

**IN THE MATTER OF** \* **BEFORE THE MARYLAND**  
**MIRZA H. A. BAIG, M.D.** \* **STATE BOARD OF PHYSICIANS**  
**Respondent.** \* **Case Number 2011-0878**  
**License Number D13689** \*

\*\*\*\*\*

**FINAL DECISION AND ORDER**

**PROCEDURAL HISTORY**

In April, 2011, Mirza H.A. Baig, M.D. (“Dr. Baig”) pled guilty to and was convicted of conspiracy to commit an extortion and bribery scheme, in violation of 18 U.S.C. § 371, in the United States District Court for the District of Maryland in Greenbelt, Maryland (Criminal Case No. PJM-8-11-CR-0086-001).

The court documents supporting his guilty plea showed that Dr. Baig knowingly conspired with public officials to provide them with money and campaign contributions in exchange for their official assistance and influence on his behalf. The multiple benefits received by Dr. Baig included: (1) approval of \$1.2 million in federal funds on a property development investment of \$600,000; (2) \$50,000 in return for the hiring of an associate as a physician at a public hospital through the county executive’s influence; and (3) obtaining property for development in Prince George’s County, Maryland at much less than its market value.

The federal Court (Messitte, J.) sentenced Dr. Baig to 18 months imprisonment followed by two years of supervised release. In addition, the court ordered Dr. Baig to pay a fine of \$50,000 and a special assessment of \$100. Dr. Baig also forfeited \$250,000 pursuant to his plea agreement. He did not appeal his criminal conviction and his guilty plea was not set aside.

As a result of Dr. Baig’s guilty plea and conviction, the Office of the Attorney General filed with the Board a Petition to Revoke [Dr. Baig’s] Medical License and a Show Cause Order

in December, 2012, pursuant to Section 14-404(b) of the Maryland Medical Practice Act. The statute provides:

- (2) After completion of the appellate process if the conviction has not been reversed or the plea has not been set aside with respect to a crime involving moral turpitude, the Board shall order the revocation of a license or temporary license on the certification by the Office of the Attorney General.

Md. Health Occ. (“H.O”) Code Ann. § 14-404(b)(2)(Repl. Vol. 2009). Attached to the petition were the following certified documents: Criminal Docket Entries, Plea Agreement and Statement of Facts, Consent Order of Forfeiture, Judgment in a Criminal Case and Sentencing Transcript.

The Show Cause Order required that Dr. Baig provide an answer to the petition, in writing, on or before January 21, 2013. Dr. Baig, through his counsel, filed a timely written response in which he admitted that he pled guilty to receiving benefits in exchange for bribes paid to former Prince George’s County Executive, Jack Johnson. The State filed a Reply on February 1, 2013. Pursuant to its regulations in effect before January 21, 2013, the Board denied Dr. Baig’s request for a hearing. COMAR 10.32. 02.04 E(3).

The Board reviewed all of the documentary evidence submitted by the State and by Dr. Baig. COMAR 10.32.02.08 E (3). Having reviewed and considered the entire record and the written submissions of the parties in this case, the Board issues this Final Decision and Order.

### **FINDINGS OF FACT**

The Board finds the following facts by a preponderance of the evidence:

1. Dr. Baig is a physician licensed by the Board since February, 1972. At all times relevant to the proceedings in this case, Dr. Baig held a license to practice medicine in the State of Maryland.
2. Since 1992, Dr. Baig also owned Baig Ventures - a commercial and residential real estate company in Prince George’s County, Maryland.

3. In February, 2011, the United States government charged Dr. Baig with one count of conspiracy, in violation of 18 U.S.C. § 371.<sup>1</sup>
4. Dr. Baig, who was represented by counsel throughout his criminal proceedings, pled guilty to the offense charged and admitted that he was, in fact, guilty of the offense.
5. In a Statement of Facts attached to his plea agreement, Dr. Baig further stipulated and agreed that if the matter had gone to trial, the government would prove all the following facts beyond a reasonable doubt:
  - (a) From 2006 through October, 2010, Dr. Baig knowingly conspired with the Prince George's County Executive Jack Johnson, the Director of Prince George's County Department of Housing and Community Development James Johnson, and other county officials to obstruct, delay and affect interstate commerce by extortion.
  - (b) Dr. Baig bribed these officials and contributed money, campaign donations and checks to them in exchange for their official favorable action and influence on his behalf.
  - (c) The official acts performed on Dr. Baig's behalf included securing millions of dollars in federal funds for Dr. Baig's real estate development projects; obtaining a waiver of federal housing program regulations; obtaining non-public county information; obtaining assistance in acquiring surplus property and land from the county as well as the necessary state and local approvals for development.
  - (d) For example, in August, 2010, Dr. Baig paid \$12,000 in cash and a \$3,000 check for a candidate for a county office in exchange for Jack Johnson's assistance in several matters, including getting employment for one of Dr. Baig's associates. Dr. Baig made a further payment of \$100,000 to the county executive in October, 2010, and made three separate payments of \$8,000 each to the housing director in August, 2010.
  - (e) In his plea agreement, Dr. Baig also admitted that he and other co-conspirators entered the unlawful agreement charged in the Criminal Information, that he knowingly and willfully became a member of the conspiracy, and that one of the members of the conspiracy knowingly committed at least one of the overt acts charged in the information to further some objective of the conspiracy.
  - (f) Dr. Baig was fully advised of and understood the due process and jury trial rights that he was giving up by pleading guilty. Dr. Baig also knowingly waived his right to appeal his conviction and any issues relating to the factual basis for his plea.

---

<sup>1</sup> 18 U.S.C. § 371 provides:

**§ 371. Conspiracy to commit offense or to defraud United States**

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both. If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment for such misdemeanor.

18 U.S.C. § 371.

## **Sentencing, Forfeiture and Fine**

6. At Dr. Baig's sentencing before the federal Court, it was also undisputed that from 2006 through at least October, 2010, Dr. Baig took part in a long-term bribery and extortion scheme with Jack Johnson, other Prince George's County officials and other developers and business people.
7. Dr. Baig, through his counsel, also admitted at sentencing that he received \$1.2 million in federal funds for his investment of \$600,000 in certain property because of Jack Johnson's phone calls to the United States Department of Housing and Urban Development ("HUD") and Prince George's County officials. It was undisputed that Dr. Baig retains a 49% equity interest in that property.
8. Information provided to the Court also revealed that Dr. Baig conspired with Jack Johnson to obtain valuable leases in other properties that would have been worth "tens of millions" over the life of the leases but for the interception of the federal criminal authorities.
9. In addition, the parties disclosed to the Court that Dr. Baig received two cashier checks worth \$100,000 based on the hiring of an associate by Prince George's Hospital through Jack Johnson. Dr. Baig paid Jack Johnson \$50,000 of that amount and kept \$50,000.
10. On May 3, 2012, the federal Court sentenced Dr. Baig to eighteen (18) months in prison, and 2 years of supervised release. The Court also ordered Dr. Baig to pay a fine of \$50,000 and an assessment of \$100, and to forfeit \$250,000 pursuant to his plea agreement.

## **CONCLUSIONS OF LAW**

The issue before the Board is whether Dr. Baig's guilty plea and conviction for conspiracy in violation of 18 U.S.C. § 371, involved moral turpitude under Maryland law, based on the documents from the federal criminal court that the Board considered pursuant to its regulations. COMAR 10.32.02.08. After reviewing Dr. Baig's arguments, and the arguments submitted by the Administrative Prosecutor for the State, the Board decides this legal issue as follows.

Moral turpitude, as defined by Maryland appellate courts, includes not only fraud but "intentional dishonesty for purposes of personal gain." *Oltman v. Maryland State Board of Physicians*, 162 Md. App. 457, 486 (2005), quoting *Attorney Grievance Comm'n v. Walman*, 280

Md. 453, 459-60 (1977) (citations omitted); *see also Attorney Grievance Comm'n v. Klauber*, 289 Md. 446, 457 (1981) (the term “moral turpitude” connotes a fraudulent or dishonest intent). Where the elements of a crime do not include fraud, or where a conviction on its face does not establish moral turpitude, the Board’s determination of moral turpitude “depends on the facts of the individual case.” *Walman*, 280 Md. at 462.

With respect to Board licensure and discipline, Maryland appellate courts have also held that the term “moral turpitude” is more broadly defined than in a witness impeachment context. *Ricketts v. State*, 291 Md. 701, 711-12 (1981); “[W]hat constitutes a crime of moral turpitude may involve different considerations compelling different results in different circumstances.” *Ricketts*, 291 Md. at 711; *Oltman*, 162 Md. App. at 483, 485 (the concept of moral turpitude is rather broad in the context of a licensing board’s review of the conduct of its licensee); *Stidwell v. Maryland State Board of Chiropractic Examiners*, 144 Md. App. 613, 619 (2002) (the expression “moral turpitude” strikes the broader cord of public confidence in the administration of government). Thus, a licensing board may legitimately find that a criminal act which destroys the public’s confidence in the profession is a crime of moral turpitude. *Stidwell*, 144 Md. App. at 619.

#### Dr. Baig’s Criminal Conspiracy Involved Moral Turpitude

The facts and circumstances of Dr. Baig’s crime as documented in the plea agreement and sentencing transcript showed that he engaged in a long-term conspiracy to bribe government officials in order to buy numerous favors facilitating his real estate development deals. In describing this corrupt scheme, the federal Court stated that Dr. Baig received monetary access to government officials and in exchange, got property benefits to which he was not entitled at the expense of Prince George’s County, which was deprived of the most meritorious person to buy

and develop property and others in the community who did not have the funds to bribe and extort public officials. Moreover, the Court imposed an additional \$50,000 fine on Dr. Baig because in the Court's view, the \$250,000 forfeiture sum was insufficient to cover the financial benefits that Dr. Baig gained from his criminal conduct. The Court found that Dr. Baig was "not just an innocent walking down the street who was put upon to give money" but was someone who was "bribing public officials for [his own] benefit." Dr. Baig "wanted things in exchange and [he] got them in exchange. . . ." and "continue[s] to benefit" from those properties. The Board agrees.

Dr. Baig's criminal conduct was therefore "intentional, or not innocent in its purpose, or not accidental." *Board of Dental Examiners v. Lazell*, 172 Md. 314, 322 (1937). Thus, the underlying facts of Dr. Baig's crime show his "intentional dishonesty for purposes of personal gain" and are sufficient for the Board to conclude that his crime involved moral turpitude under Maryland law. *Walman*, 280 Md. at 459-60, 462; *See also Oltman*, 162 Md. App. at 486; *Klauber*, 289 Md. at 457. Dr. Baig's criminal offense also undermines the public's confidence in the profession of medicine. *Stidwell*, 144 Md. App. at 619. Contrary to Dr. Baig's arguments, the moral turpitude provisions of § 14-404 do not require any nexus between his offense and his medical practice. The Board rejects his arguments.

Similarly, the Board rejects Dr. Baig's request concerning reinstatement of his medical license because the proceedings of § 14-404(b) do not involve reinstatement after revocation. Rather, reinstatement is an entirely separate proceeding governed by different sections of the Medical Practice Act and regulations. At this time, reinstatement of Dr. Baig's medical license is not before the Board.

In Dr. Baig's case, the Board concludes that the automatic revocation procedures of the Medical Practice Act apply and the Board is mandated to impose revocation of his medical license. H.O. § 14-404(b)(2).

**ORDER**

It is hereby:

**ORDERED** that the license of Mirza H.A. Baig, M.D., license number D13689, to practice medicine in the State of Maryland, is hereby **REVOKED** as mandated by Md. Code Ann., Health Occ. § 14-404 (b)(2); and it is further

**ORDERED** that this is a Final Order of the Maryland Board of Physicians and as such is a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code Ann. §§ 10-611 *et seq.*

April 17, 2013

Date



\_\_\_\_\_  
Andrea Mathias, MD, MPH

Board Chair

Maryland State Board of Physicians

**NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW**

Pursuant to Md. Code Ann., Health Occ. § 14-408(b), Dr. Baig has the right to seek judicial review of this Final Decision and Order. Any petition for judicial review shall be filed within thirty (30) days from the date of mailing of this Final Decision and Order. The cover letter accompanying this final decision and order indicates the date the decision is mailed. Any petition for judicial review shall be made as provided for in the Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If Dr. Baig files a petition for judicial review, the Board is a party and should be served with the court's process at the following address:

**Maryland State Board of Physicians  
Christine A. Farrelly, Deputy Director, Compliance and Licensure  
4201 Patterson Avenue  
Baltimore, Maryland 21215**

Notice of any petition should also be sent to the Board's counsel at the following address:

**Noreen M. Rubin  
Assistant Attorney General  
Department of Health and Mental Hygiene  
300 West Preston Street, Suite 302  
Baltimore, Maryland 21201**