



**Department
of Health**

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

January 31, 2018

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Cesar V. Veloso, M.D.


Nathaniel White, Esq.
Associate Counsel
Bureau of Professional Medical Conduct
Corning Tower Building-Room 2512
Empire State Plaza
Albany, New York 12237

RE: In the Matter of Cesar V. Veloso, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 18-023) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. This Determination and Order shall be deemed effective upon 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 if said license has been **revoked, annulled, suspended or surrendered**, 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
Riverview Center
150 Broadway – Suite 355
Albany, New York 12204

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.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Sincerely,



James F. Horan
Chief Administrative Law Judge
Bureau of Adjudication

JFH:nm
Enclosure

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

In the Matter of

Cesar V. Veloso, M.D. (Respondent)

Administrative Review Board (ARB)

A proceeding to review a Determination by a Committee
(Committee) from the Board for Professional Medical
Conduct (BPMC)

Determination and Order No. 18- 023

Before ARB Members D'Anna, Koenig, Grabiec, Wilson and Milone
Administrative Law Judge James F. Horan drafted the Determination

For the Department of Health (Petitioner): Nathaniel White, Esq.
For the Respondent: *Pro Se*

In this proceeding pursuant to New York Public Health Law (PHL) § 230-c
(4)(a)(McKinney Supp. 2018), the ARB dismisses the Respondent's Notice of Review due to the
Respondent's failure to perfect the Notice by filing a timely review brief.

After a hearing below pursuant to PHL § 230, a BPMC Committee determined that the
Respondent-Pediatrician committed professional misconduct under the definition at New York
Education Law (EL) § 6530(9)(a)(i)(McKinney Supp. 2017) by engaging in conduct in medical
practice that resulted in the Respondent's criminal conviction for Sexual Abuse and Forcible
Touching. The conduct involved a teenage patient. In their Determination on June 1, 2017, the
Committee voted to revoke the Respondent's License.

The Respondent began the current proceeding to challenge the Committee's
Determination by filing a timely Notice of Review, which the ARB received on June 20, 2017.
Under PHL § 230-c(4)(a), a party has thirty days from filing the Notice to perfect the Notice by
filing a timely review brief. The Administrative Officer for the ARB informed the parties by mail
that the brief would be due July 20, 2017. The Respondent then requested several extensions to

obtain counsel and, when he did not obtain counsel, to obtain a copy of the hearing transcript from the Department under the New York Freedom of Information Law (FOIL). The ARB granted filing extensions until August 18, 2017, September 27, 2017 and November 15, 2017.

When the Respondent did receive the transcript through FOIL, he complained that the transcripts was redacted and he could not write a brief due to the redactions. The Administrative Officer for the ARB contacted the Records Access Office for the Department concerning the redactions. On November 17, 2017, the Records Access Office advised the Administrative Officer that an unredacted brief had been mailed to the Respondent. The ARB then granted the Respondent an additional briefing extension until December 18, 2017. The Respondent filed no brief on December 18th and he has filed no brief since. On December 30, 2017, the Respondent sent an e-mail to the Administrative Officer stating that when the Respondent had returned home from caring for his ill daughter, he found a "non-redacted" transcript of the Administrative Board Hearing.

The Petitioner requests that the ARB dismiss this matter for the Respondent's failure to file a brief. The Petitioner also requested a dismissal at the time this Review began because the Respondent failed to provide the Petitioner with a copy of the Review Notice as is required under PHL § 230-c(4)(a). The Petitioner learned of the review request when the Administrative Officer informed the parties of the schedule for filing briefs. The Respondent also failed to provide the Petitioner with copies of correspondence on several occasions when the Respondent requested briefing extensions, including the correspondence on December 30, 2017. On each of those occasions, the Administrative Officer provided copies of correspondence to the Petitioner and admonished the Respondent for failing to copy the Petitioner on correspondence to the ARB.

The Petitioner also opposed the extensions over transcripts and pointed out that the Respondent could buy an unredacted transcript from the reporting service that prepared the transcript.

The ARB concludes that we have provided the Respondent sufficient extensions to file a timely brief.

ORDER

NOW, with this Determination as our basis, the ARB renders the following ORDER:

1. The ARB rules that the Respondent has failed to perfect the Notice in this matter.
2. The ARB dismisses the Respondent's Notice.

Peter S. Koenig, Sr.
Steven Grabiec, M.D.
Linda Prescott Wilson
John A. D'Anna, M.D.
Richard D. Milone, M.D.

In the Matter of Cesar V. Veloso, M.D.

Steven Grabiec, M.D., an ARB Member concurs in the Determination and Order in the
Matter of Dr. Veloso.

Dated: 1/22, 2018



Steven Grabiec, M.D.

In the Matter of Cesar V. Veloso, M.D.

Richard D. Milone, M.D., an ARB Member concurs in the Determination and Order in
the Matter of Dr. Veloso.

Date: January 19, 2018



Richard D. Milone, M.D.

In the Matter of Cesar V. Veloso, M.D.

Peter S. Koenig, Sr., an ARB Member concurs in the Determination and Order in the
Matter of Dr. Veloso.

Dated: January 18, 2018

A black rectangular redaction box covering the signature of Peter S. Koenig, Sr.

Peter S. Koenig, Sr.

In the Matter of Cesar V. Veloso, M.D.

John A. D'Anna, M.D., an ARB Member concurs in the Determination and Order in the
Matter of Dr. Veloso.

Dated: Jan 19, 2018



John A. D'Anna, M.D.

In the Matter of Cesar V. Veloso, M.D.

Linda Prescott Wilson, an ARB Member concurs in the Determination and Order in the

Matter of Dr. Veloso.

Dated: 18 January, 2018



Linda Prescott Wilson