

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

OFFICE OF PROFESSIONAL DISCIPLINE
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

May 11, 1990

Alberto Gonzalez, Physician
70 Roman Lane
Amherst, N.Y. 14226

Re: License No. 100691

Dear Dr. Gonzalez:

Enclosed please find Commissioner's Order No. 10478. This Order and any penalty contained therein goes into effect five (5) days after the date of this letter.

If the penalty imposed by the Order is a surrender, revocation or suspension of your license, you must deliver your license and registration to this Department within ten (10) days after the date of this letter. In such a case your penalty goes into effect five (5) days after the date of this letter even if you fail to meet the time requirement of delivering your license and registration to this Department.

Very truly yours,

DANIEL J. KELLEHER
Director of Investigations

By:

MOIRA A. DORAN
Supervisor

DJK/MAH/er
Enclosures

CERTIFIED MAIL- RRR

cc: Francis J. Offermann, Jr., Esq.
1776 Statler Towers
Buffalo, N.Y. 14202

**REPORT OF THE
REGENTS REVIEW COMMITTEE**

ALBERTO GONZALEZ

CALENDAR NO. 10478



The University of the State of New York

IN THE MATTER
of the
Disciplinary Proceeding
against
ALBERTO GONZALEZ

No. 10478

who is currently licensed to practice
as a physician in the State of New York.

REPORT OF THE REGENTS REVIEW COMMITTEE

ALBERTO GONZALEZ, hereinafter referred to as respondent, was given due notice of this proceeding and informed that he could appear and be represented by an attorney.

On February 28, 1990, the scheduled date of our hearing, respondent appeared before us in person and was represented by his attorney, Francis J. Offermann, Jr., Esq. Kevin C. Roe, Esq., represented the Department of Health.

Petitioner's recommendation as to the penalty to be imposed, should respondent be found guilty, was that respondent's license to practice as a physician in the State of New York be suspended for one year, stayed, one year probation with appropriate terms of monitoring for alcohol abuse.

Respondent's recommendation as to the penalty to be imposed, should respondent be found guilty, was a letter of Reprimand.

ALBERTO GONZALEZ (10478)

We have reviewed the record in this matter; and our unanimous findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed follow:

FINDINGS OF FACT

1. Respondent was licensed to practice as a physician in this State by the New York State Education Department.
2. Respondent was convicted of committing an act constituting a crime, as set forth in the statement of charges and the record herein.

DETERMINATION AS TO GUILT

The charge contained in the statement of charges, a copy of which is annexed hereto, made a part hereof, and marked as Exhibit "A", has been proven by a preponderance of the evidence and respondent is guilty thereof.

**RECOMMENDATION AS TO THE
PENALTY TO BE IMPOSED**

Respondent be Censured and Reprimanded upon the charge of which respondent has been found guilty.

Respectfully submitted,

J. EDWARD MEYER

MELINDA AIKINS BASS

GEORGE POSTEL



Chairperson

Dated: *March 30, 1990*

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

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IN THE MATTER : STATEMENT
OF : OF
ALBERTO GONZALEZ, M.D. : CHARGES

-----X

The State Board for Professional Medical Conduct, upon information and belief, charges and allges as follows:

1. ALBERTO GONZALEZ, M.D., the Respondent, was authorized to practice medicine in New York State on February 2, 1968 by the issuance of license number 100691 by the New York State Education Department.

2. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1989 through December 31, 1991 from 2170 Main Street, Buffalo, New York 14214.

3. The Respondent herein is charged with professional misconduct within the purview of N.Y. Educ. Law §6509 (McKinney 1985 and Supp. 1989) as set forth in the attached Specification.

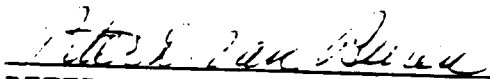
FIRST SPECIFICATION

4. The Respondent is charged with professional misconduct in violation of N.Y. Educ. Law §6509(5)(a)(i) (McKinney 1985) by reason of having been convicted of a crime under New York State law, in that:

On or about April 7, 1987, Respondent was convicted after a non-jury trial in the Justice Court of the Town of Amherst of Driving While Intoxicated in violation of §1192.3 of the New York State Vehicle and Traffic Law, a Class A misdemeanor. Respondent was fined \$350, his New York State Operator's License was revoked and he was given a conditional discharge to apply to a remedial driving program.

DATED: Albany, New York

December 6, 1987



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

**ORDER OF THE COMMISSIONER OF
EDUCATION OF THE STATE OF NEW YORK**

ALBERTO GONZALEZ

CALENDAR NO. 10478



The University of the State of New York

IN THE MATTER

OF

ALBERTO GONZALEZ
(Physician)

DUPLICATE
ORIGINAL
VOTE AND ORDER
NO. 10478

Upon the report of the Regents Review Committee, a copy of which is made a part hereof, the record herein, under Calendar No. 10478, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (April 27, 1990): That the record herein be accepted, that the findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed rendered by the Regents Review Committee in the matter of ALBERTO GONZALEZ, respondent, be accepted; that respondent is guilty of the charge by a preponderance of the evidence; that respondent be Censured and Reprimanded upon the charge of which respondent has been found guilty; and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote;

and it is

ORDERED: That, pursuant to the above vote of the Board of Regents, said vote 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 the respondent or five days after mailing by certified mail.

ALBERTO GONZALEZ (10478)

IN WITNESS WHEREOF, I, Thomas Sobol,
Commissioner of Education of the State of
New York, for and on behalf of the State
Education Department and the Board of
Regents, do hereunto set my hand and affix
the seal of the State Education Department,
at the City of Albany, this ^{4th} day of
May, 1990.

Thomas Sobol
Commissioner of Education