

JOHN J. FARMER, JR.
ATTORNEY GENERAL OF NEW JERSEY

FILED

By: James F. Lafargue
Deputy Attorney General
Division of Law, 5th floor
124 Halsey St.
Newark, N.J. 07102
Telephone (973) 648-4727

March 29, 2000

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

In the Matter of the License of

MARCO A. PELOSI, II, M.D.

To Practice Medicine and Surgery
in the State of New Jersey

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Medical Examiners by the filing of a Verified Complaint against Respondent by Peter Verniero, then Attorney General of New Jersey, by James F. Lafargue, Deputy Attorney General, with offices located at 124 Halsey St., Newark, New Jersey. The Verified Complaint alleged that on one instance Respondent had improperly delayed and complicated a patient's surgery by taking photographs thereof, including staged photographs which did not depict the particular procedure performed on that patient. The Verified Complaint further alleged generally that Respondent acted toward the nurses and other professional staff in an unprofessional manner by his physical and verbal conduct and by committing breaches of sterility in the operating room. Such charges and the underlying facts were the basis for the Attorney General's Verified Complaint and Order

CERTIFIED TRUE COPY

to Show Cause why Respondent's license should not be immediately suspended pursuant to N.J.S.A. 45:1-23 following a hearing before the Board of Medical Examiners. That hearing was held on September 9, 1998, at which time the Board declined to take any action against Dr. Pelosi. The matter was thereafter transmitted to the Office of Administrative Law for hearing.

The materials presented by Respondent in his defense provided an explanation of the conduct described by paragraphs 4 through 10 of the Verified Complaint. That explanation is satisfactory to persuade the Board that Respondent has not engaged in conduct violative of the Uniform Enforcement Act or the Medical Practice Act to a sufficient extent to warrant formal disciplinary action. Accordingly, the parties have negotiated this Consent Order in order to address the pending charges without the necessity of administrative litigation.

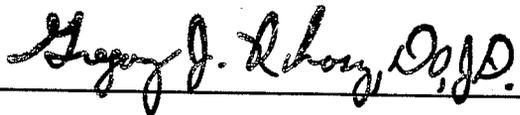
It therefore appearing that the parties have agreed to a resolution of the pending complaint, and it further appearing that the parties have read and agreed to abide by the terms of this Order, and it further appearing that this Order is adequately protective of the public interest, and good cause therefore existing for the entry of this Order, it is therefore on this 29th day of ~~December~~^{March}, 2000, ORDERED:

1. The factual allegations of paragraphs 4 through 10 of the Verified Complaint are dismissed with prejudice as establishing insufficient basis for formal disciplinary action.

2. The allegations of paragraph 11 of the Verified Complaint are dismissed without prejudice.

3. The Board makes no finding of and the Respondent makes no admission of culpability by his consent to this order. The parties and their counsel agree that, except as provided in paragraph 2 above, none of them shall have any liability toward the others arising from any events occurring on or before the date of this order.

STATE BOARD OF MEDICAL EXAMINERS



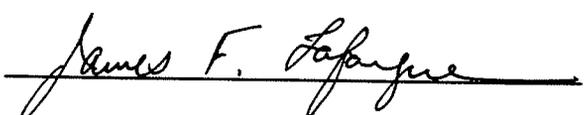
Gregory J. Rokosz, D.O.
President



Marco A. Pelosi, II, M.D.
Respondent



William R. Lundsten
Counsel for Respondent



James F. Lafargue
Deputy Attorney General