

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.)

MAR 22 2007

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 06-10-3162

VOLUNTARY SURRENDER OF LICENSE
IN LIEU OF PROSECUTION

State of Oklahoma)
)
Pittsburg County)

I, Francisco Jose Sayago, Jr., M.D., being of lawful age and after first being duly sworn, depose and state as follows:

1. I hereby voluntarily surrender my Oklahoma medical license no. 22615.
2. The surrender of my license is freely and voluntarily made. I have not been subject to any coercion or duress, and I am fully aware of the consequences of the surrender of my license.
3. I am the subject of an investigation and Complaint before the Oklahoma State Board of Medical Licensure and Supervision involving allegations that if proven, would constitute grounds for disciplinary action by the Board.
4. The allegations to which I have plead guilty are as follows:
 - a. Defendant, Francisco Jose Sayago, Jr., M.D., holds Oklahoma license no.22615.

b. 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. After a jury trial, he was acquitted of these charges.

c. As part of that 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 property. 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.

d. 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.

e. 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.

f. 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**.

g. 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.

h. 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).

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

A. 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).

B. 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).

C. 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).

D. 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).


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

5. I will submit my wallet card and wall certificate as evidence of my intent to surrender my license upon locating them.

6. I hereby agree that I will not apply for reinstatement of my Oklahoma medical license for a minimum of one year from the entry of the Order Accepting Voluntary Surrender in Lieu of Prosecution, and that if the Board ever reinstates my Oklahoma medical license, it will be under terms of probation to be set by the Board at the time of reinstatement.

7. As a condition to accepting my surrender of license in lieu of prosecution, I acknowledge that the Board may require me to pay all costs expended by the Board for any legal fees and costs, and any investigation, probation and monitoring fees, including but not limited to staff time, salary and travel expense, witness fees and attorney fees.

DATED this 14 day of March, 2007.



Francisco Jose Sayago, Jr., M.D.

Subscribed and sworn before me this 22 day of March, 2007.



Janet Swindle
Notary Public

My commission expires on 8-22-2010

ACCEPTED:

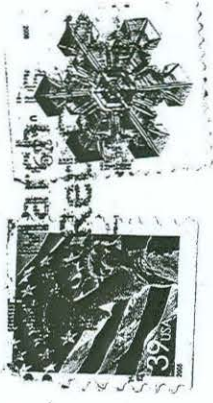
Gerald C. Zumwalt
Gerald C. Zumwalt, M.D.
Secretary
Oklahoma State Board of Medical
Licensure and Supervision

Date: 3-22-07

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