

<b>IN THE MATTER OF</b>	*	<b>BEFORE THE</b>
<b>HOWARD MARC WATZMAN, M.D.</b>	*	<b>MARYLAND STATE</b>
<b>Applicant for Reinstatement</b>	*	<b>BOARD OF PHYSICIANS</b>
<b>License Number: D45673 (expired)</b>	*	<b>Case Number: 2219-0004A</b>

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**CONSENT ORDER**

On August 27, 2019, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) notified **HOWARD MARC WATZMAN, M.D.** (the “Applicant”), of its intent to deny his Application for Reinstatement of Medical License (the “Application”) pursuant to the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-101 *et seq.* (2014 Repl. Vol. & 2018 Supp.). Panel A based its action of the following provisions of the Act:

The pertinent provisions of the Act provide:

**§ 14-205. Miscellaneous powers and duties.**

...

(b) *Additional powers. . . .*

- (3) Subject to the Administrative Procedure Act and the hearing provisions of § 14-405 of this title, a disciplinary panel may deny a license to an applicant or, if an applicant has failed to renew the applicant’s license, refuse to renew or reinstate an applicant’s license for:
  - (i) Any of the reasons that are grounds for action under § 14-404 of this title; or
  - (ii) Failure to submit to a criminal history records check in accordance with § 14-308.1 of this title.

**§ 14-404. Denials, reprimands, probations, suspensions, and revocations  
– Grounds.**

...

- (b) *Crimes involving moral turpitude.* – (1) On the filing of certified docket entries with the Board by the Office of the Attorney General, a disciplinary panel shall order the suspension of a license if the licensee is convicted of or pleads guilty or nolo contendere with respect to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.
- (2) After completion of the appellate process if the conviction has not been reversed or the plea has not been set aside with respect to a crime involving moral turpitude, a disciplinary panel shall order the revocation of a license on the certification by the Office of the Attorney General.

On November 6, 2019, Panel A was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on negotiations occurring as a result of this DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, and Order.

**FINDINGS OF FACT**

Panel A finds:

**I. BACKGROUND**

1. The Applicant was initially licensed to practice medicine in the State of Maryland on or about February 1, 1994, under License Number D45673. The Applicant did not apply for renewal of his license after it was initially granted. As a result, the Applicant’s Maryland medical license expired on September 30, 1997.

2. Since the expiration of his Maryland medical license, the Applicant has held medical licenses in Illinois, Pennsylvania, Kansas, and New Hampshire. None of these medical licenses are currently active.

3. On or about June 11, 2018, the Applicant submitted his Application to the Board in which he sought reinstatement of his Maryland medical license. The Board received the Application on or about June 20, 2018.

4. In his Application, the Applicant listed his prior employment from July 1997 to October 2003 as a pediatric hospitalist and that he worked in various pediatric intensive care units in Pennsylvania and Illinois.

5. In his Application, the Applicant answered “YES” to Question 13(g), among others,<sup>1</sup> which asked the following:

13. Character and Fitness Questions . . . .

Since your last renewal:

. . .

(g) Have you pleaded guilty or *nolo contendere* to any criminal charge, been convicted of a crime, or received probation before judgment because of a criminal charge?

**II. THE APPLICANT’S CRIMINAL CONVICTIONS**

6. The Applicant provided written explanations for his affirmative answers to certain character and fitness questions in his Application. The Applicant stated that, among other things, in 2005, he was convicted of possession of child pornography and receipt of child pornography.

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<sup>1</sup> The Applicant also answered “YES” to Questions 13(b), (c), (m), and (p), which ask about an applicant’s investigative and disciplinary history before a licensing board, student loan payments, and allowing a medical license to lapse while under investigation by a licensing board.

7. The Board obtained and reviewed court records related to the Applicant's disclosure of his criminal convictions.<sup>2</sup> The relevant court records show the following:

- a. On November 4, 2003, a federal grand jury indicted the Applicant on one count of receipt, and attempted receipt, of child pornography (in violation of 18 U.S.C. § 2252A(a)(2)(A)) and one count of possession, and attempted possession, of no fewer than 1,000 images and no fewer than 200 digital videoclips of child pornography (in violation of 18 U.S.C. § 2252A(a)(5)(B)).
- b. On July 13, 2004, a federal grand jury issued a superseding indictment against the Applicant to clarify that the child pornography involved actual children, and charged him with eight additional counts of receipt, and attempted receipt, of child pornography (in violation of 18 U.S.C. § 2252A(a)(2)(A)).
- c. On November 2, 2004, a federal grand jury issued a second superseding indictment against the Applicant, charging him with one count of laundering money, and attempted money laundering, for an illegal purpose, namely the manufacture and distribution of child pornography (in violation of 18 U.S.C. §§ 1956(a)(2)(A) and 2256(8)(A)).
- d. On June 7, 2005, the federal government and the Applicant entered into a Plea Agreement.
- e. The Applicant admitted through the Plea Agreement to subscribing to various fee-based internet sites that offered child pornography. The Applicant negotiated through email the purchase of child pornography with "Pedoshop," a Russia-based child pornography production group. "Pedoshop" offered the Applicant access to its "very big child porno collections." Between April 2003 and October 2003, the Applicant wired approximately \$9,700 to "Pedoshop" in order to obtain child pornography. During this timeframe, he received 89 videoclips ranging from 10 minutes to over an hour, which contained child pornography. The Applicant stored over 600 still images and videos of child

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<sup>2</sup> *United States v. H. Marc Watzman*, Case No. 03-CR-01032 (U.S. District Court for the Northern District of Illinois), Case No. 05-4669 (U.S. Court of Appeals, Seventh Circuit). The court records sometimes refer to the Applicant as "Herbert Watzman," as well as his other online aliases.

pornography on his computer and on CD-Rs and DVD-Rs at his home in Chicago, Illinois. Many CD-Rs and DVD-Rs were labeled “music” but contained encrypted images and videoclips of child pornography.

- f. The Plea Agreement further detailed the types of sexual activity that were depicted in the videoclips and images stored on the Applicant’s computer, including adults engaging in sexual activity with children as young as four years old, and the “sodomasochistic abuse of actual pre-pubescent children[.]”
- g. The Applicant also agreed that upon his release from federal prison, he would be required to register as a sex offender in any State where he resides or is employed.<sup>3</sup>
- h. On June 8, 2005, the Applicant pleaded guilty to and was convicted of one count of possession of child pornography and nine counts of receipt of child pornography. The Applicant retained his right to appeal. The court dismissed the money laundering charge.
- i. On November 22, 2005, the court sentenced the Applicant to five years of incarceration followed by three years of supervised probation.

8. The Applicant appealed the court’s rulings on motions to suppress a search warrant and to suppress evidence obtained as a result. On May 16, 2007, the United States Court of Appeals for the Seventh Circuit affirmed the lower court’s ruling and affirmed the Applicant’s convictions.

### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, Panel A concludes that the Applicant pled guilty to and was convicted of crimes involving moral turpitude, which constitute grounds

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<sup>3</sup> The Applicant stated in his Application that he is no longer registered as a sex offender in Maryland. At the time of his offense in 2003, possession of child pornography was a misdemeanor in Maryland that did not require registration as a sex offender. A Maryland Court of Appeals decision determined that retroactive application of the amended Maryland Sex Offender Registration Act, which would have required the Applicant’s registration, was unconstitutional. *See Doe v. Dept. of Pub. Safety & Corr. Servs.*, 430 Md. 535 (2013).

for action under Health Occ. § 14-404(b), and constitute a basis for a disciplinary panel of the Board to deny his Application for Reinstatement of Medical License under Health Occ. § 14-205(b)(3)(i).

**ORDER**


It is, on the affirmative vote of a majority of the quorum of Panel A, hereby:

**ORDERED** that the Application for Reinstatement of Medical License of **Howard Marc Watzman, M.D.**, is **DENIED**; and it is further

**ORDERED** that this Final Order is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Md. Code Ann., Gen. Prov. § 4-333(b)(6) (2014, 2018 Supp.).

*Signature on File*

01/06/2020  
Date

Christine A. Farrelly   
Executive Director  
Maryland State Board of Physicians

**CONSENT**

I, Howard Marc Watzman, M.D. acknowledge that I have consulted with counsel before signing this document.

By this Consent, I agree to be bound by this Consent Order. I assert that I am aware of my right to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 14-405 and Md. Code Ann., State Gov't §§ 10-201 *et seq.* concerning the pending Notice of Intent to Deny Application for Reinstatement of Medical License Under the Maryland Medical Practice Act. I waive this right and have elected to sign this Consent Order instead.

I acknowledge the validity and enforceability of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural protections as provided by law. I waive those procedural and substantive protections. I acknowledge the legal authority and the jurisdiction of the disciplinary panel to initiate these proceedings and to issue and enforce this Consent Order.

I voluntarily enter into the Consent Order as a resolution of the Notice of Intent to Deny Application for Reinstatement of Medical License Under the Maryland Medical Practice Act. I waive any right to contest the Findings of Fact and Conclusions of Law and Order set out in the Consent Order. I waive all rights to appeal this Consent Order.

I sign this Consent Order, without reservation, and fully understand the language and meaning of its terms.

## Signature on File

12/23/19

Date

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Howard Marc Watzman, M.D.  
Respondent

### NOTARY

STATE OF Maryland  
CITY/COUNTY OF Montgomery

I HEREBY CERTIFY that on this 23 day of December 2019, before me, a Notary Public of the foregoing State and City/County, personally appeared Howard Marc Watzman, M.D., and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

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Notary Public

My Commission expires: \_\_\_\_\_  
NHAN C. TRAN  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires March 8, 2022

