STATE OF NEW YORK
DEPARTMENT OF HEALTH
433 River Street, Suite 303 Troy, New York 12180-2299

Richard F. Daines, M.D.
Commissioner

Wendy E. Saunders
Chief of Staff

February 14, 2008

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Geroge S. Lakner, M.D.
Fort McNair
P.O. Box 72185
Washington, D.C. 20024

Daniel J. Hurteau, Esq.
Nixon Peabody, LLP
Omni Plaza - Suite 900
30 South Pearl Street
Albany, New York 12207

Joel Abelove, Esq.
NYS Department of Health
Bureau of Professional Medical Conduct
433 River Street- Suite 303
Troy, New York 12180-2299

RE: In the Matter of George S. Lakner, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 08-24) 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.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct
New York State Department of Health
Hedley Park Place
433 River Street - Fourth Floor
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), (McKinney Supp. 2007) and §230-c subdivisions 1 through 5, (McKinney Supp. 2007), "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.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

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,

Redacted Signature

James F. Horan, Acting Director
Bureau of Adjudication

JFH:cah

Enclosure

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

COPY

IN THE MATTER

OF

GEORGE S. LAKNER, M.D.

DETERMINATION

AND

ORDER

BPMC #08-24

A hearing was held on January 3, 2008, at the offices of the New York State Department of Health ("the Petitioner"). An Amended Notice of Referral Proceeding on Amended Statement of Charges, both dated August 7, 2007, were served upon the Respondent, **George S. Lakner, M.D.**. Pursuant to Section 230(10)(e) of the Public Health Law, **James D. Hayes, II, M.D.**, Chairperson, **Arsenio G. Agopovich, M.D.**, and **Peter S. Koenig, Sr.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **William J. Lynch, Esq.**, Administrative Law Judge, served as the Administrative Officer.

The Petitioner appeared by **Thomas Conway, Esq.**, General Counsel, by **Joel Abelove, Esq.**, of Counsel. The Respondent appeared in person and was represented by Nixon Peabody LLP, **Daniel J. Hurteau, Esq.,** of Counsel.

Evidence was received and transcripts of these proceedings were made.

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

BACKGROUND

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)(b) and (d). Copies of the Amended Notice of Referral Proceeding on Amended Statement of Charges are attached to this Determination and Order as Appendix 1.

WITNESSES

For the Petitioner: None

For the Respondent: George S. Lakner, 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. George S. Lakner, M.D., the Respondent, was authorized to practice medicine in New York State on November 7, 1980, by the issuance of license number 144504 by the New York State Education Department (Petitioner's Ex. 8).

2. On or about December 19, 2001, the Board of Medical Examiners of the State of Nevada ("Nevada Board"), by Findings of Fact, Conclusions of Law, and Order ("Nevada Order") revoked Respondent's license to practice medicine and required him to pay $3,501.06 costs, based on Respondent having engaged in the act of renewing his Nevada license to practice medicine by misrepresentation, or by false, misleading, or inaccurate statement, with the intent to deceive (Petitioner's Ex. 10).

3. On or about August 29, 2005, the Maryland State Board of Physicians ("Maryland Board"), by a Final Decision and Order ("Maryland Order") suspended Respondent's license to practice medicine for one year and until his license to practice medicine in California is reinstated without restrictions of any kind, based on his having willfully made false statements on his 1998 and his 2000 applications for renewal of his Maryland medical license, having made false statements on employment application forms, and having been disciplined by the medical boards of other states for reasons which would be grounds for discipline in Maryland (Petitioner's Ex. 13).[1]

4. On or about January 12, 2006, the New Jersey State Board of Medical Examiners ("New Jersey Board"), suspended Respondent's license to practice medicine and surgery until such time as he can show that his sister state license in Nevada is reinstated without restrictions and he is granted a license to practice medicine in California, based upon the Nevada Board's revocation of his license and the California Board's denial of his license (Petitioner's Ex. 14).

5. On or about May 31, 2007, the Division of Licensing, Medical Board of California, Department of Consumer Affairs, State of California ("California Board")

[1] On November 14, 2007, the Court of Special Appeals of the State of Maryland issued a Mandate to the Circuit Court below with the direction that "the case be remanded to the Maryland State Board of Physicians with the directions that the Board's order be vacated insofar as it imposes as a condition of lifting the suspension of appellant's license, that he be reinstated to full and unrestricted licensure in California; that the

accepted and adopted the Proposed Decision of the Administrative Law Judge as the Decision and Order by the California Board ("California Order"). The California Order denied Respondent's application for a physician's and surgeon's certificate, based on the Nevada Board's revocation of his license, Respondent's false statement of his Nevada renewal application, the Maryland Board's suspension of his license, Respondent's dishonest act in making a false statement on his Maryland renewal application, the Virginia Board's suspension of his license, the New Jersey Board's suspension of his license, Respondent's false statements on an application for employment in Maryland, and Respondent's submission of an altered Board document to the California State Prison (Petitioner's Ex. 15).

HEARING COMMITTEE CONCLUSIONS

The Hearing Committee concludes that the conduct of the Respondent would constitute professional misconduct under the laws of New York State, had the conduct occurred in New York State, pursuant to:

- New York Education Law Section 6530(1) - "Obtaining the license fraudulently;"
- New York Education Law Section 6530(2) - "Practicing the profession fraudulently or beyond its authorized scope;"
- New York Education Law Section 6530(9)(b) - "Having 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

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Board issue a new order that contains a sanction not inconsistent with this opinion; and that in all other respects the order be affirmed."

finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state;"

- New York Education Law Section 6530(9)(d) – "Having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state;"

- New York Education Law Section 6530(20) - "Conduct in the practice of medicine which evidences moral unfitness to practice medicine;"

- New York Education Law Section 6530(21) - "Willfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, or willfully impeding or obstructing such filing, or inducing another person to do so."

VOTE OF THE HEARING COMMITTEE

FIRST THROUGH FIFTH SPECIFICATIONS

"Respondent violated New York Education Law Section 6530(9)(b) by having 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..."

VOTE: Sustained (3-0)

SIXTH THROUGH TENTH SPECIFICATIONS

"Respondent violated New York Education Law Section 6530(9)(d) by having his license to practice medicine revoked, suspended or having other disciplinary action taken, or having his application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state;"

VOTE: Sustained (3-0)

HEARING COMMITTEE DETERMINATION

The record in this case establishes that findings of professional misconduct have been made and/or disciplinary action taken by the professional disciplinary agencies of four other states. The Hearing Committee reviewed the determinations made in Nevada, Maryland, New Jersey and California to determine whether the conduct which formed the basis of the disciplinary actions in those states would constitute misconduct under the laws of New York State.

The Nevada Board found Respondent guilty of professional misconduct and revoked his medical license. The Nevada Order based this action upon Respondent's having intended to deceive the Nevada Board by his answer to a question on his application to renew his Nevada medical license. The Hearing Committee concludes that Respondent's conduct resulting in the Nevada Board disciplinary action would constitute misconduct

pursuant to sections 6530(1), 6530(2), 6530(20) and 6530(21) of the New York Education Law.

The Maryland Board found Respondent guilty of professional misconduct and suspended his medical license for a period of one year and until his California medical license is reinstated without restrictions of any kind.[2] The Maryland Order based this action upon Respondent's long history of intentionally making false and deceptive statements on applications for employment and licensure and upon his having been disciplined by another state for acts which would have been grounds for discipline if committed in Maryland. The Maryland Board further adopted the findings by its Administrative Law Judge that Respondent's testimony during the Maryland hearing was not credible. The Hearing Committee concludes that Respondent's conduct resulting in the Maryland Board disciplinary action would constitute misconduct pursuant to sections 6530(1), 6530(2), 6530(9)(b), 6530(9)(d), 6530(20) and 6530(21) of the New York Education Law.

The New Jersey Board suspended Respondent's medical license until such time as he can show that his Nevada medical license is reinstated without restrictions and that he is granted a California medical license. The New Jersey Order based this action upon Respondent's having been found guilty of improper professional practice by the Nevada Board. The Hearing Committee concludes that Respondent's conduct resulting in the New Jersey Board disciplinary action would constitute misconduct pursuant to sections 6530(9)(b) and 6530(9)(d) of the New York Education Law. The Hearing Committee feels, however, that Respondent's conduct did not constitute misconduct pursuant to sections 6530(20) or 6530(21) of the New York Education Law as alleged in factual allegation J of

[2] See footnote 1.

the Amended Statement of Charges because the New Jersey Board based its disciplinary action solely upon the action of another jurisdiction.

The California Board denied Respondent's application for a medical license finding him guilty of professional misconduct. The California Order based this action upon Respondent having submitted an altered Board document to the California State Prison while his application for a medical license in that state was pending as well as the actions taken by the professional disciplinary agencies of Nevada, Maryland, Virginia, New Jersey and the United States Department of the Army. The California Board also found that Respondent's testimony at the hearing in that State was not credible and that he appeared to fabricate responses on the witness stand. The Hearing Committee concludes that Respondent's conduct resulting in the California Board disciplinary action would constitute misconduct pursuant to sections 6530(1), 6530(9)(b), 6530(9)(d), 6530(20) and 6530(21) of the New York Education Law. The Hearing Committee feels, however, that Respondent's conduct did not constitute misconduct pursuant to sections 6530(2) of the New York Education Law as alleged in factual allegation H of the Amended Statement of Charges because Respondent was never licensed and did not practice medicine in California.

Respondent contended that he was a very distinguished professional who had a distinguished career. He testified regarding the several different positions that he held over the years in various parts of the United States as well as other countries, and he argued that a few administrators at the professional licensing agency in California were responsible for the series of events that led to the four disciplinary actions. Respondent also argued that the events in California have no relationship to his ability to practice medicine. He asked the Hearing Committee to look at the totality of his career and take no action against his license

Pursuant to Public Health Law 230(10)(p), the evidence was limited to testimony and documents relating to the nature and severity of the penalty to be imposed. Although Respondent attempted to offer documentary evidence and testimony alleging that the California Board had improperly denied his medical license, such evidence was not permitted because the New York statute does not allow a party to relitigate the merits of the determinations made by other States. Moreover, Respondent had an obligation to truthfully answer the questions posed to him by the Medical Boards of Nevada and Maryland even if the California Board had acted improperly and wrongfully denied Respondent his California medical license.

The Hearing Committee finds that Respondent's testimony regarding his interactions with the California and Nevada Medical Boards was not credible. Rather, the Hearing Committee feels Respondent attempted to avoid directly answering its questions and to shift responsibility and blame for his actions to others. The record contains evidence that the California Board advised Respondent that his application for a medical license was denied by letter dated July 19, 2000. Nonetheless, the record further establishes that Respondent failed to acknowledge the California license denial in registration renewals submitted to the Maryland Board on August 3, 2000, and to the Nevada Board on March 28, 2001. In response to a question regarding whether he was aware that California had not granted him a license on the date that he renewed his Nevada license, Respondent stated,

> No, because this was at the time the California and the state association put in people on my behalf, I was told by most of the attorneys and actually by a certain person at the Nevada licensing program that because there was no determination yet by the board whether I would or would not get a license in California, the correct answer was no, on the questionnaire was no. Therefore, I marked no. Again, this was not something secretly done, by one of the senior officers in the licensing program, by two senior attorneys.

Respondent went on to state that Nevada had to suspend his license because California did not issue him a license. Respondent's contention that the California Board had made no determination is inconsistent with the plain language of its July 19, 2000 determination, and Respondent's attempts to contest that decision did not alter the fact that a determination had been made.

Respondent further contends that there is no evidence of patient harm. Patient harm, however, constitutes only one factor to consider when assessing a sanction. The quality assurance system in New York depends on an honest review of physician credentials to prevent exposing patients to unqualified or unsafe practitioners. Respondent has demonstrated that he lacks the integrity to truthfully present his credentials. He has falsified medical license and employment applications in several states. Such a physician also poses a danger to commit other acts of fraud.

Respondent did not acknowledge any wrongdoing. As such, the record is devoid of any evidence of remorse or rehabilitation. The Hearing Committee finds that Respondent's conduct was serious, and that Respondent's refusal to accept responsibility for his misconduct increases the likelihood that he will repeat his misconduct in the future. The Hearing Committee concludes that Respondent's repeated fraudulent conduct warrants the revocation of his license.

ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent's license to practice medicine in New York State is revoked.

2. This Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10)(h).

DATED: Vestal, New York
February 11, **2008**

Redacted Signature

James D. Hayes, II, M.D.
Chairperson

Arsenio G. Agopovich, M.D.
Peter S. Koenig, Sr.

TO:

George S. Lakner, M.D.
Fort McNair
P.O. Box 72185
Washington, D.C. 20024

Daniel J. Hurteau, Esq.
Nixon Peabody LLP
Attorney for Respondent
Suite 900, Omni Plaza
30 South Pearl Street
Albany, New York 12207

Joel Abelove, Esq.
Attorney for Petitioner
Associate Counsel
NYS Department of Health
Bureau of Professional Medical Conduct
433 River Street, Suite 303
Troy, New York 12180-2299

APPENDIX I

EXHIBIT 4

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

IN THE MATTER

OF

GEORGE S. LAKNER, M.D.
CO-02-02-6999-A

AMENDED NOTICE

OF REFERRAL

PROCEEDING ON

AMENDED STATEMENT

OF CHARGES

TO: GEORGE S. LAKNER, M.D.
Fort McNair
P.O. Box 72185
Washington, D.C. 20024

GEORGE S. LAKNER, M.D.
402-404 South Capitol SE
P.O. Box 70185
Washington, D.C. 20024

GEORGE S. LAKNER, M.D.
Redacted Address

GEORGE S. LAKNER, M.D.
Fort McNair #70185
Washington, DC 20024

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of New York Public Health Law § 230(10)(p) and New York State Administrative Procedure Act §§ 301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the **20th day of September 2007, at 10:00 in the forenoon of that day at the Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180.**

A Notice of Referral Proceeding, dated March 9, 2004, was served on you setting a hearing date of April 22, 2004, for a Statement of Charges, dated March 9, 2004.

That matter was, at your request, adjourned from April 22, 2004, on April 16, 2004, from July 21, 2004, on June 29, 2004, at your request, due to Army active duty, and from September 22, 2004, on September 13, 2004, at your request, at the direction of ALJ Fry – pending a new date from ALJ Fry, from In Abeyance, on November 5, 2004, from January 20, 2005, on January 14, 2005, at your request, at the direction of ALJ Fry, and from May 26, 2005, on May 23, 2005, at your request pending evidence that the California action is withdrawn, and from In Abeyance on August 7, 2007, on an Amended Statement of Charges, on receipt of a California Action dated May 31, 2007.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. SEAN D. O'BRIEN, DIRECTOR, BUREAU OF ADJUDICATION (Telephone: (518-402-0748), (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, no later than twenty days prior to the scheduled date of the Referral Proceeding, as indicated above.

Pursuant to the provisions of New York Public Health Law §230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a written brief and affidavits with the Committee. Six copies of all papers you submit must be filed with the Bureau of Adjudication at the address indicated above, no later than fourteen days prior to the scheduled date of the Referral Proceeding, and a copy of all papers must be served on the same date on the Department of Health attorney indicated below.

Pursuant to §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. Pursuant to the terms of New York State Administrative Procedure Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATEAND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York
August 7, 2007

Redacted Signature

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

Inquiries should be addressed to:

Joel Abelove
Associate Counsel
New York State Department of Health
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	**AMENDED**
OF	**STATEMENT**
GEORGE S. LAKNER, M.D. **CO-02-02-6999-A**	**OF**
	CHARGES

GEORGE S. LAKNER, M.D., Respondent, was authorized to practice medicine in New York state on November 7, 1980, by the issuance of license number 144504 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about July 19, 2000, the Medical Board of California (hereinafter "California Board"), by a Overnight Mail - Return Receipt Requested letter (hereinafter "California Letter"), denied Respondent's application for a medical license, based on an act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, and for use of fraudulent records if a person attempts to use any diploma or other writing which has been fraudulently issued, illegally obtained, counterfeited, or materially altered... to practice as a physician and surgeon.

B. On or about December 19, 2001, the Board of Medical Examiners of the State of Nevada (hereinafter "Nevada Board"), by Findings of Fact, Conclusions of Law, and Order (hereinafter "Nevada Order") REVOKED Respondent's license to practice medicine and required him to pay $3,501.06 costs, based on conduct intended to deceive, by answering falsely on his application for renewal of the registration of his license to practice medicine about the action of the California Board set forth in Paragraph A, above.

C. On or about February 27, 2003, the California Board, by a Decision (hereinafter "California Decision 1"), DENIED Respondent's application for a Physician's and Surgeon's Certificate, based on dishonest conduct, based on having made a false statement on his application for renewal of his Nevada Medical license as set forth in Paragraph B, above, having made false statements on two (2) employment applications, and submitting an altered California Board document to the California State Prison.

D. On or about May 22, 2003, the State of New Jersey, Department of Law & Public Safety, Division of Consumer Affairs, Board of Medical Examiners (hereinafter "New Jersey Board"), by a Final Order of Discipline (hereinafter "New Jersey Order 1") suspended Respondent's license to practice medicine and surgery until such time that he can show that all of his sister state licenses have been reinstated, without restrictions, and prior to resuming active practice that he appear before the New Jersey Board to demonstrate fitness to resume practice, based upon the Nevada action as set forth in Paragraph B, above.

E. On or about August 29, 2005, the Maryland State Board of Physicians (hereinafter "Maryland Board"), by a Final Decision and Order (hereinafter "Maryland Order"), suspended Respondent's license to practice medicine for one (1) year and until his license to practice medicine in California is reinstated without restrictions of any kind, based on fraudulently or deceptively obtaining or attempting to obtain a license; committing unprofessional conduct in the practice of medicine; willfully making a false representation when seeking or making application for licensure or any other application related to the practice of medicine; and being disciplined by another state for acts would be grounds for disciplinary action if committed within this state.

F. On or about January 12, 2006, the New Jersey Board, By a Final Order of Discipline (hereinafter "New Jersey Order 2"), suspended Respondent's license to practice medicine until such time that he can show that his sister state license to practice medicine in Nevada has been reinstated without restrictions and he is granted a license to practice medicine in California.

G. On or about May 31, 2007, the California Board, by a Decision (hereinafter "California Decision 2"), denied Respondent's application for a Physician and Surgeon's Certificate, based on unprofessional conduct, unprofessional conduct when Respondent has been disciplined by another state for conduct that constitutes grounds for discipline for unprofessional conduct in California; dishonesty, fraud, or deceit with intent to substantially benefit himself; and knowingly, making a false statement of fact required to be revealed in the application for a license.

H. The conduct resulting in the California Board disciplinary actions against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state law:

1. New York Education Law §6530(1) (obtaining the license fraudulently);

2. New York Education Law §6530(2) (practicing the profession fraudulently);

3. New York Education Law §6530(9)(b) (having 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 this state, constitute misconduct under the laws of this state).

4. New York Education Law §6530(9)(d) (having his license to practice medicine revoked, suspended or having other disciplinary action taken, or having his application for a license refused, revoked or suspended by a duly authorized disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license would, if committed in this state, constitute professional misconduct under the laws of this state);

5. New York Education Law §6530(20) (conduct in the practice of medicine which evidences moral unfitness); and/or

6. New York Education Law §6530(21) (willfully making or filing a false report required by law or by the department of health or the education department).

I. The conduct resulting in the Nevada Board disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state law:

1. New York Education Law §6530(1) (obtaining the license fraudulently);

2. New York Education Law §6530(2) (practicing the profession fraudulently);

3. New York Education Law §6530(20) (conducted in the practice of medicine which evidences moral unfitness); and/or

4. New York Education Law §6530(21) (willfully making or filing a false report required by law or by the department of health or the education department).

J. The conduct resulting in the New Jersey Board disciplinary actions against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state law:

1. New York Education Law §6530(1) (obtaining the license fraudulently);

2. New York Education Law §6530(2) (practicing the profession fraudulently);

3. New York Education Law §6530(9)(b) (having 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 this state, constitute misconduct under the laws of this state).

4. New York Education Law §6530(9)(d) (having his license to practice medicine revoked, suspended or having other disciplinary action taken, or having his application for a license refused, revoked or suspended by a duly authorized disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license would, if committed in this state, constitute professional misconduct under the laws of this state); and/or

5. New York Education Law §6530(20) (conduct in the practice of medicine which evidences moral unfitness).

6. New York Education Law §6530(21) (willfully making or filing a false report required by law or by the department of health or the education department).

K. The conduct resulting in the Maryland Board disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state law:

1. New York Education Law §6530(1) (obtaining the license fraudulently);

2. New York Education Law §6530(2) (practicing the profession fraudulently);

3. New York Education Law §6530(9)(d) (having his license to practice medicine revoked, suspended or having other disciplinary action taken, or having his application for a license refused, revoked or suspended by a duly authorized disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license would, if committed in this state, constitute professional misconduct under the laws of this state);

4. New York Education Law §6530(20) (conducted in the practice of medicine which evidences moral unfitness); and/or

5. New York Education Law §6530(21) (willfully making or filing a false report required by law or by the department of health or the education department).

SPECIFICATIONS

FIRST THROUGH FIFTH SPECIFICATIONS

Respondent violated New York Education Law §6530(9)(b) by having 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 in Paragraphs A, B, H, and/or I.
2. The facts in Paragraphs A, B, C, H, and/or I.
3. The facts in Paragraphs A, B, C, H, I, and/or J.
4. The facts in Paragraphs A, B, C, D, E, G, H, I, J, and/or K.
5. The facts in Paragraphs A, B, C, D, E, F, G, H, I, J, and/or K.

SIXTH THROUGH TENTH SPECIFICATIONS

Respondent violated New York Education Law §6530(9)(d) by having his license to practice medicine revoked, suspended or having other disciplinary action taken, or having his application for a license refused, revoked, or suspended by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension for an application for a license would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

6. The facts in Paragraphs A, B, H, and/or I.
7. The facts in Paragraphs A, B, C, H, and/or I.
8. The facts in Paragraphs A, B, C, D, H, I, and/or J.
9. The facts in Paragraphs A, B, C, D, E, G, H, I, J, and/or K.
10. The facts in Paragraphs A, B, C, D, E, F, G, H, I, J, and/or K.

DATED: August 7, 2007
Albany, New York

Redacted Signature

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