



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

June 7, 1994

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Thomas J. Tartaro, M.D.
1596 S. Imperial Avenue
El Centro, California 92243

RE: License No. 138378
Effective Date 6/14/94

Dear Dr. Tartaro:

Enclosed please find Order #BPMC 94-75 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, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

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

-----X

IN THE MATTER :
OF : ORDER
THOMAS J. TARTARO, M.D. : BPMC # 94-75

-----X

Upon the Application of THOMAS J. TARTARO, 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; 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: 1 June 1994

Charles J. Vacanti

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

State of California)
County of Imperial)

On 5/16/94 before me, Madelyn L. Swingle, Notary Public, personally appeared **THOMAS J. TARTARO, MD.** personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Madelyn L. Swingle
MADELYN L. SWINGLE, Notary Public.



CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

- Individual
- Corporate Officer -
- Partner(s)
 - Limited
 - General
- Attorney-in-fact
- Trustee(s)
- Guardian/Conservator
- Other:

SIGNER IS REPRESENTING:

This certificate must be attached to the document described at right:

Title of Document : Application to Surrender License
Number of Pages : Five Pages
Date of Document : May 16, 1994

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

-----X

IN THE MATTER : APPLICATION TO
OF : SURRENDER
THOMAS J. TARTARO, M.D. : LICENSE

-----X

STATE OF CALIFORNIA)
COUNTY OF) ss.:

THOMAS J. TARTARO, M.D., being duly sworn, deposes and says:

On or about June 22, 1979, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 138378 by the New York State Education Department.

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 one specification 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.

I hereby admit guilt to the one specification of professional misconduct set forth in the Statement of Charges, EXCEPT that I deny the allegations of paragraph 2 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.

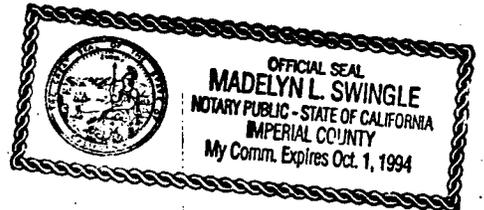
I am making this Application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

Thomas J. Tartaro

THOMAS J. TARTARO, M.D.
Respondent

Sworn to before me this
16 day of May, 1994

Madelyn L. Swingle
NOTARY PUBLIC



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

-----X

IN THE MATTER : APPLICATION TO
OF : SURRENDER
THOMAS J. TARTARO, M.D. : LICENSE

-----X

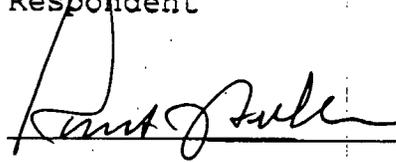
The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 5.16, 1994



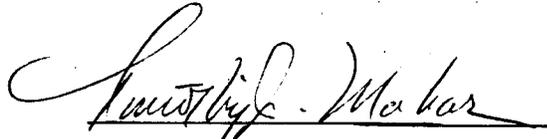
THOMAS J. TARTARO, M.D.
Respondent

Date: 5/13/94, 1994



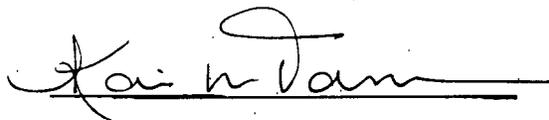
ROBERT J. SULLIVAN, Esq.
Attorney for Respondent

Date: 5/17/94, 1994



TIMOTHY J. MAHAR
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: June 6, 1994



KATHLEEN M. TANNER
Director, Office of
Professional Medical Conduct

Date: 1 June, 1994



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
THOMAS J. TARTARO, M.D. : CHARGES

-----X

THOMAS J. TARTARO, M.D., the Respondent, was authorized to practice medicine in New York State on June 22, 1979, by the issuance of license number 138378 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 January 24, 1994, Respondent was convicted in the Imperial County Municipal Court, State of California, after a no contest plea, of one count of sexual battery while the victim is restrained in violation of California Penal Code §243.4(a). Respondent's plea was taken in response to an eight count felony complaint.

2. More specifically, in or about February and March, 1993, Respondent, a neurologist, treated Melanie L., a patient, for complaints of migraine headaches. On three separate office

visits during that period, Respondent instructed Melanie L. to bend over an examining table, whereupon Respondent intentionally rubbed his erect penis against Melanie L.'s buttocks. On the third of the referenced office visits, Respondent touched Melanie L.'s "vaginal area" with his hand, after removing her pants and underwear.

3. On or about January 24, 1994, Respondent was sentenced by the Superior Court of California, County of Imperial to, among other things, a suspended prison sentence of four years; 90 days of imprisonment in the Imperial County Jail with one day time served credit; five years probation during which period his license to practice medicine is restricted; and payment of \$10,000.00 in restitution.

4. The act for which the Imperial County Municipal Court, State of California convicted Respondent would, if committed in New York State, have constituted a crime under N.Y. Penal Law §130.55 [sexual abuse in the third degree - subjecting another person to sexual contact without that person's consent].

SPECIFICATION

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(9)(iii) (McKinney Supp. 1994) by reason of

his 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 in that Petitioner charges:

1. The facts in Paragraphs 1 through 4.

DATED: Albany, New York

March 25, 1994

Peter D. Van Buren

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

State of California)
County of Imperial)

On 5/16/94 before me, Madelyn L. Swingle, Notary Public, personally appeared **THOMAS J. TARTARO, MD.** personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Madelyn L. Swingle
MADELYN L. SWINGLE, Notary Public.



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