



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ELIOT SPITZER
Attorney General

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JAMES B. HENLY
Assistant Attorney General in Charge
Litigation Bureau

November 29, 2001

Anthony Scher, Esq.
Wood & Scher
The Harwood Building
Scarsdale, New York 10583

Re: Mitchell v. Administrative Review Board
Appellate Division--Third Dep't; No. 90436

Dear Mr. Scher:

Enclosed is a Decision and Order on Motion decided and entered by the Appellate Division, Third Department on November 26, 2001. The temporary stay of the respondents' order suspending the petitioner's license and obligation to pay the fine imposed will be vacated as of the close of business on December 10, 2001.

We have informed the Education and Health Departments of the effective date.

Very truly yours,

Scott D. Fischer
Assistant Attorney General

cc: Gustave Martine, Sup. Inv.
Synnova Gooding, Esq.

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
 :
COUNTY OF NEW YORK)

SS.:


SCOTT D. FISCHER, being duly sworn, deposes and says that he is an Assistant Attorney General in the office of ELIOT SPITZER, the Attorney General of the State of New York, attorney for respondent herein. On the 29th day of November, 2001, he served the annexed Notice of Entry upon the following person:

Anthony Scher, Esq.
Wood & Scher
The Harwood Building
Scarsdale, New York 10583

attorney for petitioner in the within entitled appeal by depositing a true and correct copy thereof, properly enclosed in a post-paid wrapper, in a post-office box regularly maintained by the United State Government at 120 Broadway, New York, New York, directed to said attorney at the address within the State designated by him for that purpose.


SCOTT D. FISCHER

Sworn to before me this
29th day of November, 2001


Assistant Attorney General
of the State of New York

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: THIRD DEPARTMENT

-----X
In the Matter of DEAN C.
MITCHELL,

Case #: 90436

Petitioner,

NOTICE OF ENTRY
WITH DECISION
AND ORDER ON
MOTION

- against -

ADMINISTRATIVE REVIEW BOARD OF THE
STATE BOARD FOR PROFESSIONAL MEDICAL
CONDUCT,

Respondents.
-----X

PLEASE TAKE NOTICE that the attached is a true and complete copy of the decision and order on motion that was entered in the Office of the Clerk, Supreme Court--Appellate Division, Third Judicial Department of the State of New York, on November 26, 2001.

Dated: New York, New York
November 29, 2001

ELIOT SPITZER
Attorney General of the
State of New York
Attorney for Respondents

By:



SCOTT D. FISCHER
Assistant Attorney General
120 Broadway, 24th Floor
New York, New York 10271
(212) 416-6209

TO: Anthony Scher, Esq.
Wood & Scher
The Harwood Building
Scarsdale, New York 10583

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: November 26, 2001

Case # 90436

In the Matter of DEAN C.
MITCHELL, Petitioner,
v
ADMINISTRATIVE REVIEW
BOARD OF THE STATE BOARD
FOR PROFESSIONAL MEDICAL
CONDUCT, Respondent.

DECISION AND ORDER
ON MOTION

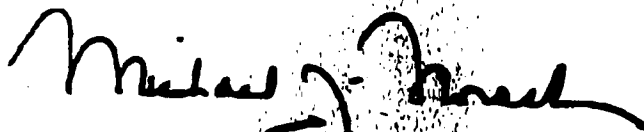
Motion for stay pending determination of review proceeding.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is denied, without costs.

SPAIN, J.P., CARPINELLO, MUGGLIN, ROSE and LAHTINEN, JJ., concur.

ENTER:


Michael J. Novack
Clerk of the Court

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) SS.:
 COUNTY OF NEW YORK)

SCOTT D. FISCHER, being duly sworn, deposes and says that he is an Assistant Attorney General in the office of ELIOT SPITZER, the Attorney General of the State of New York, attorney for respondent herein. On the 29th day of November, 2001, he served the annexed Notice of Entry with Decision and Order on Motion upon the following person:

Anthony Scher, Esq.
 Wood & Scher
 The Harwood Building
 Scarsdale, New York 10583

attorney for petitioner in the within entitled action by depositing a true and correct copy thereof, properly enclosed in a post-paid wrapper, in a post-office box regularly maintained by the United States Government at 120 Broadway, New York, New York, directed to said attorney at the address within the State designated by him for that purpose.



SCOTT D. FISCHER

Sworn to before me this
 29th day of November, 2001

Kristen L. White
 Assistant Attorney General
 of the State of New York