



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

February 10, 2003

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Dana N. Glicklich, M.D.
541 East 20 Street, Apt. 148
New York, New York 10010

Angelo G. MacDonald
Attorney-at-Law
Pappalardo & Pappalardo LLP
575 White Plains Road
Eastchester, New York 10709

Robert Bogan, Esq.
Paul Robert Mahar, Esq.
NYS Department of Health
Office of Professional Medical
Conduct
Hedley Building, Ste 303
433 River Street
Troy, New York 12180-2299

RE: In the Matter of Dana N. Glicklich, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 03-035) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,



Tyrone T. Butler, Director
Bureau of Adjudication

TTB:djh
Enclosure

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

COPY

DETERMINATION

AND

ORDER

BPMC NO. 03-35

IN THE MATTER

OF

DANA N. GLICKLICH, M.D.

A hearing was held on January 23, 2003, at the offices of the New York State Department of Health ("the Petitioner"). A Commissioner's Order and Notice of Hearing and a Statement of Charges, both dated November 18, 2002, were served upon the Respondent, **Dana N. Glicklich, M.D.** **Hrusikesh Parida, M.D.**, Chairperson, **Eleanor Kane, M.D.**, and **William McCafferty, Esq.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **John Wiley, Esq.**, Administrative Law Judge, served as the Administrative Officer.

The Petitioner appeared by **Donald P. Berens, Jr., Esq.**, General Counsel, by **Paul Robert Maher, Esq.**, and **Robert Bogan, Esq.**, of Counsel. The Respondent appeared in person and was represented by **Angelo G. MacDonald, Esq.**, of Pappalardo & Pappalardo, 575 White Plains Road, Eastchester, New York 10709.

Evidence was received and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing when a licensee is charged solely with a violation of Education Law Section 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York State or another jurisdiction, or upon a prior administrative adjudication regarding conduct that would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(a)(i). Copies of the Commissioner's Order and Notice of Hearing and the Statement of Charges are attached to this Determination and Order as Appendix 1.

WITNESSES

For the Petitioner:	None
For the Respondent:	Alan Gordon, M.D. Kathleen Barker, Ph.D. Renee Glicklich Dana N. Glicklich, M.D.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to exhibits, denoted by the prefix "Ex." These citations refer to evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous.

1. Dana N. Glicklich, M.D., the Respondent, was authorized to practice medicine in New York State on March 30, 1979, by the issuance of license number 137540 by the New York State Education Department (Petitioner's Ex. 4).

2. On May 15, 2002, in the Supreme Court of the State of New York, County of Kings, Criminal Term, the Respondent was convicted, based on a plea of guilty, of Offering a False Instrument for Filing in the First Degree, a class E felony (Petitioner's Ex. 5 and 6). On September 30, 2002, the Respondent was sentenced to five years probation and to pay \$70,000.00 in restitution (Petitioner's Ex. 7).

VOTE OF THE HEARING COMMITTEE

SPECIFICATION

"Respondent violated New York Education Law Section 6530(9)(a)(i) by having been convicted of committing an act constituting a crime under New York state law..."

VOTE: Sustained (3-0)

HEARING COMMITTEE DETERMINATION

The record in this case established that the Respondent was convicted of one count of Offering a False Instrument for Filing in the First Degree, a class E felony. In response to this conviction, the Commissioner of the New York State Department of Health issued a Commissioner's Order and Notice of Hearing, dated November 18, 2002, that prohibited the Respondent from practicing medicine (Petitioner's Ex. 1). The prohibition was effective immediately and will continue in effect until the resolution of this hearing process.

The Respondent argued that her crime was an aberration in an otherwise exemplary medical career. The Respondent noted that her psychiatric practice consisted in large part of the treatment of alcoholics and drug addicts with psychiatric problems, an

underserved population. She also provides psychiatric care to Holocaust survivors and their children.

The Respondent introduced into evidence letters from physicians and an addiction counselor who have worked with the Respondent and a letter from a former patient of the Respondent. The Hearing Committee was impressed by the admiration for the Respondent expressed in these letters and by the description in these letters of the Respondent's skill and dedication.

Alan L. Gordon, M.D., worked with the Respondent for more than three years at the Alcohol Treatment Center of North General Hospital. His letter (Respondent's Ex. D-1) states that:

[The Respondent] was throughout this time completely admirable in all respects. Specifically, she was deeply devoted to this difficult and needy population. She was highly knowledgeable and very eager to share her knowledge and experience. She was completely competent in all aspects of her clinical work: diagnosis, therapy, supervision, and administration. She was consistent in her efforts to keep the entire staff informed of the most current information in the field. She was totally reliable and responsible in her duties to those patients who came for help, as well as to her colleagues and supervisees. I am certain there is no doubt in the minds of everyone with whom she worked that she held herself to the highest ethical standards.

Because of my experience and knowledge of Dr. Glicklich's competence and character, as well as her service to an underserved population, I think it would be a terrible waste of talent and experience if she were deprived of the opportunity to continue practicing her skills as a psychiatrist.

Dr. Gordon testified at the hearing. His testimony was equally laudatory.

Jane D. Greenberg, M.D., the Unit Chief at Metropolitan Hospital Center, Department of Psychiatry, has worked with the Respondent since 1992. Her letter (Respondent's Ex. E-1) states the following:

Dr. Glicklich has always been an exceptionally hard-working and dedicated physician. I have never heard she [sic] say an unkind word about any of her frequently very difficult patients. We have often discussed our work at the hospital, and she has always shown sound medical and psychiatric

judgment. There are often staff shortages in our department, and Dr. Glicklich did the work of two physicians without complaint.

On a personal level, I have never known Dr. Glicklich to be dishonest in any way. She is a devoted mother and grandmother.

It would be a great loss to our profession and patients if Dr. Glicklich was not allowed to practice in the future.

Maria Cwiertnia, M.D., has known the Respondent for six years. The Respondent was Dr. Cwiertnia's supervisor during her psychiatric residency program at Metropolitan Hospital Center and New York College of Medicine. Her letter (Respondent's Ex. F-1) provides as follows:

During my training, it became apparent to me (and other residents) that Dr. Glicklich was an outstanding psychiatrist from whom we could, and did, learn enormously at each stage of patient evaluation: accurate differential diagnosis, treatment planning, formulation and discharge planning. When she taught courses, her discussions were lucid and illuminating for residents and students and this led, not incidentally, to the enormous respect residents and students had toward her work. But it was not only her skill and acumen that students sought. It was also her dedication and availability to mentor and advise us when we most needed it. For instance, when I was on call and had emergency psychiatric situations, I could call her any time (often at night) for her professional advice. She was always thorough in these discussions...

Dr. Natalia Glicklich's intelligence and acute sensitivity were applied to more than just her students. The hallmark of her treatment of patients could be considered to be her respect and empathy. She was very concerned about the present and future life of each individual patient...I know from her patients' discussions how highly they thought of her. She was distinguished as a compassionate, empathetic physician who was always ready, when needed, to help others, without looking for any gratitude or profit...

...She is a superb professional who has both a highly developed sense of humanity and personal integrity. I have enormous respect for her humane spirit and keen mind. I hope my letter demonstrates how devoted she is as a professional and how unselfish she is in her interactions with others.

Richard Latimer, an Addiction Counselor at Metropolitan Hospital Center, has worked with the Respondent since March of 1998. His letter (Respondent's Ex. I-1) states:

At Metropolitan we worked with hundreds of humans that were afflicted with the disease of Opiate dependency. They often suffered with poly-drug use...They also are often ex-offenders on parole, untrained vocationally, and come from dysfunctional families with layers of clinical issues

This is the population that Doctor Glicklich treated for many clinical problems, and led our staff towards learning how to better treat them for their illnesses. It was an overwhelming task.

Doctor Glicklich was what we refer to as our "Team leader."...She not only was extremely adept at getting to what the core issues were that needed to be recognized for treatment, but what the best combination of medical, psychological and pharmacological treatments would [be to] benefit the addicted person....

She often educated the entire staff about treatment issues, counter-transference issues that she recognized in staff and also recognized and treated unresolved grief issues from our patients.

During my time working at Metropolitan, many of my caseload of patients are HIV/AIDS positive...Many of them died as a result of the AIDS infection. Their deaths took a toll on me emotionally and professionally. Doctor Glicklich recognized this with myself and with other staff our repressed feelings concerning grief issues. She instituted grief resolving practices that helped the staff to function through difficult times. These practices exist and aid our patients and staff even today...

There are a large amount of patients that were treated by Doctor Glicklich that even today reveal how she was compassionate, concerned, sensitive [sic], and often educated the patient towards understanding what was happening to them and how they themselves could help with their treatment. This empowered the patients...to strongly reinforce long term recovery...

Doctor Glicklich works extremely hard and is extremely dedicated to aiding the community. Her devotion to this field is passionate...

These letters and the other letters in the hearing record from colleagues and a patient have convinced the Hearing Committee that the Respondent is an exceptional physician. The testimony of the Respondent has convinced the Hearing Committee that her criminal act is an aberration and that she is not likely to commit any criminal acts in the future. Because of these factors, the penalty recommended by the Petitioner, a revocation of the Respondent's license to practice medicine, will not be imposed. The penalties described in the Order below better balance the need to recognize the

seriousness of the Respondent's criminal act with the quality of her medical practice and the low probability of future criminal acts.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Respondent's license to practice medicine is suspended for six months, commencing November 18, 2002, the effective date of the prohibition against practicing medicine imposed by the Commissioner's Order and Notice of Hearing.

2. During the first twelve months following the reinstatement of the Respondent's license to practice medicine, the Respondent must perform 200 hours of uncompensated public service in the field of psychiatry. The service must be delivered in a facility or with an organization equipped to provide such services and serving a needy or medically underserved population. A written proposal for public service must be submitted to, and is subject to the written approval of the Petitioner's Office of Professional Medical Conduct. Public service performed prior to written approval by the Office of Professional Medical Conduct shall not be credited toward compliance with this Order.

3. This Order shall be effective upon service on the Respondent or the Respondent's attorney by personal service or by certified or registered mail.

DATED: Middletown, New York

February 5, 2003

Hrusikesh Parida

**Hrusikesh Parida, M.D.
Chairperson**

**Eleanor Kane, M.D.
William McCafferty, Esq.**

APPENDIX 1

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

IN THE MATTER

OF

DANA N. GLICKLICH, M.D.
CO-02-08-4158-A

COMMISSIONER'S
ORDER
AND
NOTICE OF
HEARING

TO: DANA N. GLICKLICH, M.D.
541 East 20 Street
Apt. 148
New York, NY 10010

The undersigned, Antonia C. Novello, M.D., M.P.H., Dr. P.H., Commissioner of the New York State Department of Health, after an investigation, upon the recommendation of a committee on professional medical conduct of the State Board for Professional Medical Conduct, and upon the Statement of Charges attached hereto and made a part hereof, has determined that DANA N. GLICKLICH, M.D., who was authorized to practice medicine in New York state on March 30, 1979, by the issuance of license number 137540 by the New York State Education Department, has pleaded guilty to committing acts constituting a felony under New York state law in the Supreme Court of the State of New York, County of Kings, New York.

It is therefore,

ORDERED, pursuant to N.Y. Public Health Law Section 230(12)(b), that effective immediately, DANA N. GLICKLICH, M.D., Respondent, shall not practice medicine in the State of New York or in any other jurisdiction where that practice is dependent on a valid New York State license to practice medicine. This order shall remain in effect unless

modified or vacated by the Commissioner of Health pursuant to N.Y. Public Health Law Section 230(12).

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of N.Y. Public Health Law Section 230, and N.Y. State Administrative Procedure Act Sections 301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board of Professional Medical Conduct, on the 19th day of December, 2002 at 10:00 am in the forenoon at Hedley Park Place, 5th Floor, 433 River Street, Troy, New York and at such other adjourned dates, times, and places as the committee may direct. The Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, that is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. The Respondent shall appear in person at the hearing and may be represented by counsel. The Respondent has the right to produce witnesses and evidence on her behalf, to issue or have subpoenas issued on her behalf for the production of witnesses and documents, and to cross-examine witnesses and examine evidence produced against her. A summary of the Department of Health Hearing Rules is enclosed. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge, a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The hearing will proceed whether or not the Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and, therefore, adjournment

requests are not routinely granted. Requests for adjournments must be made in writing to the Administrative Law Judge's Office, Hedley Park Place, 433 River Street, 5th Floor, Troy, New York 12180 (518-402-0751), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event that any of the charges are sustained, a determination of the penalty or sanction to be imposed or appropriate action to be taken. Such determination may be reviewed by the Administrative Review Board for Professional Medical Conduct.

**THESE PROCEEDINGS MAY RESULT IN A
DETERMINATION THAT YOUR LICENSE TO
PRACTICE MEDICINE IN NEW YORK STATE BE
REVOKED OR SUSPENDED, AND/OR THAT
YOU MAY BE FINED OR SUBJECT TO OTHER
SANCTIONS SET FORTH IN NEW YORK PUBLIC
HEALTH LAW SECTION 230-A. YOU ARE
URGED TO OBTAIN AN ATTORNEY FOR THIS
MATTER.**

DATED: Albany, New York

November 18, 2002


ANTONIA C. NOVELLO, M.D. M.P.H., Dr. P.H.,
Commissioner

Inquires should be addressed to:

Robert Bogan
Associate Counsel
Office of Professional Medical Conduct
433 River Street – Suite 303
Troy, New York 12180
(518) 402-0828

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

IN THE MATTER
OF
DANA N. GLICKLICH, M.D.
CO-02-08-4158-A

STATEMENT
OF
CHARGES

DANA N. GLICKLICH, M.D., the Respondent, was authorized to practice medicine in New York state on March 30, 1979, by the issuance of license number 137540 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about May 15, 2002, in the Supreme Court of the State of New York, County of Kings, Criminal Term, Part 10, the Respondent was convicted, based on a plea of guilty, of Offering a false instrument for filing in the first degree, a class E felony, in violation of New York Penal Law § 175.35 and was required to pay \$70,000.00 restitution, and on or about September 30, 2002, was sentenced to five (5) years probation.

SPECIFICATION

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

1. The facts in paragraph A.

DATED: *Nov. 18*, 2002
Albany, New York

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

SUMMARY OF DEPARTMENT OF HEALTH HEARING RULES

(Pursuant to Section 301 SAPA)

The following items are addressed by the Uniform Hearing Procedures Rules of the New York State Department of Health:

Applicability

Definitions

Notice of Hearing

Adjournment

Answer or Responsive Pleading

Amendment of Pleadings

Service of Papers

Discovery

Hearing Officer/Pre-Hearing Conference

Pre-Hearing Conference

Stipulations and Consent Orders

The Hearing

Hearing Officer's Report

Exceptions

Final Determination and Order

Waiver of Rules

Time Frames

Disqualification for Bias

The exact wording of the rules is found at 10 NYCRR Part 51 of Volume 10 of the New York Code of Rules and Regulations. Each of the above items may be summarized as following:

51.1 Applicability. These regulations apply to most hearings conducted by the Department of Health.

51.2 Definitions.

1. "Commissioner" means Commissioner of the New York State Department of Health.
2. "CPLR" means Civil Practice Law and Rules.
3. "Department" means New York State Department of Health.
4. "Hearing Officer" means the person appointed to preside at the hearing or the person designated as administrative officer pursuant to Public Health Law Section 230.
5. "Party" means all persons designated as petitioner, respondent or intervenor.
6. "Report" means the Hearing Officer's summary of the proceeding and written recommendation or the findings, conclusions and determination of the hearing committee pursuant to Public Health Law Section 230.

51.3 The Department's Notice of Hearing and/or Statement of Charges should be served at least 15 days prior to the first hearing date, specify time, place and date(s) and should contain the basis for the proceeding. Pursuant to Public Health Law §230, the Notice of Hearing must, additionally, specify that the licensee shall file a written answer.

51.4 Adjournment. Only the Hearing Officer may grant an adjournment and only after he/she has consulted with both parties. In hearings pursuant to Public Health Law Section 230, an adjournment on the initial day may be granted by the hearing committee.

51.5 Answer or Responsive Pleading. A party may serve an answer or response to the allegations of the Department. In matters governed by PHL §230, the licensee is required to file a written answer to each of the charges and allegations of the Department. Under the law, any charge or allegation which is not so answered shall be deemed admitted.

51.6 Amendment to Pleadings. A party may usually amend papers if no substantial prejudice results by leave of the Hearing Officer.

51.7 Service of Papers. Except for the Notice of Hearing and/or Statement of Charges, all papers may be served by ordinary mail.

51.8 Disclosure. Generally, there is no disclosure of any kind and the Hearing Officer cannot require it, unless all parties agree. If agreed to, the Hearing Officer will ensure all parties proceed in accordance with their agreement. However, in a hearing in which revocation of a license or permit is sought or possible, a party may demand in writing that another party disclose the names of witnesses, document or other evidence such other party intends to offer at the hearing. A demand for such disclosure must be served at least 10 days prior to the first scheduled hearing date. Disclosure of a statement that the party has nothing to disclose must be made at least 7 days before the first scheduled hearing date. A party that determines to present witnesses or evidence not previously disclosed must supplement its disclosure as soon as is practicable. The Hearing Officer may, upon good cause shown, modify the times for demands for and response to disclosure or allow a party not to disclose or limit, condition or regulate the use of information disclosed and may preclude the introduction of evidence not disclosed pursuant to a demand.

51.9 Hearing Officer. He/she presides over the hearing and has the authority to ensure it is conducted in an orderly fashion. He/she may also order the parties to meet before the hearing to discuss the procedure. He/she does not have the authority to remove testimony from the transcript and/or dismiss charges unless authorized by delegation.

51.10 Stipulation and Consent and Surrender Orders. At any

time prior to a final order, parties may resolve all or any issues by stipulation. An order issued pursuant to a stipulation has the same force and effect as one issued after hearing.

51.11 The Hearing. A party may have an attorney represent him or her. Failure to appear may result in an adverse ruling. A hearing may be combined with or separated from another hearing depending on whether such action will result in delay, cost or prejudice. While the rules of evidence as applied in a courtroom are not observed, witnesses must be sworn or give an affirmation and each party has the right to present its case and to cross-examine. The Department has broad discretion to place documents into evidence. A record of the proceeding must be made. In enforcement cases, the Department has the burden of proof and of going forward. In matters relating to neglect or abuse of patients under Public Health Law Section 2803-d, the Hearing Officer may not compel disclosure of the identity of the person making the report or who provided information in the investigation of the report.

Complaints relating to Public health Law Section 230 may not be introduced into evidence by either party and their production cannot be required by the Hearing Officer.

Claims that a hearing has been unreasonably delayed is treated as an affirmative defense (Section 51.5) or as part of the claimant's case. The burden of going forward and of proof are on the claimant.

A verbatim record of the proceeding shall be made by any means determined by the Department. The record shall include notice of hearing and any statement of charges, responsive pleadings, motions, rulings, transcript or recording, exhibits, stipulations, briefs, any objections filed, any decision, determination, opinion, order or report rendered.

51.12 Hearing Officer or Hearing Committee Report. The report or determination should be submitted within 60 days of completion of the hearing.

51.13 Filing of Exceptions. Within 30 days of the date of a copy of the report of the Hearing Officer and proposed order any party may submit exceptions to said report and proposed order

to the Supervising Administrative Law Judge. On notice of all parties, a party may request, before the expiration of the exception period, the Supervising Law Judge to extend the exception period. All parties have the opportunity to state their position on the extension on the record. Extensions may be granted on good cause shown; however, they are not granted to allow a party to respond to exceptions already filed. Pursuant to PHL 230(c), a notice of request for review of the Hearing Committee determination must be served upon the ARB within 14 days of service of the determination. All parties have 30 days thereafter to submit briefs and 7 days from service of a brief to submit a reply.

51.14 Final Determination Order. The hearing process ends when an order is issued by the Commissioner or his designee or the appropriate board of council. The order should state a basis for the decision. Each party receives a copy of the order.

51.15 Waiver of Rules. These rules and regulations may be dispensed with by agreement and/or consent.

51.16 Establishment, Construction, Rate Hearings. Hearings involving any of these issues have time limits concerning the issuance of notices of hearing of 365 days of receipt by the Department of a request for hearing.

51.17 Disqualification for Bias. Bias shall disqualify a Hearing Officer and/or a committee member in hearings governed by Public Health Law Section 230. The party seeking disqualification must submit to the hearing officer an affidavit pursuant to SAPA Section 303. Mere allegations are insufficient. The Hearing Officer rules on the request.

DATED: Albany, New York
March 20, 1997


HENRY M. GREENBERG
General Counsel