

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

IN RE: HOWARD S. WEISS, M.D.
License No.: 0101-039476

ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, John W. Hasty, the Director of the Virginia Department of Health Professions, received and acted upon evidence that Howard S. Weiss, M.D., was convicted by the United States District Court, Eastern District of Virginia, of mail fraud, a felony in violation of Title 18, Section 1341 of the United States Code. A certified copy of the Judgment in a Criminal Case is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of Howard S. Weiss, M.D., to practice medicine in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Pursuant to Section 9-6.14:14 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

I hereby certify that the attached document is a true and exact copy of a VA Board Order presented before me this 12th day of April, 2002, at Northampton, VA
Notary Public
My commission expires 7/31/02
Northampton, VA

John W. Hasty
John W. Hasty, Director
Department of Health Professions

ENTERED: April 21, 1995

APD:WEISS.ORD

UNITED STATES DISTRICT COURT
Eastern District of Virginia

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

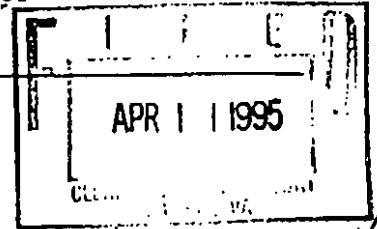
(For Offenses Committed On or After November 1, 1987)

Case Number: 2:95CR00006-001

v.

HOWARD S. WEISS

Franklin A. Swartz
Defendant's Attorney



THE DEFENDANT:

- pleaded guilty to count(s) 1 of a Criminal Information
- pleaded nolo contendere to count(s) _____
which (was) (were) accepted by the court.
- was found guilty on count(s) _____
after a plea of not guilty.

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Numbers</u>
Title 18 U.S.C. Section 1341	Mail Fraud	10/24/91	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) _____
- Count(s) _____ (is)(are) dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: _____

April 11, 1995
Date of Imposition of Judgment

Defendant's Date of Birth: _____

John A. MacKenzie
Signature of Judicial Officer

Defendant's USM No.: 26613-083

John A. MacKenzie
U. S. District Judge
Name & Title of Judicial Officer

Defendant's Mailing Address:

A TRUE COPY, TESTE:
Doris R. Casey, Clerk
By: *[Signature]*
Deputy Clerk

April 11, 1995
Date

Defendant's Residence Address:



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PROBATION

The defendant is hereby placed on probation for a term of THREE (3) YEARS.

While on probation, the defendant shall not commit another federal, state, or local crime.

While on probation, the defendant shall not illegally possess a controlled substance.

While on probation, the defendant shall not possess a firearm or destructive device.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Financial Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the following additional conditions:

The defendant shall provide the probation officer with access to requested financial information.

The defendant shall not incur new credit card charges or open additional lines of credit without the approval of the probation officer.

The defendant shall participate in a mental health program as directed and approved by the probation officer.

The defendant shall participate in the Home Confinement Program, which shall include electronic monitoring at the defendant's expense, for a period of ONE-HUNDRED EIGHTY (180) CONSECUTIVE DAYS as directed by the probation officer. During this time he will remain at his place of residence except for employment and other activities approved in advance by the probation officer.

The defendant will maintain a telephone at his place of residence without "call forwarding," a modem, "caller ID," "call waiting," or portable cordless telephones for the above period. At the direction of the probation officer, he shall wear an electronic monitoring device, follow electronic monitoring procedures specified by the probation officer, and pay the cost of the electronic monitoring.

The defendant shall perform TEN (10) HOURS of community service each month during the three (3) years probation. The community service to begin after electronic monitoring and at the direction of the probation officer.

cc: P.O. (3) (2)
Mshl. (3) (2)
U.S. Atty
U.S. Ccli.
ob
Bur. of Prisons
Def. counsel
P.T.S.
~~G.V.B.~~
Financial

DEFENDANT: HOWARD J. WEISS
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STANDARD CONDITIONS OF PROBATION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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FINANCIAL PENALTIES

The defendant shall pay the following total financial penalties in accordance with the schedule of payments set out below.

<u>Count</u>	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
1	\$50.00	\$10,000.00	\$35,576.05
Totals:	\$50.00	\$10,000.00	\$35,576.05

FINE

The fine includes any costs of incarceration and/or supervision.

The defendant shall pay interest on any fine of more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the below payment options are subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

The court has determined that the defendant does not have the ability to pay interest and it is ordered that:

- The interest requirement is waived.
- The interest requirement is modified as follows:

RESTITUTION

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>	<u>Priority Order of Payment</u>
Medicare	\$14,602.16	
FHC Choice	\$1,588.28	
Blue Cross/Blue Shield of Virginia	\$19,385.61	

Each restitution payment shall be divided proportionately among the payees named unless specified in the priority payment column above.

Full restitution in the amount of \$35,576.05 has already been made.

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SCHEDULE OF PAYMENTS

Payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

The total fine and other monetary penalties shall be due as follows:

- [X] The special assessment has been paid.
- [X] The fine shall be paid as directed by the probation officer.
- [] in full not later than _____.
- [] in _____ installments of \$ _____ over a period of _____ months to commence 30 days after the date of this judgment. If this judgment imposes a period of incarceration, payment shall be due during the period of incarceration.
- [] in installments to commence 30 days after the date of this judgment. If this judgment imposes a period of incarceration, payment shall be due during the period of incarceration. During a period of probation or supervised release supervision payment of any unpaid balance shall be a condition of supervision and the U.S. probation officer shall establish and may periodically modify the payment schedule provided that the entire financial penalty is paid no later than the termination of supervision but in no event no later than 5 years after release from incarceration.
- [] The defendant shall pay the costs of prosecution.
- [] The defendant shall forfeit the defendant's interest in the following property to the United States.

All financial penalty payments are to be made to the Clerk of Court, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

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STATEMENT OF REASONS

[] The court adopts the factual findings and guideline application in the presentence report.

OR

[] The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary).

Guideline Range Determined by the Court:

Total Offense Level: _____

Criminal History Category: _____

Imprisonment Range: _____ to _____ months

Supervised Release Range: _____ to _____ years

Fine Range: \$ _____ to \$ _____

[] Fine waived or below the guideline range because of inability to pay.

Restitution: \$ _____

[] Full restitution is not ordered for the following reason(s):

[] The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by the application of the guidelines.

OR

[] The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

[] The sentence departs from the guideline range.

[] upon motion of the government, as a result of defendant's substantial assistance.

[] for the following reason(s):