



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
*Commissioner
NYS Department of Health*

Dennis P. Whalen
*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

William P. Dillon, M.D.
Chair

Denise M. Bolan, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

February 28, 2002

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Stephen H. Cohen, Esq.
Scolato, Shulam. Cohen, Fetter & Burstein, P.C.
90 Presidential Plaza
Syracuse, New York 13202

RE: St. Joseph's Cardiac Surgery Assoc., P.C.

Dear Mr Cohen:

Enclosed please find Order #BPMC 02-68 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect February 28, 2002.

If the penalty imposed by the Order is a surrender, revocation or suspension of certificate of incorporation, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

IN THE MATTER

OF

**ST. JOSEPH'S CARDIAC SURGERY ASSOCIATES, P.C.
SY-01-06-2998-A**

**CONSENT
AGREEMENT
AND ORDER**

BPMC No. 02-68

The Respondent, ST. JOSEPH'S CARDIAC SURGERY ASSOCIATES, P.C., says:

The Respondent is a professional service corporation duly authorized to practice medicine in the State of New York pursuant to Article 15 of the Business Corporation Law.

The Respondent is subject to the jurisdiction of the New York State Board for Professional Medical Conduct, and the pre-hearing and hearing procedures of Title II-A of Article 2 of the New York Public Health Law, pursuant to Section 1503(d) of the Business Corporation Law.

The Respondent is applying to the New York State Board for Professional Medical Conduct for a Consent Agreement and Order imposing a penalty, pursuant to Section 230-a of the Public Health Law and Section 1503(d) of the Business Corporation Law, of revocation of its certificate of incorporation such that the revocation shall be effective immediately and shall be self-executing, provided, however, that pursuant to Article 10 of the Business Corporation Law, said Corporation will be permitted to wind up its affairs notwithstanding this revocation, and this Consent Agreement and Order shall be deemed automatically to be the final and operative document revoking the Respondent's certificate of incorporation, and Respondent requests that the Board issue this Consent Agreement and Order.

The Respondent understands that the New York State Board for Professional Medical Conduct has charged Respondent with one (1) specification of professional misconduct as set

forth in the Amended Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

The Respondent does not contest the one (1) specification, set forth in the Amended Statement of Charges (Exhibit A).

The Respondent agrees that, in the event the State Board for Professional Medical Conduct approves this proposal, this Consent Agreement and Order shall be issued revoking Respondent's certificate of incorporation. The Respondent agrees that such revocation shall be effective immediately and shall be self-executing, except for the application of the provisions of Article 10 of the Business Corporation Law, and that this Consent Agreement and Order shall be deemed automatically to be the final and operative document revoking the Respondent's certificate of incorporation. The Respondent agrees that, notwithstanding the above, nothing herein shall be construed to absolve the Respondent in any way from paying to the Departments of State, Education, and Taxation and Finance any outstanding taxes, fines and penalties or from otherwise satisfying any and all obligations to those agencies.

The Respondent agrees that, in the event the State Board for Professional Conduct grants this application, this Consent Agreement and Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Agreement and Order to the corporation's attorney Stephen H., Cohen, Esq., at Scolaro, Shulman, Cohen, Fetter & Burstein, P.C., 90 Presidential Plaza, Syracuse, New York, 13202, or upon transmission via facsimile to the corporation's attorney at (315) 471-1355, whichever is first.

The Respondent acknowledges that, in the event that this proposed agreement is not approved by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon it or construed to be an admission of any act of misconduct alleged or charged against it, such proposed agreement shall not be used against it in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding;

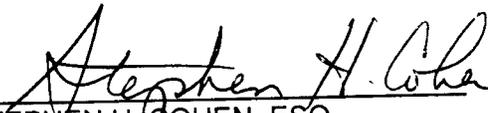
and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

The Respondent is making this agreement of its own free will and accord and not under duress, compulsion, or restraint of any kind or manner. In consideration of the value to Respondent of the acceptance by the Board of this application, allowing Respondent to resolve this matter without the various risks and burdens of a hearing on the merits, Respondent knowingly waives any right to contest, whether administratively or judicially, the Consent Agreement and Order issued hereunder for which Respondent, hereby, applies and the Respondent asks that the application be granted.

The Respondent is making this application through its duly authorized agent, the corporation's attorney, Stephen H. Cohen, Esq., Scolaro, Shulman, Cohen, Fetter & Burstein, P.C., 90 Presidential Plaza, Syracuse, New York 13202. The Respondent warrants that Stephen H. Cohen, Esq., has the necessary corporate authority to enter into this Consent Agreement and Order on behalf of the Respondent and to consent on behalf of the Respondent to the revocation of its certificate of incorporation.

Date: Feb 25, 2002

ST. JOSEPH'S CARDIAC SURGERY ASSOCIATES, P.C.

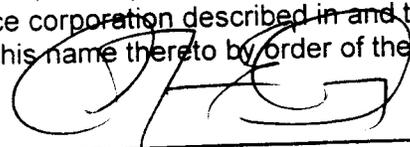

STEPHEN H. COHEN, ESQ.

State of New York)

ss.:

County of Chondaga

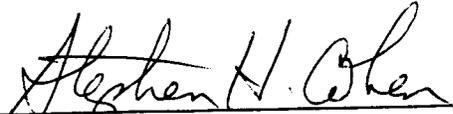
On the 25th day of February, 2002, before me personally came Stephen H. Cohen, Esq., who being by me duly sworn, did depose and say that he is the attorney for the Respondent, the professional service corporation described in and that he executed the above instrument; and that he signed his name thereto by order of the Board of Directors of the Respondent.



ANN T. EALY
Notary Public, State of New York
Qual. in Onon. Co., No. 4961998
My Commission Expires Feb. 12, 2006

AGREED TO:

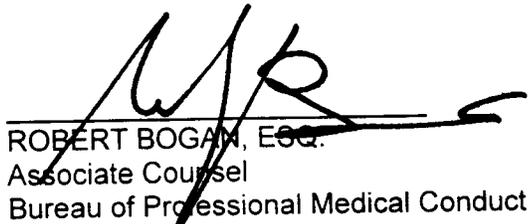
Date: February 25, 2002



STEPHEN H. COHEN, ESQ.
Scolaro, Shulman, Cohen, Fetter & Burstein, P.C.
90 Presidential Plaza
Syracuse, NY 13202

Counsel for the Respondent

Date: 27 February, 2002



ROBERT BOGAM, ESQ.
Associate Counsel
Bureau of Professional Medical Conduct

Date: 27 February, 2002



DENNIS J. GRAZIANO
Director, Office of Professional Medical Conduct

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

IN THE MATTER
OF
ST. JOSEPH'S CARDIAC SURGERY ASSOCIATES, P.C.

AMENDED
STATEMENT
OF
CHARGES

ST. JOSEPH'S CARDIAC SURGERY ASSOCIATES, P.C. Respondent, is a professional service corporation that was authorized to practice medicine in New York State on or about December 26, 1989, by the New York State Department of State.

FACTUAL ALLEGATIONS

A. Respondent is subject to the jurisdiction of the State Board for Professional Medical Conduct, and the pre-hearing and hearing procedures of Title II-A of Article 2 of the New York Public Health Law, pursuant to Section 1503(d) of the New York Business Corporation Law.

B. On or about January 1993, through at least April 18, 2001, Medhi A. Marvasti, M.D., Joel Rosenberg, M.D., and Ahmad Nazem, M.D., and on or about August 1996, through at least April 18, 2001, Edward Nast, M.D., were shareholders of Respondent.

C. On or about April 18, 2001, Stephen H. Cohen, Esq., entered a plea of guilty on behalf of Respondent to the charge described in Paragraph D below.

D. On or about April 18, 2001, in the United States District Court, Northern District of New York, based on the plea of guilty described in Paragraph C above, Respondent was found guilty of Mail Fraud, in violation of Title 18, United States Code, §1341, and sentenced to a \$200,000.00 fine and a \$400.00 special assessment. Pursuant to the terms of the plea agreement, a separate civil settlement agreement required that \$750,000.00 be paid, above and beyond the criminal fine.

SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law, in that Petitioner charges:

1. The facts in Paragraphs A, B, C, and/or D.

DATED: *Feb. 27*, 2002
Albany, New York


PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional
Medical Conduct

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

IN THE MATTER

ORDER

OF

ST. JOSEPH'S CARDIAC SURGERY ASSOCIATES, P.C.
SY-01-06-2998-A

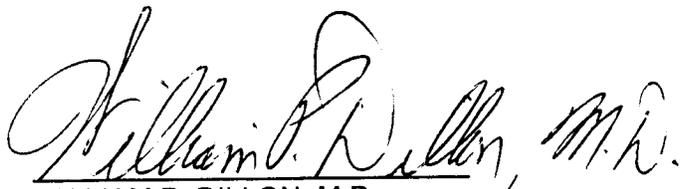
Upon the proposed Consent Agreement and Order of ST. JOSEPH'S CARDIAC SURGERY ASSOCIATES, P.C., which proposed agreement is made a part hereof, it is AGREED TO, and

ORDERED, that the certificate of incorporation of ST. JOSEPH'S CARDIAC SURGERY ASSOCIATES, P.C., is, hereby, revoked, such that revocation shall be effective immediately and self-executing, and such that this Order shall be deemed automatically to be the final and operative document revoking the certificate of incorporation; and it is further

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy to Stephen H. Cohen, Esq., at the addresses set forth in this Consent Agreement and Order, or upon transmission via facsimile, to Respondent's attorney, whichever is earliest.

DATED: 2/28, 2002


WILLIAM P. DILLON, M.D.
Chair
State Board for Professional Medical Conduct