



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

April 22, 1994

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Franz Arakaky, M.D.
3602 Aquia Drive
Stafford, VA22554

RE: License No. 161535
Effective Date: 4/29/94

Dear Dr. Arakaky:

Enclosed please find Order #BPMC 94-53 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

C. Maynard Guest

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

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

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IN THE MATTER :
OF : ORDER
FRANZ ARAKAKY, M.D. : BPMC #94-53

-----X

Upon the Application of FRANK ARAKAKY, M.D. (Respondent) to Surrender his license as a physician in the State of New York, which application is made a part hereof, it is

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

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that Respondent shall not apply for the restoration of Respondent's license until at least one year has elapsed from the effective date of this order; and it is further

ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order via certified mail, whichever is earliest.

SO ORDERED,

DATED: 20 April 1994

Charles J. Vacanti
CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I admit guilt of the second specification of professional misconduct set forth in the Statement of Charges.

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me 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.

I agree that in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued

striking my name from the roster of physicians in the State of New York without further notice to me.

I am making this Application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

Franz Arakaky M.D.

FRANZ ARAKAKY, M.D.
Respondent

COMMONWEALTH OF VIRGINIA,
Arlington County, to-wit:

Sworn to before me this
8th day of April, 1994

[Signature]

NOTARY PUBLIC

My Commission Expires 6/30/97

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

IN THE MATTER
OF
FRANZ ARAKAKY, M.D.

: APPLICATION
:
: TO SURRENDER
:
: LICENSE
:

The undersigned agree to the attached application of the Respondent to surrender his license.

Date: April 8, 1994 FRANZ ARAKAKY, M.D.
FRANZ ARAKAKY, M.D.
Respondent

Date: April 8, 1994 DAVID E. SHER, ESQ.
DAVID E. SHER, ESQ.
Counsel for Respondent

Date: April 13, 1994 KEVIN P. DONOVAN
KEVIN P. DONOVAN
Associate Counsel
Bureau of Professional
Medical Conduct

Date: April 21, 1994 KATHLEEN M. TANNER
KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

Date: 20 April 1994 CHARLES J. VACANTI, M.D.
CHARLES J. VACANTI, M.D.
Chairperson, State Board for
Professional Medical Conduct

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

-----X

IN THE MATTER : STATEMENT
OF : OF
FRANZ ARAKAKY, M.D. : CHARGES

-----X

FRANZ ARAKAKY, M.D., the Respondent, was authorized to practice medicine in New York State on March 18, 1985, by the issuance of license number 161535 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine in New York State. Respondent's last known address is 3602 Aquia Drive, Stafford, Virginia 22554.

FACTUAL ALLEGATIONS

A. By order entered June 10, 1993, the Board of Medicine of the Commonwealth of Virginia found that Respondent had violated provisions of the Virginia Code concerning the practice of medicine by inappropriately touching the breasts, buttocks, and genital area of female patients with parts of his body including his penis, and revoked Respondent's license to practice medicine in Virginia.

Exhibit A

B. The conduct resulting in the revocation of Respondent's license in Virginia or the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under the law of New York State, namely: practicing the profession fraudulently within the meaning of New York Education Law Section 6530(2)(McKinney Supp. 1994), conduct in the practice of medicine which evidences moral unfitness to practice medicine within the meaning of New York Education Law Section 6530(20)(McKinney Supp.1994), and willfully abusing a patient within the meaning of New York Education Law Section 6530(31)(McKinney Supp.1994).

C. By entry of a plea of nolo contendere on January 5, 1994, in the Circuit Court of Arlington County, Virginia, and order entered January 18, 1994, Respondent was convicted of four counts of assault and battery, was sentenced to four consecutive jail terms of twelve months, each suspended, and was placed on probation for five years.

D. The conduct resulting in the convictions of Respondent in Virginia would, if committed within New York State, have constituted a crime, namely: sexual abuse in the third degree in violation of N.Y. Penal Law Section 130.55 (McKinney Supp. 1994).

SPECIFICATIONS OF MISCONDUCT

FIRST SPECIFICATION

The Respondent is charged with professional misconduct within the meaning of New York Education Law Section 6530 (9)(b)(McKinney Supp. 1994) in that he has been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state, where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

1. The facts of paragraphs A and B.

SECOND SPECIFICATION

Respondent is charged with professional misconduct within the meaning of New York Education Law Section 6530(9)(d)(McKinney Supp. 1994) in that he had his license revoked by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action involving the license would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

2. The facts of paragraphs A and B.

THIRD SPECIFICATION

Respondent is charged with professional misconduct within the meaning of New York Education Law Section 6530(9)(a)(iii) by reason of his having been convicted of committing an act constituting a crime under the law of another jurisdiction which, if committed within this state, would have constituted a crime under New York state law, in that Petitioner charges:

3. The facts of paragraphs C and D.

DATED: Albany, New York
March 24, 1994



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