

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 STEVEN V. ADLER  
Supervising Deputy Attorney General  
3 HEIDI R. WEISBAUM, State Bar No. 101489  
Deputy Attorney General  
4 110 West "A" Street, Suite 1100  
San Diego, CA 92101  
5  
6 P.O. Box 85266  
San Diego, CA 92186-5266  
Telephone: (619) 645-2098  
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

9 **BEFORE THE**  
10 **MEDICAL BOARD OF CALIFORNIA**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Investigation Against:

Case No. 10-07-188130

13 MARK ZWEIFACH, M.D.  
14 8811 Nottingham Place  
La Jolla, CA 92037

**STIPULATION FOR VOLUNTARY  
SUSPENSION OF LICENSE**

15 Physician and Surgeon's Certificate No. G48626,  
16 Respondent.

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
19 proceeding that the following matters are true:

20 PARTIES

21 1. Barbara Johnston (Complainant) is the Executive Director of the Medical  
22 Board of California and enters into this agreement solely in her official capacity. Complainant is  
23 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,  
24 by Heidi R. Weisbaum, Deputy Attorney General.

25 2. Mark Zweifach, M.D. (Respondent), is a licensed physician and surgeon in  
26 the State of California. He is represented in this matter by DiCaro, Coppo & Popcke, by attorney  
27 Carlo Coppo, whose address and telephone number are: 2780 Gateway Road, Carlsbad, CA  
28 92009; Telephone: 760/918-0500.

JURISDICTION

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

3. On August 9, <sup>1982</sup>~~1992~~, the Medical Board of California (Board) issued Physician and Surgeon's Certificate Number G48626 to Respondent. At all relevant times, the Certificate was in full force and effect and will expire December 31, 2009, unless renewed.

4. On various occasions in July, August and September 2007, Respondent, at the time a physician with Kaiser Permanente in San Diego, California, used his Kaiser Permanente assigned computer in his office in the Kaiser Permanente Medical Office building, located in El Cajon, California, to engage in conduct which if proven would constitute unprofessional conduct and grounds for discipline of his Physician's and Surgeon's Certificate.

5. Investigations are currently pending against Respondent by both the Board and the San Diego Police Department. No charges have been filed yet, nor has Respondent been arrested for any crime(s).

ADVISEMENT AND WAIVERS

6. Respondent has fully discussed with his counsel and understands that an Accusation has not been filed against him at this time, but that the Board may file an Accusation charging him with unprofessional conduct under Business and Professions Code section 2234, subdivision (a), for his use of his assigned Kaiser Permanente computer to engage in conduct which if proven would constitute unprofessional conduct and grounds for discipline.

7. Respondent has fully discussed with his counsel and understands that should an Accusation be filed against him, he will be entitled to all the rights afforded him by the Administrative Procedure Act, including the right to be represented by counsel at his own expense, the right to present witnesses and evidence and to testify on his own behalf, the right to confront and cross-examine all witnesses testifying against him, the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents, the right to reconsideration and court review of an adverse decision, and any and all other rights accorded under the Administrative Procedure Act, the Code of Civil Procedure, and other applicable laws.

///  
///

m3



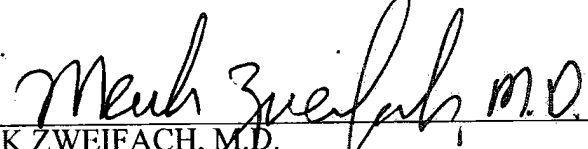
1 surgeon's certificate shall remain suspended until he provides formal notice to the Board and  
2 until any pending Accusation against Respondent has been finally adjudicated or resolved.

3 IT IS FURTHER STIPULATED AND AGREED that if Respondent practices  
4 while this voluntary suspension is in effect, it shall constitute unprofessional conduct and  
5 grounds for further administrative action.

6 **ACCEPTANCE**

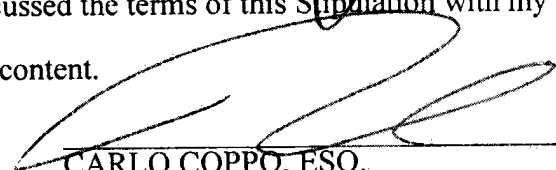
7 I, Mark Zweifach, M.D., have carefully read this Stipulation for Voluntary  
8 Suspension of License (Stipulation) and have fully discussed its terms with my counsel, Carlo  
9 Coppo. I understand the effect this Stipulation will have on my Physician's and Surgeon's  
10 Certificate. I enter into this Stipulation voluntarily, knowingly, and intelligently, and with benefit  
11 of counsel. Pursuant to the terms of the Stipulation, I consent to the voluntary suspension of my  
12 Physician's and Surgeon's Certificate No. G48626.

13 DATED: 9/16/08

  
14 MARK ZWEIFACH, M.D.  
Respondent

15 I have read and fully discussed the terms of this Stipulation with my client, Mark  
16 Zweifach, M.D. I approve its form and content.

17 DATED: 9/19/08

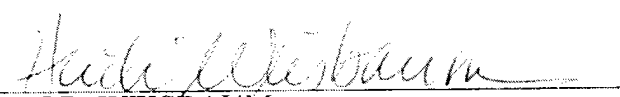
  
18 CARLO COPPO, ESQ.  
DICARO, COPPO & POPCKE  
Attorneys for Respondent

19  
20 **ENDORSEMENT**

21 I concur in the foregoing Stipulation.

22 DATED: 9-24-2008

EDMUND G. BROWN JR., Attorney General  
of the State of California  
STEVEN V. ADLER  
Supervising Deputy Attorney General

23  
24  
25 By   
HEIDI R. WEISBAUM  
26 Deputy Attorney General  
Attorneys for Complainant  
27  
28