a licensee, if, to a substantial degree, it evidences present or potential unfitness of a person holding a license to perform the functions authorized by the license in a manner consistent with the public health, safety or welfare.

1 9. California Code of Regulations, title 16, section 317, states:

2 The board shall take action against any holder of a license who is guilty of
3 unprofessional conduct which has been brought to its attention, or whose license has
 been procured by fraud or misrepresentation or issued by mistake.

4 Unprofessional conduct includes, but is not limited to, the following:

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6 (g) Conviction of a crime which is substantially related to the qualifications,
7 functions or duties of a chiropractor;

8 (h) Conviction of any offense, whether felony or misdemeanor, involving moral
9 turpitude, dishonesty, physical violence or corruption. The board may inquire into
10 the circumstances surrounding the commission of the crime in order to fix the degree
11 of discipline or to determine if such conviction was of an offense involving moral
12 turpitude, dishonesty, physical violence or corruption. A plea or verdict of guilty, or
13 a plea of nolo contendere is deemed to be a conviction within the meaning of the
14 board's disciplinary provisions, irrespective of a subsequent order under the
15 provisions of Section 1203.4 of the Penal Code. The board may order a license to be
16 suspended or revoked, or may decline to issue a license upon the entering of a
17 conviction or judgement in a criminal matter.

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19 (k) The commission of any act involving moral turpitude, dishonesty, or
20 corruption, whether the act is committed in the course of the individual's activities as
21 a license holder, or otherwise;

22

23 (q) The participation in any act of fraud or misrepresentation;

COST RECOVERY

24 10. California Code of Regulations, title 16, section 317.5, subdivision (a), states, in
25 pertinent part:

26 In any order in resolution of a disciplinary proceeding before the Board of
27 Chiropractic Examiners, the board may request the administrative law judge to direct
28 a licensee found to have committed a violation or violations of the Chiropractic
 Initiative Act to pay a sum not to exceed the reasonable costs of the investigation and
 enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

29 (Conviction of Substantially related Crime)

30 11. Respondent's license is subject to disciplinary action pursuant to section 10 of the
31 Act, Business and Professions Code section 490, and California Code of Regulations, title 16,
32 section 317, subdivision (g), in that Respondent was convicted of a crime substantially related to

1 the qualifications, functions or duties of a chiropractor, as follows: On or about April 18, 2024,
2 Respondent was convicted of two felony counts of violating Penal Code section 550,
3 subdivision (b)(1) [insurance fraud] in the criminal proceeding entitled *The People of the State of*
4 *California v. Marlene Balabanian* (Super. Ct. L.A. County, 2024, No. BA451749). The Court
5 sentenced Respondent to two days in jail, placed her on two years of formal probation and
6 ordered her to make \$64,287.99 restitution to the victim, State Compensation Insurance
7 Fund. The circumstances leading to the conviction are that on or about June 26, 2013, through
8 June 30, 2014, Respondent in concert with others fraudulently submitted fictitious claims for
9 payment of a loss and injury to Mercury Insurance Company.

10 **SECOND CAUSE FOR DISCIPLINE**

11 (Conviction Involving Moral Turpitude, Dishonesty, or Corruption)

12 12. Respondent's license is subject to disciplinary action pursuant to section 10 of the Act
13 and California Code of Regulations, title 16, section 317, subdivision (h), on the grounds of
14 unprofessional conduct, in that Respondent was convicted of felonies involving moral turpitude,
15 dishonesty and/or corruption. Complainant refers to and by this reference incorporates the
16 allegations set forth above in paragraph 11, as though set forth fully.

17 **THIRD CAUSE FOR DISCIPLINE**

18 (Acts Involving Moral Turpitude, Dishonesty or Corruption)

19 13. Respondent's license is subject to disciplinary action pursuant to section 10 of the Act
20 and California Code of Regulations, title 16, section 317, subdivision (k), on the grounds of
21 unprofessional conduct, in that Respondent committed acts of moral turpitude, dishonesty or
22 corruption. Complainant refers to and by this reference incorporates the allegations set forth
23 above in paragraph 11, as though set forth fully.

24 **FOURTH CAUSE FOR DISCIPLINE**

25 **(Participation in Acts of Fraud and/or Misrepresentation)**

26 14. Respondent's license is subject to disciplinary action pursuant to section 10 of the Act
27 and California Code of Regulations, title 16, section 317, subdivision (q), on the grounds of
28 unprofessional conduct, in that Respondent participated in acts of fraud and/or misrepresentation.

1 Complainant refers to and by this reference incorporates the allegations set forth above in
2 paragraph 11, as though set forth fully.

3 **FIFTH CAUSE FOR DISCIPLINE**

4 **(Health Care Professional Prohibited Acts)**

5 15. Respondent's license is subject to disciplinary action pursuant to section 10 of the Act
6 and Business and Professions Code section 810, subdivision (b), in that Respondent engaged in
7 conduct prohibited under Penal Code section 550 as a health care professional. Complainant
8 refers to and by this reference incorporates the allegations set forth above in paragraph 11, as
9 though set forth fully.

10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board of Chiropractic Examiners issue a decision:

13 1. Revoking or suspending Chiropractor License Number DC 25841, issued to Marlene
14 Balabanian;

15 2. Ordering Marlene Balabanian to pay the Board of Chiropractic Examiners the
16 reasonable costs of the investigation and enforcement of this case, pursuant to title 16, California
17 Code of Regulations, section 317.5 and if placed on probation, the costs of probation monitoring;
18 and,

19 3. Taking such other and further action as deemed necessary and proper.

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21 DATED: 03/18/2025

22 Signature on File

23 KRISTIN WALKER
Executive Officer
Board of Chiropractic Examiners
Department of Consumer Affairs
State of California
24 *Complainant*

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