



New York State Board for Professional Medical Conduct

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

Dennis P. Whalen
Executive Deputy Commissioner of Health
Anne F. Saile, Director
Office of Professional Medical Conduct
William J. Comiskey, Chief Counsel
Bureau of Professional Medical Conduct

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Chair
Denise M. Bolan, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

February 11, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Claus Peter Speth, M.D.
564 Hunter Street
Woodbury, New Jersey 08096

RE: License No. 121834

Dear Dr. Speth:

Enclosed please find Order #BPMC 99-36 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **February 11, 1999**.

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 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

cc: William H. Buckman, Esq.
714 E. Main Street, Suite 1B
Moorestown, New Jersey 08057

Marcia Kaplan, Esq.

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

IN THE MATTER
OF
CLAUS PETER SPETH, M.D.

SURRENDER
OF
LICENSE
BPMC #99-36

STATE OF NEW YORK)
COUNTY OF) ss.:

CLAUS PETER SPETH, M.D., being duly sworn, deposes and says:

On or about September 16, 1974, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 121834 by the New York State Education Department.

My current address is 564 Hunter Street, Woodbury, N.J. 08096, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with two specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

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 do not contest the First and Second Specifications in full satisfaction of the Statement of Charges.

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

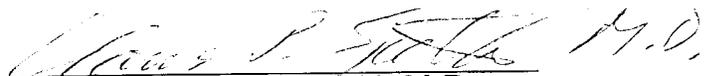
I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against 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 agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Surrender Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Surrender Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

DATED January 20,
1999


CLAUS PETER SPETH, M.D.
RESPONDENT

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

Date:

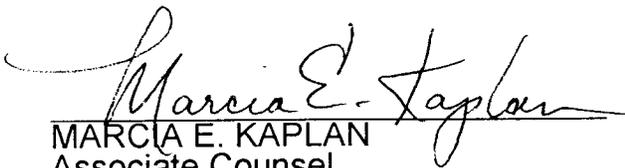
1/20/99



WILLIAM BUCKMAN, ESQ.
Attorney for Respondent

Date:

Feb. 1, 1999



MARCIA E. KAPLAN
Associate Counsel
Bureau of Professional
Medical Conduct

Date:

2/4/99



ANNE F. SAILE
Director
Office of Professional Medical Conduct

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

IN THE MATTER
OF
CLAUS PETER SPETH, M.D.

SURRENDER
ORDER

Upon the proposed agreement of CLAUS PETER SPETH, M.D. (Respondent) to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is agreed to and

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 this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Surrender Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 2/8/99

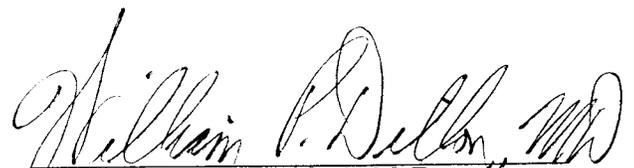

WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct

EXHIBIT "A"

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

**IN THE MATTER
OF
CLAUS PETER SPETH, M.D.**

**STATEMENT
OF
CHARGES**

CLAUS PETER SPETH, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 16, 1974, by the issuance of license number 121834 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about October 28, 1997, Respondent was convicted after a trial by jury in the New Jersey Superior Court, Essex County, Law Division-Criminal, of Tampering With a Witness, an act constituting a crime under New Jersey law, i.e. N.J.S.A. 2C:28-5. If committed in New York, this conduct would have constituted a crime under New York state law (namely N.Y. Penal Law § 215.11, 215.12 or 215.13). On or about December 5, 1997, Respondent was sentenced to probation for two years, and assessments totalling \$125.
- B. On or about June 10, 1998, Respondent surrendered his New Jersey Medical license after a disciplinary action was instituted by the New Jersey State Board of Medical Examiners, where the conduct resulting in the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law §6530(9)(a)(iii) ; see First Specification.) Respondent surrendered his New Jersey medical license during the pendency of his appeals in the criminal action set forth in Paragraph A above; in the event that the appeals are

successful and the judgment of conviction is reversed or vacated, upon presentation of said judgment to the New Jersey Board, Respondent's license will be immediately reinstated.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

CRIMINAL CONVICTION (NEW JERSEY)

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(a)(iii)(McKinney Supp. 1999) by having been convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed within this state, would have constituted a crime under New York state law (namely N.Y. Penal Law §215.11, 215.12 or 215.13) as alleged in the facts of the following:

1. Paragraph A.

SECOND SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(d)(McKinney Supp. 1999) by having surrendered his license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law §6530(9)(a)(iii) as alleged in the facts of the following:

2. Paragraph B.

DATED: January, 1999
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct