

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

IN THE MATTER
OF
MITCHELL GRANT SILLER, PHYSICIAN,
P.C.

CONSENT
AGREEMENT
AND
ORDER BPMC No. 01-332

The Respondent, Mitchell Grant Siller, Physician, P.C., says:

The Respondent is a professional service corporation duly authorized to practice medicine in the State of New York pursuant to Article 15 of the Business Corporation Law.

The Respondent is subject to the jurisdiction of the State Board for Professional Medical Conduct, and the prehearing and hearing procedures of Title II-A of Article 2 of the New York Public Health Law, pursuant to Section 1503(d) of the New York Business Corporation Law.

The Respondent is applying to the State Board for Professional Medical Conduct for a Consent Agreement and Order imposing a penalty, pursuant to Section 230-a of the Public Health Law and Section 1503(d) of the Business Corporation Law, of revocation of its certificate of incorporation such that the revocation shall be effective immediately and shall be self-executing, and this Consent Agreement and Order shall be deemed automatically to be the final and operative document revoking the

Respondent's certificate

SILLER PC.DOC

of incorporation, and the Respondent requests that the Board issue this Consent Agreement and Order.

The Respondent acknowledges that it has been charged with professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

Subject to the terms, conditions and limitations of this Consent Agreement and Order, the Respondent admits the allegations and specification set forth in the First Specification of the Statement of Charges in full satisfaction of all charges.

The Respondent agrees that, in the event the State Board for Professional Medical Conduct agrees with its proposal, this Consent Agreement and Order shall be issued revoking its certificate of incorporation. The Respondent agrees that such revocation shall be effective immediately and shall be self-executing, and this Consent Agreement and Order shall be deemed automatically to be the final and operative document revoking the Respondent's certificate of incorporation. The Respondent agrees, notwithstanding the above, nothing herein shall be construed to absolve the Respondent in any way from paying to the Departments of State, Education, and Taxation and Finance any outstanding taxes, fines and penalties.

In addition, the Respondent agrees that this Consent Agreement and Order shall

be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of this Consent Agreement and Order to it in care of Mitchell Grant Siller, M.D., 3408 Fulton Avenue, Oceanside, NY 11572, or to its attorney, or upon transmission via facsimile to it or its attorney, whichever is earliest.

The Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct in its administration and enforcement of this Consent Agreement and Order by providing written responses, attending meetings or providing documentation concerning verification of its compliance with the terms of this Consent Agreement and Order.

The Respondent agrees that in the event it is charged with professional misconduct in the future for violation or non-compliance with any provision of this Consent Agreement and Order, or in the event that it is charged with professional misconduct in the future for any other type of misconduct, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

The Respondent acknowledges that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon it or construed to be an admission of any act of misconduct alleged or charged against it, such proposed agreement shall not be used against it 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.

The Respondent is making this application of its own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to it of the acceptance by the Board of this application allowing it to resolve this matter without the various risks and burdens of a hearing on the merits, the Respondent knowingly waives any right it may have to contest, whether administratively or judicially, the Consent Agreement and Order issued hereunder for which it hereby applies and the respondent asks that the application be granted.

The Respondent is making this application through its President, Mitchell Grant Siller, M.D., and the Respondent and Mitchell Grant Siller, M.D., warrant that he has the necessary corporate authority to enter into this Consent Agreement and Order on behalf of the Respondent and to consent on behalf of the Respondent to the revocation of the Respondent's certificate of incorporation.

Date: _____, 2001

Mitchell Grant Siller, Physician, P.C.,

By:



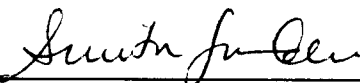
Mitchell Grant Siller, M.D.
President

State of NY)

ss.:

County of Roseton

On the 7th day of December 2001, before me personally came Mitchell Grant Siller, M.D., who being by me duly sworn, did depose and say that he resides at 3408 Fulton Avenue, Oceanside, NY 11572; that he is the President of the Respondent, the professional service corporation described in and which executed the above instrument; and that he signed his name thereto by order of the board of directors of said corporation.

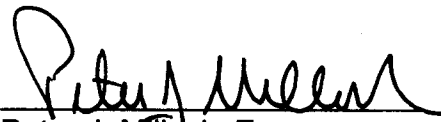


Notary Public

SEETA GANDHI
Notary Public, State of New York
No. 30-4748478
Qualified in Nassau County
Commission Expires July 31, 2005

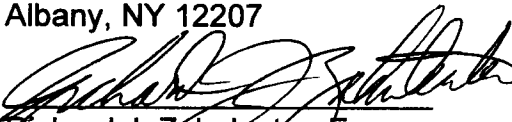
AGREED TO:

Date: December 10, 2001




Peter J. Millock, Esq.
Attorney for Respondent
Nixon Peabody LLP
Omni Plaza
30 South Pearl Street
Albany, NY 12207

Date: December 13, 2001



Richard J. Zahnleuter, Esq.
Associate Counsel
Bureau of Professional
Medical Conduct

Date: December 20, 2001



Dennis J. Graziano
Director, Office of

Professional Medical Conduct

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

IN THE MATTER
OF
MITCHELL GRANT SILLER, PHYSICIAN,
P.C.

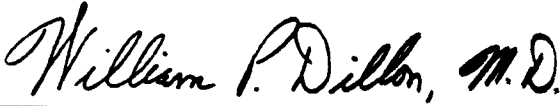
ORDER

Upon the proposed Consent Agreement and Order of Mitchell Grant Siller, Physician, P.C., which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof, are hereby adopted; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of this Order to the Respondent's attorney at the address set forth in this agreement or upon transmission via facsimile to the Respondent in care of Mitchell Grant Siller, M.D., or to the Respondent's attorney, whichever is earliest.

DATED: December 20, 2001



William P. Dillon, M.D.
Chair
State Board for Professional
Medical Conduct

EXHIBIT A

STATE OF NEW YORK : DEPARTMENT OF HEALTH

IN THE MATTER

OF
MITCHELL GRANT SILLER, PHYSICIAN,
P.C.

STATE BOARD FOR
PROFESSIONAL
MEDICAL CONDUCT

STATEMENT
OF
CHARGES

The Respondent is a professional service corporation duly authorized to practice medicine in the State of New York pursuant to Article 15 of the Business Corporation Law.

The Respondent is subject to the jurisdiction of the State Board for Professional Medical Conduct, and the prehearing and hearing procedures of Title II-A of Article 2 of the New York Public Health Law, pursuant to Section 1503(d) of the New York Business Corporation Law.

ALLEGATIONS

A. A professional service corporation may be organized by one or more individuals who are authorized by law to render the same professional service, pursuant to Section 1503(a) of the New York Business Corporation Law.

B. On June 10, 1994, Mitchell Grant Siller, M.D., caused to be filed with the New York State Department of State a certificate of incorporation for the Respondent.

C. Dr. Siller was the physician who, in compliance with Sections 1503(a), 1504(a), and 1508 of the New York Business Corporation Law, was the shareholder, director and officer of the Respondent.

D. In a Determination and Order, dated January 3, 2001, effective upon receipt by Dr. Siller or seven days after mailing, the Administrative Review Board for Professional Medical Conduct limited Dr. Siller's New York license "to prohibit his private practice and to restrict his practice to a medical facility holding a government issued operating certificate (such as a certificate pursuant to Public Health Law Article 28) or operated by a state or federal agency (such as the United States Veteran's Administration)," rendering him not duly authorized by law to practice medicine in New York and disqualifying him as a shareholder, director and officer of the Respondent pursuant to Section 1503(a) and Section 1508 of the Business Corporation Law.

E. Thereafter, the Respondent failed to enforce compliance with the procedures of Section 1510 and Section 1509 of the Business Corporation Law concerning the purchase or redemption of shares within six months after the disqualification of Dr. Siller as a shareholder, director and officer of the Respondent.


SPECIFICATION OF CHARGES

FIRST SPECIFICATION

The Respondent is charged with professional misconduct by reason of WILLFULLY FAILING TO COMPLY WITH BUSINESS CORPORATION LAW §1503, in violation of the third undesignated clause of New York Education Law §6530(12), in that Petitioner charges:

1. The factual allegations in paragraphs A, B, C, D, and/or E.

DATED: *December 13*, 2001
Albany, New York


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