

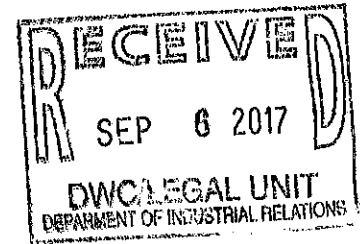
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August 30, 2017

Hearing Request
Acting Administrative Director
Division of Workers' Compensation
1515 Clay Street, Suite 1800
Oakland, California 94612



Hearing Request
Legal Unit, Division of Workers' Compensation
1515 Clay Street, Suite 1800
Oakland, California 94612

RE: **KEVIN DO**
REQUEST FOR HEARING

Dear Acting Administrative Director George Parisotto:

This letter serves as a formal request for a hearing pursuant to your letter dated August 25, 2017.
My current mailing address is:

- P.O. Box 5644, Sherman Oaks, CA 91413-5644.

The legal and factual reasons as why *Labor Code* section 139.21 is not applicable to me are as follows:

- A conviction for aiding and abetting Health Care Fraud (18 U.S.C. § 1387) is not a crime covered in California Labor Code section 139.21.
- The length between any the federal conviction is remote in time (the event of which occurred in 1998). Any such conviction could not be used for any other legal purpose, including impeachment in a criminal case after 10 years (See *California Evidence Code* § 788). Federal convictions have "wash out" periods like any other statutes.
- Federal Medicare or health care fraud has a similar "washout period" which are generally five years (See).
- *California Labor Code* section 139.21 is unconstitutional because it is overly broad and vague on its face.
- *California Labor Code* section 139.21 is unconstitutional because it is *ex post facto*, as the statute punishes the medical provider for conduct that precedes the implementation of the statute.
- *California Labor Code* section 139.21 is unconstitutional and discriminatory, as applied. For instance, many violent offenders, including persons convicted of murder (*California*

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Penal Code § 187), could participate in the workers compensation system, which is an absurd application of the statute.

- Dr. Do is in the process of requesting a vacation of his federal conviction.

We look forward to presenting further evidence on this issue at a full hearing.

Thank you for your attention to this matter.



JOHN L. BENSON, ESQ.

cc: Kevin Do