

IN THE MATTER OF  
FARHAAD RIYAZ, M.D.

Respondent

License Number: D90145

\* BEFORE THE  
\* MARYLAND STATE  
\* BOARD OF PHYSICIANS  
\* Case Number: 2222-0091

\* \* \* \* \*

### FINAL DECISION AND ORDER

#### PROCEDURAL HISTORY

Farhaad Riyaz, M.D., was originally licensed to practice medicine in the State of Maryland on August 11, 2020, under license number D90145, through the Interstate Medical Licensure Compact.<sup>1</sup> On December 13, 2021, in the United States District Court for the Eastern District of Virginia, Alexandria Division, Case Number 1:21-cr-00264-LMB, Dr. Riyaz was charged with one count of Mail Fraud, in violation of 18 U.S.C. § 1341. On December 13, 2021, Dr. Riyaz pled guilty to the sole count of Mail Fraud. On March 22, 2022, the Court sentenced Dr. Riyaz to one day of incarceration followed by three years of supervised probation, with the first six months under house arrest. Dr. Riyaz was also ordered to perform 200 hours of community service, pay a fine of \$20,000 and pay restitution in the amount of \$312,964.38.

On May 26, 2022, the Office of the Attorney General filed with the Maryland Board of Physicians (the “Board”) a petition to revoke Dr. Riyaz’s license to 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:

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<sup>1</sup> On May 3, 2022, the Board issued an order of suspension suspending Dr. Riyaz’s medical license for 90 days pursuant to Md. Code Ann., Health Occ. § 14-3A-01 §§ 10(d), 24(c) and Interstate Medical Licensure Compact Rule 6.5g, after receiving notice from the Interstate Medical Licensure Compact that disciplinary action had been taken by the Colorado Medical Board, the Arizona Medical Board, and the Alabama Medical Licensure Commission.

- (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 copies of the criminal information, plea agreement, statement of facts, certified docket entries, and judgment.

On June 27, 2022, Dr. Riyaz filed a response to the Petition and show cause order. Dr. Riyaz stated that he was happy to meet with the Board to discuss the circumstances further.<sup>2</sup>

Having reviewed and considered the entire record in this case, Panel A issues this Final Decision and Order. COMAR 10.32.02.07H(1).

### **FINDINGS OF FACT**

Panel A finds the following:

1. Farhaad Riyaz, M.D., was originally licensed to practice medicine in the State of Maryland on August 11, 2020, under license number D90145, through the Interstate Medical Licensure Compact.
2. On December 13, 2021, in the United States District Court for the Eastern District of Virginia, Alexandria Division, Case Number 1:21-cr-00264-LMB, Dr. Riyaz was charged with one count of Mail Fraud, in violation of 18 U.S.C. § 1341.<sup>3</sup> On December 13, 2021, Dr. Riyaz pled guilty to the sole count of Mail Fraud.

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<sup>2</sup> To the extent that Dr. Riyaz’s offer could be interpreted as a request for a hearing, the Panel, in its discretion, denies Dr. Riyaz’s request. COMAR 10.32.02.07E(3)

<sup>3</sup> The statute provides:

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything

3. The statement of facts that formed the basis of the guilty plea included the following:

From in or about March 2017 through in or about June 2020, in the Eastern District of Virginia and elsewhere, the defendant, FARHAAD RIYAZ, devised, knowingly intended to devise, and executed and attempted to execute, a scheme and artifice to defraud Amazon and its on-line retailers, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, by making misrepresentations concerning, among other things, the delivery of the products he purchased, the condition of the products he purchased, and would at various times return substitute products of substantially lower value than the items he had purchased from the on-line retailer and had retained, while concealing the material fact from the on-line retailer that he had retained the original, high-end product.

To execute the scheme and attempt to execute it, RIYAZ would frequently cause products to be shipped by private and commercial interstate carriers, such as UPS and Amazon itself, RIYAZ would also cause inferior or materially less expensive substitute products to be shipped back to Amazon and its third-party resellers via UPS, as part of his scheme to defraud, RIYAZ's actions violated Title 18, United States Code, Section 1341, Mail Fraud.

Defendant RIYAZ would purchase high-end products through Amazon and its third-party retailers, who would then mail the products to RIYAZ at one of his delivery addresses, including addresses in the Eastern District of Virginia. These addresses included RIYAZ's residence, or another designated address affiliated with RIYAZ.

After the product arrived, RIYAZ would initiate the return process with Amazon by claiming the products arrived late, never arrived at all, arrived only in part, were defective, or some other allowable reason under Amazon's return policies.

Amazon would refund the purchase price to RIYAZ, but RIYAZ would fraudulently retain the high-end product. RIYAZ would return to the on-line retailer a much less expensive or inferior product that appeared to resemble the high-end product that RIYAZ had retained. For instance, RIYAZ

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represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined under this title or imprisoned not more than 20 years, or both.

would purchase rare or limited-edition guitars for thousands of dollars each and return an item similar in shape or color, but that cost substantially less.

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Altogether, as a result of the scheme, RIYAZ caused Amazon losses of over \$250,000, and obtained property with a value over \$250,000.

4. Dr. Riyaz further agreed:

RIYAZ has read the allegations in the Criminal Information in this case and agrees that they are all true and correct and would be proven to a jury beyond a reasonable doubt.

This statement of facts includes those facts necessary to support the plea agreement between the defendant and the United States. It does not include each and every fact known to the defendant or to the United States, and it is not intended to be a full enumeration of all the facts surrounding the defendant's case.

The actions of the defendant, as recounted above, were in all respects knowing and deliberate, and were not committed by mistake, accident, or other innocent reason.

5. On March 22, 2022, the Court sentenced Dr. Riyaz to one day of incarceration followed by three years of supervised probation, with the first six months under house arrest. Dr. Riyaz was also ordered to perform 200 hours of community service, pay a fine of \$20,000 and pay restitution in the amount of \$312,964.38.
6. Dr. Riyaz 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. Riyaz 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." In his response, Dr. Riyaz admits that he pled guilty to one count of Mail Fraud. He states that from 2014 until 2017 he had disputes with Amazon regarding items that he purchased

but never received. He explained that rather than continue his attempts to resolve the problem, he engaged in a vendetta against Amazon through the actions described in the plea agreement. Dr. Riyaz claims that he has since sought treatment for his mental health condition and has paid restitution in full. Dr. Riyaz argues that the crime he pled guilty to is not a crime involving moral turpitude and asks the Board to refrain from revoking his license.

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)). “If the criminal statute does not establish moral turpitude on its face, then the analysis ‘hinges on the facts present in the individual case at hand.’” *Id.* (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 fraud is an essential element of Mail Fraud, the crime that Dr. Riyaz pled guilty to. In pleading guilty, Dr. Riyaz admitted to knowingly and willfully having devised or intended to devise any scheme or artifice to defraud or for obtaining money or property by means of false or fraudulent pretenses. Therefore, the crime of Mail Fraud, based on the elements of the crime alone, involves moral turpitude *per se*.

Dr. Riyaz argues that his crime did not involve moral turpitude because “[t]here was no personal gain – no item improperly obtained was used, sold, or displayed ostentatiously.” He contends that the “items were hoarded as a result of mental illness” and that “[m]ental illness is not moral illness.” First, Dr. Riyaz’s claim that there was no personal gain contradicts the facts that he admitted to as part of his guilty plea. Dr. Riyaz admitted that he caused Amazon losses of over \$250,000 and obtained property of over \$250,000. Accordingly, the facts underlying Dr. Riyaz’s guilty plea establish that his crime did involve intentional dishonesty for purposes of personal gain, and therefore, also establish moral turpitude based on the facts of the case. *Oltman*, 162 Md. App. at 486. Dr. Riyaz further claims that his professed mental illness is now under control and seeks forgiveness from the Panel.

Pursuant to the Board’s regulations, however, the Panel is not permitted to consider any mitigating factors. COMAR 10.32.02.07E(2)(d). Accordingly, the Panel is legally required to base its decision solely on the elements of the crime and the facts supporting the guilty plea. *Id.* The Court of Appeals in *Felsenberg* confirmed that the intent of the statute is to “direct[] summary treatment of a charge based on the conviction of a crime of moral turpitude.” *Felsenberg*, 351 Md. at 288. Second, regardless of the underlying facts of the case and whether

there was any personal gain, as discussed above, the crime of Mail Fraud is a crime involving moral turpitude based on the elements of the crime alone.

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.

### CONCLUSION OF LAW

Based on the above-discussion, Panel A concludes that Dr. Riyaz's conviction for Mail Fraud is a crime involving moral turpitude. As a result, Health Occ. § 14-404(b)(2) requires Panel A to order the revocation of Dr. Riyaz's license.

### ORDER

It is, by Board Disciplinary Panel A, hereby:

**ORDERED** that the suspension imposed by the May 3, 2022 Order for Suspension of License to Practice Medicine is terminated as moot; and it is further

**ORDERED** that the license of Farhaad Riyaz, M.D., license number D90145, 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).

07/29/2022  
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. Riyaz 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. Riyaz 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 [Stacey.darin@maryland.gov](mailto:Stacey.darin@maryland.gov):

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