

**BEFORE THE
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY AND HEARING AID
DISPENSERS BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

MICHAEL TRYTHALL

**16030 Ventura Blvd., #610
Encino, CA 91436**

Audiologist License Number AU 2225

Respondent.

Case No. 11-2014-63

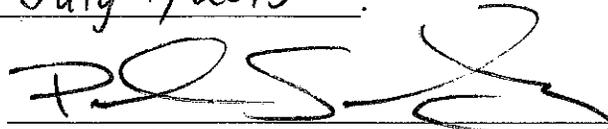
**STIPULATED SURRENDER OF
LICENSE AND ORDER**

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 31, 2015.

It is so ORDERED July 1, 2015.



FOR THE SPEECH-LANGUAGE PATHOLOGY AND
AUDIOLOGY AND HEARING AID DISPENSERS BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
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Attorneys for Complainant
7

8 **BEFORE THE**
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY AND HEARING AID
DISPENSERS BOARD
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 **MICHAEL TRYTHALL**

13 **16030 Ventura Blvd., #610**
14 **Encino, CA 91436**

15 **Audiologist License Number AU 2225**

16 Respondent.

Case No. 1I-2014-63

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Paul Sanchez ("Complainant") is the Executive Officer of the Speech-Language
22 Pathology and Audiology and Hearing Aid Dispensers Board. He brought this action solely in his
23 official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the
24 State of California, by Ashley Harlan, Deputy Attorney General.

25 2. Michael Trythall ("Respondent") is represented in this proceeding by attorney
26 Michael Stepanian, whose address is:

27 819 Eddy Street
28 San Francisco, CA 94109

1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 11-2014-63, agrees that cause exists for discipline and hereby surrenders his Audiologist
4 License No. 2225 for the Board's formal acceptance.

5 9. Respondent understands that by signing this stipulation he enables the Board to issue
6 an order accepting the surrender of his Audiologist License without further process.

7 CONTINGENCY

8 10. This stipulation shall be subject to approval by the Speech-Language Pathology and
9 Audiology and Hearing Aid Dispensers Board. Respondent understands and agrees that counsel
10 for Complainant and the staff of the Speech-Language Pathology and Audiology and Hearing Aid
11 Dispensers Board may communicate directly with the Board regarding this stipulation and
12 surrender, without notice to or participation by Respondent or his counsel. By signing the
13 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
14 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
15 to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary
16 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
17 action between the parties, and the Board shall not be disqualified from further action by having
18 considered this matter.

19 11. The parties understand and agree that Portable Document Format ("PDF") and
20 facsimile copies of this Stipulated Surrender of License and Order, including PDF and facsimile
21 signatures thereto, shall have the same force and effect as the originals.

22 12. In consideration of the foregoing admissions and stipulations, the parties agree that
23 the Board may, without further notice or formal proceeding, issue and enter the following Order:

24 ORDER

25 IT IS HEREBY ORDERED that Audiologist License No. 2225, issued to Respondent
26 Michael Trythall, is surrendered and accepted by the Speech-Language Pathology and Audiology
27 and Hearing Aid Dispensers Board.

1 1. The surrender of Respondent's Audiologist License and the acceptance of the
2 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
3 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
4 license history with the Speech-Language Pathology and Audiology and Hearing Aid Dispensers
5 Board.

6 2. Respondent shall lose all rights and privileges as an Audiologist in California as of
7 the effective date of the Board's Decision and Order.

8 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
9 issued, his wall certificate on or before the effective date of the Decision and Order.

10 4. If Respondent ever files an application for licensure or a petition for reinstatement in
11 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
12 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
13 effect at the time the petition is filed, and all of the charges and allegations contained in
14 Accusation No. 1I-2014-63 shall be deemed to be true, correct and admitted by Respondent when
15 the Board determines whether to grant or deny the petition.

16 5. If Respondent should ever apply or reapply for a new license or certification, or
17 petition for reinstatement of a license, by any other health care licensing agency in the State of
18 California, all of the charges and allegations contained in Accusation, No. 1I-2014-63 shall be
19 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
20 Issues or any other proceeding seeking to deny or restrict licensure.

21 6. Respondent shall pay the Board its costs of investigation and enforcement in the
22 amount of \$1,772.50 prior to issuance of a new or reinstated license.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Michael Stepanian. I understand the stipulation and the effect it will have on my Audiologist License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.

DATED: 4/30/15 Michael Trythall
MICHAEL TRYTHALL
Respondent

I have read and fully discussed with Respondent, Michael Trythall, the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 4/30/15 Michael Stepanian
MICHAEL STEPANIAN
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board of the Department of Consumer Affairs.

Dated: *May 21, 2015*

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General



ASHLEY HARLAN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 11-2014-63

By Amelia Joseph

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2 JOSE R. GUERRERO
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3 ASHLEY HARLAN
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12 **MICHAEL TRYTHALL**

13 16030 Ventura Blvd., #610
14 Encino, CA 91436

15 Audiologist License Number AU 2225

16 Respondent.

Case No. II-2014-63

ACCUSATION

17
18 Complainant alleges:

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20 **PARTIES**

21 1. Paul Sanchez ("Complainant") brings this Accusation solely in his official capacity as
22 the Executive Officer of the Speech-Language Pathology and Audiology and Hearing Aid
23 Dispensers Board, Department of Consumer Affairs.

24 2. On or about June 3, 2003, the Speech-Language Pathology and Audiology and
25 Hearing Aid Dispensers Board issued Audiologist License Number AU 2225 to Michael Trythall
26 ("Respondent"). The Audiologist License was in full force and effect at all times relevant to the
27 charges brought herein and will expire on April 30, 2015, unless renewed.

JURISDICTION

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2 3. This Accusation is brought before the Speech-Language Pathology and Audiology
3 and Hearing Aid Dispensers Board ("Board"), Department of Consumer Affairs, under the
4 authority of the following laws. All section references are to the Business and Professions Code
5 unless otherwise indicated.

6 4. Section 2533 of the Code states:

7 "The board may refuse to issue, or issue subject to terms and conditions, a license on the
8 grounds specified in Section 480, or may suspend, revoke, or impose terms and conditions upon
9 the license of any licensee for any of the following:

10 "(a) Conviction of a crime substantially related to the qualifications, functions, and duties of
11 a speech-language pathologist or audiologist or hearing aid dispenser, as the case may be. The
12 record of the conviction shall be conclusive evidence thereof.

13 "..."

14 "(e) Committing a dishonest or fraudulent act that is substantially related to the
15 qualifications, functions, or duties of a licensee. ..."

16 5. Section 2533.1 of the Code states:

17 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
18 charge substantially related to the qualifications, functions, and duties of a speech-language
19 pathologist or audiologist is deemed to be a conviction within the meaning of this article. The
20 board may order a licensee be disciplined or denied a license as provided in Section 2533 when
21 the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or
22 when an order granting probation is made suspending the imposition of sentence irrespective of a
23 subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or
24 her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
25 dismissing the accusation, information or indictment."

26 6. Section 2537 of the Code states:

27 "It shall constitute unprofessional conduct and a violation of this chapter for any person
28 licensed under this chapter to violate, attempt to violate, directly or indirectly, or assist in or abet

1 the violation of, or conspire to violate, any provision or term of this article, the Moscone-Knox
2 Professional Corporation Act, or any regulations duly adopted under those laws."

3 CALIFORNIA CODE OF REGULATIONS

4 7. California Code of Regulations, title 16, section 1399.156.1, states:

5 "For the purposes of denial, suspension or revocation of a license or registration pursuant to
6 Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be
7 substantially related to the qualifications, functions or duties of a person holding a license under
8 the Act if to a substantial degree it evidences present or potential unfitness of a person holding a
9 license to perform the functions authorized by his or her license or registration in a manner
10 consistent with the public health, safety, or welfare. Such crimes or acts shall include, but not be
11 limited to, those involving the following:

12 "(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
13 violation of, or conspiring to violate any provision or term of the Act.

14 "(b) Conviction of a crime involving fiscal dishonesty."

15 COST RECOVERY

16 8. Section 125.3 of the Code states, in pertinent part, that the Board may request the
17 administrative law judge to direct a licentiate found to have committed a violation or violations of
18 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
19 enforcement of the case.

20 FIRST CAUSE FOR DISCIPLINE

21 (Unprofessional Conduct - Substantially Related Conviction)

22 9. Respondent's license is subject to disciplinary action for unprofessional conduct
23 under Code sections 2537, 2533(a), and 2533.1, as well as California Code of Regulations, title
24 16, section 1399.156.1, in that Respondent has been convicted of a crime that is substantially
25 related to the qualifications, functions, or duties of a licensed Audiologist. The circumstances are
26 as follows:

27 10. On or about August 29, 2014, in a case entitled *The United State of America v.*
28 *Michael Ryan Trythall*, in the Northern District of California, case number CR 14-497, an

1 Information was filed, which alleged that Respondent committed three counts of felony tax
2 evasion for the years 2009, 2010, and 2011, in violation of title 26 United States Code section
3 7201.

4 11. On or about September 23, 2014, Respondent was convicted by guilty plea of
5 violating count three of the Information, which charged Respondent with tax evasion for the year
6 of 2011 in violation of title 26 United States Code section 7201. Respondent admitted to willfully
7 filing false tax returns in 2009, 2010, and 2011, which evaded \$232,254.00 in federal taxes.
8 Respondent also admitted to embezzling a total of \$756,577.00 between 2009 and 2012 from his
9 employer, Union Square Hearing, Inc. ("USHI"), where he worked as an audiologist. Respondent
10 agreed to sentencing as follows: 24 to 30 months imprisonment, 1 year supervised release, a fine
11 to the court, \$100.00 special assessment, and \$1,006,035.00 in restitution. Respondent has not
12 yet been sentenced.

13 SECOND CAUSE FOR DISCIPLINE

14 (Unprofessional Conduct - Dishonest Act)

15 12. Paragraphs 9 through 11 are incorporated herein.

16 13. Respondent's license is subject to disciplinary action for unprofessional conduct
17 under Code sections 2537 and 2533(e), in that on or about September 23, 2014, Respondent was
18 convicted of violating title 26 United States Code section 7201 for felony tax evasion in a sum of
19 \$232,254.00. Additionally, Respondent admitted to embezzling a total of \$756,577.00 between
20 2009 and 2012 from his employer, USHI, where he worked as an audiologist.

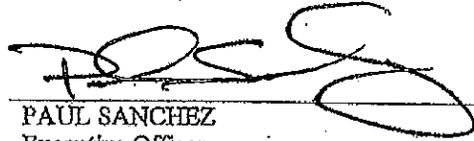
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22 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
23 and that following the hearing, the Speech-Language Pathology and Audiology and Hearing Aid
24 Dispensers Board issue a decision:

25 1. Revoking or suspending Audiologist License Number 2225, issued to Michael
26 Trythall;

- 1 2. Ordering Michael Trythall to pay the Speech-Language Pathology and Audiology and
2 Hearing Aid Dispensers Board the reasonable costs of the investigation and enforcement of this
3 case, pursuant to Business and Professions Code section 125.3; and
4 3. Taking such other and further action as deemed necessary and proper.

5
6
7 DATED: 2-10-2015



8 PAUL SANCHEZ
9 Executive Officer
10 Speech-Language Pathology and Audiology and Hearing
11 Aid Dispensers Board
12 Department of Consumer Affairs
13 State of California
14 *Complainant*

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