



**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

October 28, 1994

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Peter Fleming, M.D.  
1725 York Avenue  
Apartment 20H  
New York, New York 10128

RE: License No. 131064  
Effective Date: 11/4/94

Dear Dr. Fleming:

Enclosed please find Order #BPMC 94-228 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 Director  
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  
PETER V. FLEMING, M.D. : BPMC #94-228

-----X

Upon the application of Peter V. Fleming, M.D., Respondent, for Consent Order, which application is made a part hereof, it is

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, 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 by certified mail, whichever is earliest.

SO ORDERED,

DATED: 25 October 1994

Charles J. Vacanti

Charles J. Vacanti, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct



I hereby agree to the penalty of two years suspension, stayed, two years probation as set forth in the attached Terms of Probation (Exhibit "B"), and 100 hours of public service in a manner and at a time and place approved by the Director of the Office of Professional Medical Conduct, such public service to be performed within one year from the effective date of the Order of the State Board for Professional Medical Conduct (the Board).

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, 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 Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

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

*Peter V. Fleming*

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PETER V. FLEMING, M.D.  
RESPONDENT

Sworn to before me this  
10 day of October, 1944.

*William Rosenzweig*

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NOTARY PUBLIC

WILLIAM ROSENZWEIG  
NOTARY PUBLIC, State of New York  
No. 31-3361865  
Qualified in New York County  
Commission Expires March 30, 1945

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

-----X  
IN THE MATTER : APPLICATION  
OF : FOR  
PETER V. FLEMING, M.D. : CONSENT  
: ORDER  
-----X

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

Date: Oct 11, 1994

Peter V. Fleming  
PETER V. FLEMING, M.D.  
RESPONDENT

Date: Oct 11, 1994

Peter Yellin  
PETER YELLIN, ESQ.  
ATTORNEY FOR RESPONDENT

Date: October 14, 1994

Marcia Kaplan  
MARCIA KAPLAN  
ASSOCIATE COUNSEL  
BUREAU OF PROFESSIONAL  
MEDICAL CONDUCT

Date: Oct. 20, 1994

Kathleen M. Tanner

KATHLEEN M. TANNER  
DIRECTOR  
OFFICE OF PROFESSIONAL  
MEDICAL CONDUCT

Date: 25 October 1994

Charles J. Vacanti

CHARLES J. VACANTI, M.D.  
CHAIRPERSON  
STATE BOARD FOR  
PROFESSIONAL MEDICAL CONDUCT

EXHIBIT "A"

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

-----X  
IN THE MATTER : STATEMENT  
OF : OF  
PETER V. FLEMING, M.D. : CHARGES  
-----X

PETER V. FLEMING, M.D., the Respondent, was authorized to practice medicine in New York State on July 1, 1977 by the issuance of license number 131064 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine during the period January 1, 1993 through December 31, 1994 from 133 E. 73rd Street, New York, N.Y. 10021.

**FIRST SPECIFICATION**

**HAVING BEEN CONVICTED OF  
COMMITTING AN ACT CONSTITUTING  
A CRIME UNDER FEDERAL LAW**

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law sec. 6530(9)(a)(ii) (McKinney Supp. 1994) in that he has been convicted of committing an act constituting a crime under federal law, specifically:



1. On or about August 12, 1993, the Respondent was convicted after a guilty plea in the United States District Court Eastern District of New York of Attempting to Evade or Defeat Tax, a felony, in violation of 26 U.S.C. Sec. 7201, in that on or about April 15, 1987, Respondent knowingly and willfully attempted to evade and defeat a large part of the income tax owed by him and his wife for the year 1986 by causing to be prepared and filed with the Internal Revenue Service Center, Holtsville, New York, a false and fraudulent joint tax return which stated that their taxable income for 1986 was \$130,049 and that the tax due was \$49,471 when Respondent knew that their income was higher than stated and additional taxes were due.

On or about August 12, 1993, the Respondent was sentenced as follows: imposition of sentence was suspended and the defendant was placed on probation for a period of two years and fined \$50,000. A special condition of probation was that Respondent perform 150 hours of community service. Respondent was also assessed \$50.

DATED: NEW YORK, NEW YORK  
September 12, 1994

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CHRIS STERN HYMAN  
Counsel  
Bureau of Professional Medical  
Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. PETER V. FLEMING, M.D., during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession;
2. Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Corning Tower Building, 4th Floor, Empire State Plaza Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non renewal of permits or licenses (Tax Law section 171(27));

State Finance Law section 18; CPLR section 5001; Executive Law section 32).

6. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;
7. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.