

IN THE MATTER OF
MICHAEL N. BAAKO, M.D.

Respondent

License Number: D57216

*** BEFORE THE**
*** MARYLAND STATE**
*** BOARD OF PHYSICIANS**
*** Case Number: 2220-0088 B**

* * * * *

FINAL DECISION AND ORDER

PROCEDURAL HISTORY

Michael N. Baako, M.D., was originally licensed to practice medicine in the State of Maryland on March 13, 2001, under license number D57216. On May 1, 2019, in the United States District Court for the District of Maryland, Criminal Case Number 1:19-cr-00224-DKC-1, Dr. Baako was charged with eight criminal counts, including passport fraud, false claim for U.S. citizenship, and illegal voting by an alien. On July 31, 2019, Dr. Baako pleaded guilty to Court Four of the Indictment, which charged Dr. Baako with passport fraud, in violation of 18 U.S.C. § 1542 (first paragraph). As part of the Plea Agreement, the U.S. Attorney's Office for the District of Maryland agreed to dismiss the remaining charges. On September 27, 2019, Dr. Baako appeared before a U.S. District Judge and was sentenced for his guilty plea to Count Four. Dr. Baako was sentenced to 15 months incarceration followed by three years of supervised release and a special assessment of \$100.

On June 17, 2022, the Office of the Attorney General filed with the Maryland Board of Physicians (the "Board") a petition to revoke Dr. Baako's license to practice medicine ("the Petition") and a proposed show cause order pursuant to section 14-404(b)(2) of the Maryland Medical Practice Act. The statute provides:

- (1) On the filing of certified docket entries with the Board by the Office of the Attorney General, a disciplinary panel shall order the suspension of a

license if the licensee is convicted of or pleads guilty or nolo contendere with respect to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

- (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, a disciplinary panel shall order the revocation of a license on the certification by the Office of the Attorney General.

Md. Code Ann., Health Occupations Article (“Health Occ.”) § 14-404(b) (2021 Repl. Vol.).

Attached to the Petition were a certified copy of the indictment, the plea agreement that included a stipulation of facts, certified copies of docket entries, transcript of the hearing for guilty plea, judgment, and transcript of the sentencing hearing.

On July 20, 2022, Dr. Baako, through his counsel, filed a response to the Petition and show cause order. Dr. Baako contended that 18 U.S.C. § 1542 is not a crime of moral turpitude, arguing it does not involve fraud.

Having reviewed and considered the entire record in this case, Board Disciplinary Panel B (“Panel B” or “the “Panel”) issues this Final Decision and Order. COMAR 10.32.02.07H(1).

FINDINGS OF FACT

Panel B finds the following:

1. Michael N. Baako, M.D., was originally licensed to practice medicine in the State of Maryland on March 13, 2001, under license number D57216. Dr. Baako continuously had his license renewed. The expiration date stated on his most recently renewed license is September 30, 2022.
2. On May 1, 2019, in the United States District Court for the District of Maryland, Case Number 1:19-cr-00224-DKC-1, Dr. Baako was charged with eight criminal counts, including four counts of Passport Fraud, 18 U.S.C. § 1542 (first paragraph) ¹; one

¹ The relevant portion of the statute provides, in pertinent part, that a person may be criminally sentenced for the following:

Whoever willfully and knowingly makes any false statement in an application for passport under the authority of the United States, either for his own use or the use of another, contrary to the law regulating the issuance of passports or the rules prescribed pursuant to such laws.

count of false claim to U.S. citizenship, 18 U.S.C. § 911; and three counts of illegal voting by an alien, 18 U.S.C. § 611. On July 31, 2019, Dr. Baako pled guilty to one count (Count Four)², passport fraud, 18 U.S.C. § 1542 (first paragraph).

3. On July 31, 2019, Dr. Baako entered into a plea agreement, which contains a Stipulation of Facts that formed the basis of the guilty plea, which states the following:

The undersigned parties stipulate and agree that if this case had proceeded to trial, this Office [United States Attorney's Office for the District of Maryland] would have proven the following facts beyond a reasonable doubt. The undersigned parties also stipulate and agree that the following facts do not encompass all of the evidence that would have been presented had this matter proceeded to trial.

The Defendant [Michael N. Baako, M.D.] is an alien born in May, 1969, in Kwanyako, Ghana to Anothony Baako and Paulina Eduah, both Ghanaian nations. The Defendant is a national of Ghana and knows that he is not, nor has ever been, a citizen or national of the United States.

The Defendant is a physician who has practiced medicine in Maryland hospitals. He has also maintained his own clinic under the name Biazio Healthcare.

The Defendant Enters Into the United States and is Licensed as a Foreign Medical Graduate

On October 24, 1988, the Defendant obtained a Ghanaian passport in Accra, Ghana, as a Ghanaian national.

On October 28, 1995, the Defendant and R.A.A. were married in Kumasi, Ghana. On December 5, 1995, [Defendant] and R.A.A. applied for nonimmigrant B1/B2 visas to allow them to visit the United States. [Defendant's] application accurately listed his date and place of birth. [Defendant's] visa was issued to him at the United States Embassy in Accra, Ghana for use with his Ghanaian passport.

On at least two occasions in 1996, [Defendant] used his Ghanaian passport to enter the United States. On October 4, 1996, the Defendant was issued a new Ghanaian passport.

Beginning in 1996, [Defendant] applied for certification of his Ghanaian medical education in the United States through the Educational Commission for Foreign Medical Graduates. In conjunction with this

² Count four of the indictment charged that Dr. Baako willfully, knowingly, and falsely stated that he was a United States citizen born in North Carolina on February 20, 2018, on his DS-82 application for passport renewal.

application, [Defendant] supplied a number of forms, photographs, and supporting materials, accurately stating his date and place of birth, and that he graduated from medical school in Ghana.

On March 13, 2001, the Maryland Department of Health and Mental Hygiene granted [Defendant] a license to practice medicine in Maryland.

Beginning in at least 2001, [Defendant] and R.A.A. resided together in Howard County, Maryland, and were the parents of two minor, United States citizen children.

The Petition for the Defendant to be Granted U.S. Citizenship is Denied

On March 11, 1998, the Defendant and “D.R.T.,” a United States citizen, were married in Virginia.

On March 31, 1998, “D.R.T.” filed a petition for the Defendant to be naturalized and become a United States citizen. The petition accurately listed the Defendant’s date and place of birth.

On October 28, 1999, the Defendant made a sworn statement to immigration officials stating in part that he was born in Ghana and was not a United States citizen.

On June 20, 2000, immigration officials denied “D.R.T.” and the Defendant’s petition for the Defendant to become a naturalized U.S. citizen, after concluding that his marriage to “D.R.T.” was a “sham” marriage entered into for the sole purpose of obtaining immigration benefits.

The Defendant Petitions for a Passport for his Child and a Visa as an Alien from Ghana

On April 2, 2002, a a Columbia, Maryland, U.S. Post Office, the Defendant and R.A.A. submitted an application for a United States passport on behalf of “Minor Child 1.” Minor Child 1 was born in the United States, and as a citizen is entitled to a U.S. passport regardless of the Defendant’s birthplace or citizenship. On the form, the Defendant listed his place of birth as Ghana and checked the box for “NO” in response to a question on the form asking whether he was a United States citizen.

On March 31, 2004, the Defendant and R.A.A. submitted United States “Diversity Visa” applications as Ghanaian nationals, including photographs and birthdates. On July 14, 2005, the Defendant and

R.A.A. failed to appear for an interview with U.S. officials in Ghana, in conjunction with their visa applications, and Diversity Visas were never issued to them.

The Defendant Falsely Claims U.S. Citizenship to Register and Vote in Ten Federal Elections

On November 29, 2005, the Defendant registered to vote in the State of Maryland Motor Vehicle Administration. In his voter registration application, the Defendant falsely swore and affirmed under penalty of perjury that he was a United States citizen.

Beginning on November 7, 2006, and continuing through November 6, 2018, the [D]efendant voted in the following ten elections that included federal candidates for office:

DATE	ELECTION	FEDERAL OFFICES
11/7/2006	2006 General Election	Senate, House
2/12/2008	2008 Primary Election	President, House
11/4/2008	2008 General Election	President, Vice President, House
9/14/2010	2010 Primary Election	Senate, House
11/2/2010	2010 General Election	Senate, House
4/3/2012	2012 Primary Election	President, Senate, House
11/6/2012	2012 General Election	President, Vice President, Senate, House
11/4/2014	2014 General Election	House
11/8/2016	2016 General Election	President, Vice President, Senate, House
11/6/2018	2018 General Election	Senate, House

Defendant Falsely Claims U.S. Birth and Citizenship to Obtain U.S. Passports

On December 15, 2006, the Defendant obtained a new Ghanaian passport in Accra, Ghana, as a Ghanaian national.

On April 17, 2007, at a U.S. Post Office in Fulton, Maryland, the Defendant submitted a passport application on behalf of "Minor Child 1." In this application, the Defendant falsely stated under penalty of perjury that he was a citizen of the United States, and that he was born in Hillsborough, North Carolina. On the form, the Defendant checked the box for "YES" in response to a question on the form asking whether he was a United States citizen.

On April 22, 2008, at a U.S. Post Office in Columbia, Maryland, the Defendant submitted an application seeking a United States passport for himself. In this application, the Defendant falsely stated under penalty of perjury that he was a citizen or non-citizen national of the United States, and that he was born in North Carolina. He also falsely stated in the application that his parents were both born in North Carolina and his wife, R.A.A., was born in South Carolina.

In support of his April 22, 2008, application for a U.S. passport, the Defendant provided an affidavit from "B.Y.R.," sworn under penalty of perjury, falsely stating that the Defendant was born in Hillsborough, North Carolina. The affidavit falsely stated that B.Y.R. was friends with the Defendant's parents in North Carolina and they were one of the first people to see the Defendant after his birth. The affidavit also falsely stated that B.Y.R. was present at a subsequent naming and baptism ceremony for the Defendant at a Hillsborough, North Carolina church.

On April 29, 2008, the Defendant was issued a United States passport including the false information that he was a citizen of the United States born in North Carolina. The Defendant used his fraudulently obtained United States passport for international travel on several occasions.

On September 16, 2009, at a U.S. Post Office in Fulton, Maryland, the Defendant submitted a passport application on behalf of "Minor Child 2." Minor Child 2 was born in the United States, and as a citizen is entitled to a U.S. passport regardless of the Defendant's birthplace or citizenship. In this application, the Defendant falsely stated under penalty of perjury that he was a citizen of the United States, and that he was born in Hillsborough, North Carolina. On the form, the Defendant checked the box for "YES" in response to a question on the form asking whether he was a United States citizen.

On April 22, 2010, in Fulton, Maryland, the Defendant was interviewed by officials from the Department of State. During the interview, he falsely stated that he was a citizen born in North Carolina.

On July 31, 2012, in Fulton, Maryland, the Defendant submitted an application for a United States Passport renewal on behalf of "Minor

Child 1.” In this application, the Defendant falsely stated under penalty of perjury that he was a citizen of the United States, and that he was born in Hillsborough, North Carolina. On the form, the Defendant checked the box for “YES” in response to a question on the form asking whether he was a United States citizen.

On February 20, 2018, in Fulton, Maryland, the Defendant submitted an application to renew the United States passport previously issued to him. In this application, the Defendant falsely stated under penalty of perjury that he was a citizen or non-citizen national of the United States, and that he was born in North Carolina.³

On June 12, 2018, in Washington, District of Columbia, the Defendant falsely stated to Department of State officials that he was born at home in Hillsborough, North Carolina and moved to Ghana when he was approximately one year old. He also falsely stated that he never applied for any immigration benefit with United States immigration authorities and that he never submitted any documents in an attempt to become a naturalized citizen.

On May 8, 2019, law enforcement officers executed a search warrant at the Defendant’s residence in Howard County, Maryland. During the search, investigators located the Ghanaian passport that the Defendant obtained in 2006 and plans for the three-bedroom home the Defendant purchased in Accra, Ghana in August 2012. Investigators also obtained a number of documents related to the [D]efendant’s ongoing efforts to fraudulently obtain documentation establishing that he was a U.S. citizen born in North Carolina, including: a false affidavit purporting to be sworn by Defendant’s mother—claiming that he was born in North Carolina; a Defendant at his birth in North Carolina; a falsified baptism certificate purporting to be from a North Carolina church—certifying that the [D]efendant was born in North Carolina; and several draft petitions to the Circuit Court for Howard County seeking to fraudulently establish the fact of his birth in North Carolina.

Dr. Baako signed the Stipulation of Facts.

4. On July 31, 2019, Dr. Baako pleaded guilty to Count 4, Passport Fraud, 18 U.S.C. § 1542.
5. On September 27, 2019, for his violation of Count 4 of the Indictment, the U.S. District Court sentenced Dr. Baako to 15 months of incarceration followed by three years

³ Count four of the indictment, the count to which Dr. Baako pleaded guilty, concerns his February 20, 2018, application on which Dr. Baako knowingly, willfully, and falsely stated that he was a U.S. citizen born in North Carolina.

of supervised release, and a special assessment of \$100. The judgment was issued on September 30, 2019. The remaining counts were dismissed.

6. Dr. Baako did not appeal his conviction within the time prescribed by law and the guilty plea and conviction have not been set aside.

DISCUSSION

Pursuant to COMAR 10.32.02.07E(2), Dr. Baako had the opportunity to respond to the order to show cause, in writing, to address the following limited issues: “(a) Lack of conviction or plea; (b) Whether the crime is one involving moral turpitude; (c) Misidentity of the respondent with the defendant in the criminal matter; and (d) Other relevant issues, if any, other than mitigation.” Dr. Baako argues that the crime that he pleaded guilty to, and was convicted of, 18 U.S.C. § 1542, did not involve moral turpitude, because, according to Dr. Baako, “the offense only requires a false and not a fraudulent statement in an application for a passport.”

Under Health Occ. §14-404(b)(2), a disciplinary panel has the obligation and discretion to determine what types of crimes are crimes involving moral turpitude for licensing and disciplinary purposes. “[I]t is settled that whatever else [moral turpitude] may mean . . . a crime in which an intent to defraud is an essential element is a crime involving moral turpitude. It is also settled that the related group of offenses involving intentional dishonesty for purposes of personal gain are crimes involving moral turpitude[.]” *Attorney Grievance Comm’n of Md. v. Walman*, 280 Md. 453, 459-60 (1977). “[I]n the context of a licensing board’s review of the conduct of its licensee, the concept of moral turpitude is rather broad.” *Oltman v. Maryland State Bd. Of Physicians*, 162 Md. App. 457, 483 (2005).

“Determining whether an individual has been convicted of a crime involving moral turpitude ‘necessarily begins with an examination of the criminal statute itself.’” *Burke v. Maryland Bd. of Physicians*, 250 Md. App. 334, 348 (2021) (quoting *Walman*, 280 Md. at 460)).

Maryland appellate courts have repeatedly held that if dishonesty, fraud, or intent to deceive is an essential element of a statute under which a defendant is convicted, the crime involves moral turpitude as a matter of law. *See Board of Physician Quality Assurance v. Felsenberg*, 351 Md. 288, 295 (1998) (crimes involving fraud are crimes involving moral turpitude); *Attorney Grievance Comm'n v. Klauber*, 289 Md. 446, 457-59, *cert. denied*, 451 U.S. 1018 (1981) (the term “moral turpitude” connotes a fraudulent or dishonest intent); *Walman*, 280 Md. at 459-60; *Oltman*, 162 Md. App. at 485-87.

The statutory text is clear that an intent to deceive is an essential element of passport fraud, 18 U.S.C. § 1542, the crime that Dr. Baako pleaded guilty to. In pleading guilty, Dr. Baako acknowledged that he knowingly and willfully made a false statement on an application for a United States passport and that the false statement was made with the intent to secure the issuance of a passport for his use or the use of another. And Dr. Baako deliberately made a false application statement for a passport for himself, which is a criminal offense involving intentional dishonesty the purpose of personal gain. Therefore, the criminal offense to which Dr. Baako was convicted, 18 U.S. C. § 1542 (first paragraph), based on the elements of the crime alone, involves moral turpitude.

Upon determining that a licensee has been convicted of a crime involving moral turpitude, Health Occ. § 14-404(b)(2) requires a disciplinary panel to order the revocation of a license after the appellate proceedings have been completed.

CONCLUSIONS OF LAW

Panel B concludes that Dr. Baako’s conviction for passport fraud, 18 U.S.C. § 1542 (first paragraph), is a crime involving moral turpitude. As a result, Health Occ. § 14-404(b)(2) requires Panel B to revoke Dr. Baako’s license to practice medicine in Maryland.

ORDER

It is, on an affirmative vote of a majority of the quorum of Panel B, hereby:

ORDERED that the license of Michael N. Baako, M.D., license number D57216, to practice medicine in Maryland is **REVOKED**, as mandated by Health Occ. § 14-404(b)(2); and it is further

ORDERED that this is a **PUBLIC DOCUMENT**. See Md. Code Ann., Health Occ. § 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

08/18/2022
Date

Signature On File

Christine A. Farrelly, Executive Director
Maryland State Board of Physicians

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Md. Code Ann., Health Occ. § 14-408, Dr. Baako 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 date of 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. Baako files a petition for judicial review, the Board is a party and should be served with the court's process at the following address:

**Christine A. Farrelly, Executive Director
Maryland State Board of Physicians**

**4201 Patterson Avenue
Baltimore, Maryland 21215**

Notice of any petition for judicial review should also be sent to the Board's counsel at the following address and emailed to david.wagner@maryland.gov:

**David Wagner, Assistant Attorney General
Office of the Attorney General
Maryland Department of Health
300 West Preston Street, Suite 302
Baltimore, Maryland 21201**