

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Board of Registration in Medicine,
Petitioner

v.

Docket No. RM-19-0518

Fernando J. Checo, M.D.,
Respondent

Appearance for Petitioner:

Stephen Hctor, Esq.
Board of Registration in Medicine
200 Harvard Mill Square, Suite 330
Wakefield, MA 01880

Appearance for Respondent:

Curtis B. Dooling, Esq.
Pierce & Mandell, P.C.
11 Beacon Street, Suite 800
Boston, MA 02108

Administrative Magistrate:

Kenneth J. Forton

RECOMMENDED DECISION

On October 10, 2019, the Petitioner, Board of Registration in Medicine, issued a Statement of Allegations ordering the Respondent, Fernando J. Checo, M.D., to show cause why he should not be disciplined for being convicted of a criminal offense which reasonably calls into question his ability to practice medicine, being convicted of a crime, being disciplined in another jurisdiction in any way by the proper licensing authority for reasons substantially the same as those set forth in G.L. c. 112, § 5 or 243 CMR 1.03(5),

and lacking good moral character and engaging in conduct that undermines the public confidence in the integrity of the medical profession, in connection with his conviction in New York State for driving while intoxicated.

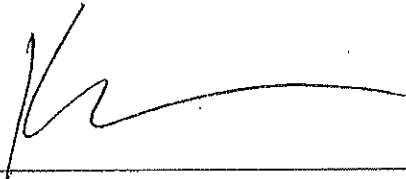
On October 10, 2019, the matter was referred to the Division of Administrative Law Appeals (DALA). On October 22, 2019, DALA scheduled a pre-hearing conference for November 21, 2019. The Board appeared for the conference, but the Respondent did not. On November 25, 2019, DALA issued an order to show cause, to file an answer, and to file a statement of material disputed facts. Respondent did not file a response to the order to show cause. Accordingly, on January 2, 2020, DALA issued an Order of Default and Recommended Decision. On January 21, 2020, Respondent filed a response. On April 30, 2020, new counsel for Respondent moved DALA to remove the default and requested modification of the recommended decision. DALA removed the default and scheduled a status conference. The parties agreed to work toward a Stipulation and to file status reports of their progress. The parties reported several times that they were making progress on a stipulation.

On March 30, 2021, the parties notified the Division that they have agreed to resolve this matter, and on the same date they jointly filed a Stipulation. In the Stipulation, the parties have agreed to certain Findings of Fact and Conclusions of Law.

The Stipulation is incorporated herein by reference. Other than the Stipulation and the admissions of fact contained therein, I have not taken evidence with respect to the facts of this matter. Based on the facts as stipulated, I conclude that the Conclusions of Law set forth in the Stipulation are warranted and I hereby adopt them.

Based on the foregoing I recommend that the Board impose such discipline on Dr. Checo as it deems appropriate in light of the facts and conclusions of law as stipulated by the parties.

DIVISION OF ADMINISTRATIVE LAW APPEALS



Kenneth J. Forton
Administrative Magistrate

DATED: APR - 5 2021