

IN AND BEFORE THE OKLAHOMA STATE BOARD  
OF MEDICAL LICENSURE AND SUPERVISION  
STATE OF OKLAHOMA

FILED

STATE OF OKLAHOMA )  
EX REL. THE OKLAHOMA BOARD )  
OF MEDICAL LICENSURE )  
AND SUPERVISION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
FRANCISCO JOSE SAYAGO, JR., M.D., )  
LICENSE NO. 22615, )  
 )  
Defendant. )

OCT 12 2006

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 06-08-3162

COMPLAINT

COMES NOW the Plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General, and for its Complaint against the Defendant, Francisco Jose Sayago, Jr., M.D., alleges and states as follows:

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.*
2. Defendant, Francisco Jose Sayago, Jr., M.D., holds Oklahoma license no. 22615.
3. On or about December 2, 2004, Defendant was arrested and charged with **FELONY KIDNAPPING** and **ROBBERY/ATTEMPTED ROBBERY WITH A DANGEROUS WEAPON** for incidents which allegedly occurred in Kiowa County, State of Oklahoma. According to the Probable Cause Affidavit filed in the case, Defendant and a woman allegedly kidnapped NCW, an individual they met at a party. Defendant drove the victim into a remote area of Kiowa County and ordered the victim to give his wallet and shoes to the woman. He pointed a gun at the victim and asked him if he wanted to be shot up with Heroin or die. He then ordered the victim to get out of the car and take off his pants. The victim got out of the car, then escaped by hiding in a field.
4. As part of this case, on or about December 2, 2004, a Search Warrant was issued in the District Court of Kiowa County, State of Oklahoma to search Defendant's residence. During the execution of the search warrant, the Kiowa County Sheriff's Office found a glass jar containing two (2) baggies of Cocaine, and two (2) straws with Cocaine residue. The straws

were sent to the Oklahoma State Bureau of Investigation Criminalistics Laboratory to be compared with DNA evidence obtained from Defendant. OSBI concluded that the DNA on the straws with Cocaine residue matched the DNA from Defendant, in that the probability of selecting an unrelated individual at random from the population who could have the same DNA was approximately one (1) in 874 million in Hispanics.

5. Based upon this DNA analysis, on or about December 17, 2004, Defendant was charged in the District Court of Kiowa County, State of Oklahoma, with **FELONY POSSESSION OF A CONTROLLED SUBSTANCE**. Defendant was subsequently found guilty after a jury trial and was sentenced to three (3) years in the Oklahoma Department of Corrections.

6. On or about March 7, 2006, Defendant was charged in the District Court of Kiowa County, State of Oklahoma with **BRIBING A JUROR/JUDICIAL OFFICER, A FELONY**. Specifically, Defendant offered a potential juror in his trial scheduled for March 20, 2006 a bribe of money and other valuable things, including access to Defendant's property, with the understanding that the bribe would influence the potential juror's decision in the criminal trial against Defendant.

7. On or about August 2, 2006, Defendant plead guilty to **BRIBING A JUROR/JUDICIAL OFFICER, A FELONY**, and was sentenced to a five (5) year suspended sentence, to run concurrently with Defendant's three (3) year sentence for **FELONY POSSESSION OF A CONTROLLED SUBSTANCE**.

8. On or about August 22, 2006, Defendant began his three (3) year prison term, and he is currently incarcerated at the Oklahoma Department of Corrections in McAlester, Oklahoma.

9. On or about August 30, 2006, Lyle Kelsey, Executive Director for the Board, **SUMMARILY SUSPENDED** Defendant's medical license under the authority granted to him pursuant to 59 O.S. §506(B).

10. Defendant is guilty of unprofessional conduct in that he:

A. Procured, aided or abetted a criminal operation in violation of 59 O.S. §509(1).

B. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).

C. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(13) and OAC 435:10-7-4(39).

D. Was convicted of a felony or of any offense involving moral turpitude in violation of 59 O.S. §509(5) and OAC 435:10-7-4(10).

E. Purchased or prescribed a regulated substance in Schedules I through V for the physician's personal use in violation of OAC 435:10-7-4(5).

F. Was convicted of or confessed to a crime involving a violation of the anti-narcotic laws of the federal government or the laws of this state in violation of 59 O.S. §509(7).

G. Violated a state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

*Conclusion*

WHEREFORE, the Plaintiff respectfully requests that the Board conduct a hearing, and, upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation and any other appropriate action with respect to Defendant's medical license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



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