

August 14, 2013

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

James Ho Lee, M.D.  
REDACTED

Re: License No. 206979

Dear Dr. Lee:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 13-243. This order and any penalty provided therein goes into effect August 21, 2013.

Please direct any questions to: Board for Professional Medical Conduct, 90 Church Street, 4th Floor, New York, NY 10007-2919, telephone # 212-417-4445.

Sincerely,

REDACTED  
Katherine A. Hawkins, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Peter R. Osinoff, Esq.  
Bonne, Bridges, Mueller, O'Keefe & Nichols, P.C.  
3699 Wilshire Boulevard  
Los Angeles, CA 90010

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**IN THE MATTER**  
**OF**  
**JAMES HO LEE, M.D.**

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**CONSENT**  
**ORDER**

Upon the application of **JAMES HO LEE, M.D.**, (Respondent), in the attached Consent Agreement, that is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, or upon facsimile or email transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 8/13/2013

REDACTED

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ARTHUR S. HENGERER, M.D.  
Chair  
State Board for Professional  
Medical Conduct

STATE OF NEW YORK: DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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**IN THE MATTER**  
**OF**  
**JAMES HO LEE, M.D.**  
**CO-11-08-4282-A**

**CONSENT**  
**AGREEMENT**

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**JAMES HO LEE, M.D.**, (Respondent), representing that all of the following statements are true, deposes and says:

That on or about July 18, 1997, I was licensed to practice medicine in the State of New York and issued license number 206979 by the New York State Education Department.

My current address is REDACTED and I will advise the Director (Director) of the Office of Professional Medical Conduct (OPMC) of any change of my address within thirty (30) days, thereof.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with two (2) Specifications of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit A, is attached to and part of this Consent Agreement.

I do not contest the two (2) Specifications, and I agree:

to never activate my registration to practice medicine as a physician in New York state. [Limitation on registration or issuance of any further license pursuant to Public Health Law Section 230-a(6)].

I stipulate that my failure to comply with any conditions of the Consent Order shall constitute misconduct as defined by New York Education Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and the Consent Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to New York Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that the Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, or upon facsimile or email transmission to me or my attorney, whichever is first. The Consent Order, this Consent Agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department of Health website.

I stipulate that the proposed sanction and Consent Order are authorized by New York Public Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, administratively and/or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director, OPMC, and the Chair of the Board each retain complete discretion either to enter into the proposed Consent Agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

AFFIRMED:

DATED July 22 2013

REDACTED

JAMES HO LEE, M.D.  
Respondent

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 8/6/13

REDACTED

PETER R. OSINOFF, Esq.  
Attorney for Respondent

DATE: 8/6/13

REDACTED

MICHAEL G. BASS  
Assistant Counsel  
Bureau of Professional Medical Conduct

DATE: 8/12/13

REDACTED

KEITH W. SERVIS  
Director  
Office of Professional Medical Conduct

**EXHIBIT A**

STATE OF NEW YORK      DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER  
OF  
JAMES HO LEE, M.D.  
CO-11-08-4282-A

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STATEMENT  
OF  
CHARGES

**JAMES HO LEE, M.D.**, the Respondent, was authorized to practice medicine in New York State on or about June 18, 1997 by the issuance of license number 206979 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about March 10, 2011, in the Superior Court of the State of California for the County of Los Angeles, Respondent pled Nolo Contendere to Driving Under the Influence of Alcohol or Drugs, a misdemeanor, and was sentenced, *inter alia*, to summary probation.

B. On or about September 8, 2011, in the Superior Court of the State of California for the County of Los Angeles, Respondent was convicted of Reckless Driving, a misdemeanor, and was sentenced to summary probation.

**SPECIFICATIONS**

**FIRST SPECIFICATION**

Respondent violated New York Education Law Section 6530(9)(a)(iii) by being convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed within New York state, would have constituted a crime under New York state law, in that Petitioner charges:

1. The facts in Paragraph A.

## SECOND SPECIFICATION

Respondent violated New York Education Law Section 6530(9)(a)(iii) by being convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed within New York state, would have constituted a crime under New York state law, in that Petitioner charges:

2. The facts in Paragraph B.

DATED: *June 13*, 2013  
Albany, New York

REDACTED

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MICHAEL A. HISER  
Acting Deputy Counsel  
Bureau of Professional Medical Conduct