



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

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

December 10, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

David Sternberg, M.D.
Inmate #06994-031
Federal Prison Camp
PO Box 1000
Leavenworth, KS 66048

RE: License No. 153128

Dear Dr. Sternberg:

Enclosed please find Order #BPMC 98-295 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **December 10, 1998.**

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: Peter D. Van Buren, Esq.

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

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IN THE MATTER : SURRENDER
OF : ORDER
DAVID STERNBERG, M.D. : BPMC # 98-295

-----X

DAVID STERNBERG, M.D., says:

On or about February 4, 1983, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 153128 by the New York State Education Department. My current address is Inmate # 06994-031, Federal Prison Camp, PO Box 1000, Leavenworth, KS 66048.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that I have been charged with three 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 an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board

issue this Surrender Order.

I hereby agree not to contest the allegations and specifications set forth in the Statement of Charges (Exhibit A).

I understand that, in the event that this proposed agreement 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 proposed agreement 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 agrees with my proposal, this 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 this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

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



DAVID STERNBERG, M.D.
Respondent

AGREED TO:

Date: November 27, 1998



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

Date: ^{December} ~~November~~ 27, 1998



ANNE F. SAILE
Director, Office of
Professional Medical Conduct

ORDER

Upon the proposed agreement of DAVID STERNBERG, M.D., 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 proposed agreement 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 this Order to Respondent at the address set forth in this agreement or to Respondent's attorney, or transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 12/8/98

William P. Dillon, MD.

Chair
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
DAVID STERNBERG, M.D. : CHARGES

-----X

DAVID STERNBERG, M.D., the Respondent, was authorized to practice medicine in New York State on February 4, 1983, by the issuance of license number 153128 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

1. On or about May 8, 1998, Respondent was convicted in the United States District Court, District of Kansas in the matter of United States of America v. David E. Sternberg. Respondent was found guilty on counts 1 through 35 of a 37 count Superseding Indictment filed July 15, 1997 after a plea of not guilty. The counts involved Mail Fraud and Aiding And Abetting, a class D felony; Interstate Transportation In Aid Of Racketeering and Aiding And Abetting, a Class D felony; and Money Laundering and Aiding And Abetting, a Class C felony. ~~_____~~

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2. On or about June 13, 1998, Respondent's license to

practice medicine in the State of Kansas was revoked by the Board of Healing Arts of the State of Kansas. Respondent did not dispute the allegations stated in Petition # 94-00199 which recited his conviction in the United States District Court and offered to surrender his license. Counsel for Respondent acknowledged that by accepting the surrender, the Board would revoke his license.

SPECIFICATIONS

FIRST SPECIFICATION

CONVICTION OF A CRIME

Respondent is charged with professional misconduct under N.Y. Educ. Law S6530(9)(a)(ii) by reason of his having been convicted of committing an act constituting a crime under federal law, in that Petitioner charges:

1. The facts in paragraph 1.

SECOND SPECIFICATION

HAVING DISCIPLINARY ACTION TAKEN

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(9)(d) by reason of his having his license to practice medicine revoked by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation would, if committed in New York State,

constitute professional misconduct under the laws of New York State, in that Petitioner charges:

2. The facts in paragraph 2.

THIRD SPECIFICATION

DISCIPLINE IN ANOTHER STATE

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(9)(b) by reason of his 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:

3. The facts in paragraph 2.

DATED: *November 27*, 1998
Albany, New York

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