State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

March 14, 2007

Mark Allen Davis, M.T.
297 Harlan Road
Mansfield, OH 44905

Dear Mr. Davis:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Gretchen L. Petrucci, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on March 14, 2007, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal must be taken to the Franklin County Court of Common Pleas.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of an original Notice of Appeal with the State Medical Board of Ohio and a copy of the Notice of Appeal with the Franklin County Court of Common Pleas. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

Lance A. Talmage, M.D.

Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 91 7108 2133 3933 4658 8701
RETURN RECEIPT REQUESTED

CC: John Randolph Spon, Esq.
CERTIFIED MAIL NO. 91 7108 2133 3933 4658 8718
RETURN RECEIPT REQUESTED

Mailed 3-16-07

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Gretchen L. Petrucci, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on March 14, 2007, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Mark Allen Davis, M.T., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.

Lance A. Talmage, M.D.
Secretary

(SEAL)

March 14, 2007
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF *

*

MARK ALLEN DAVIS, M.T. *

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on March 14, 2007.

Upon the Report and Recommendation of Gretchen L. Petrucci, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

> **PERMANENT REVOCATION OF CERTIFICATE**: The certificate of Mark Allen Davis, M.T., to practice massage therapy in the State of Ohio, shall be PERMANENTLY REVOKED.

This Order shall become effective immediately upon the mailing of notification of approved by the Board.

Lance A. Talmage MD

Lance A. Talmage, M.D.
Secretary

(SEAL)

March 14, 2007
Date

STATE MEDICAL BOARD
OF OHIO

2007 FEB -8 A 9:48

REPORT AND RECOMMENDATION
IN THE MATTER OF MARK ALLEN DAVIS, M.T.

The Matter of Mark Allen Davis, M.T., was heard by Gretchen L. Petrucci, Hearing Examiner for the State Medical Board of Ohio, on December 19, 2006.

INTRODUCTION

I. Basis for Hearing

A. By letter dated September 13, 2006, the State Medical Board of Ohio [Board] notified Mark Allen Davis, M.T., that it had proposed to take disciplinary action against his certificate to practice massage therapy in Ohio. The Board based its proposed action on an allegation that Mr. Davis had been found guilty of: (1) one felony count of the Practice of Medicine or Surgery Without a Certificate (Claiming to be a Mechanotherapy Practitioner without a License) in violation of Section 4731.41, Ohio Revised Code; (2) one felony count of Engaging in a Pattern of Corrupt Activity in violation of Section 2923.32, Ohio Revised Code; (3) two felony counts of Forgery in violation of Section 2913.31, Ohio Revised Code; and (4) one felony count of Theft by Deception in violation of Section 2913.02, Ohio Revised Code.

The Board alleged that Mr. Davis' plea of guilty or the judicial findings of guilt individually and/or collectively constituted "a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony," as that language is used in Section 4731.22(B)(9), Ohio Revised Code. Accordingly, the Board advised Mr. Davis of his right to request a hearing in this matter. (State's Exhibit 1A)

B. By letter received on October 12, 2006, John Randolph Spon, Esq., requested a hearing on behalf of Mr. Davis. (State's Exhibit 1B)

II. Appearances

A. On behalf of the State of Ohio: Jim Petro, Attorney General, by Kyle C. Wilcox, Assistant Attorney General.

B. On behalf of Mr. Davis: John Randolph Spon, Esq.

EVIDENCE EXAMINED

I. Testimony Heard

No witnesses were presented.

II. Exhibits Examined

A. Presented by the State

State's Exhibits 1A through 1G: Procedural exhibits.

State's Exhibit 2: Sentencing Entry of the Court of Common Pleas for Richland County, Ohio, in *State of Ohio v. Mark Allen Davis*, Case No. 2005 CR 0819D.

State's Exhibit 3A: Indictment in *State of Ohio v. Mark Allen Davis*, Case No. 2005 CR 0819D, redacted in part.

State's Exhibit 4A: Jury verdicts in *State of Ohio v. Mark Allen Davis*, Case No. 2005 CR 0819D, redacted in part.

B. Presented by the Respondent

Respondent's Exhibit A: Letter to the State Medical Board of Ohio dated October 11, 2006, from Respondent's counsel.

III. Proffered Exhibits

State's Exhibit 3: Indictment in *State of Ohio v. Mark Allen Davis*, Case No. 2005 CR 0819D, unredacted.

State's Exhibit 4: Jury verdicts in *State of Ohio v. Mark Allen Davis*, Case No. 2005 CR 0819D, unredacted.

PROCEDURAL MATTERS

After the close of the hearing, the Hearing Examiner noticed that State's Exhibit 4 contained patient names and that State's Exhibit 3A, the redacted copy of the indictment, had been incorrectly redacted. During a conference call on January 26, 2007, the Hearing Examiner proposed, and counsel agreed, that the patient names would be redacted from State's Exhibit 4 and that the redacted copy would be admitted as State's Exhibit 4A. It was further agreed that the original exhibit, State's Exhibit 4, would be accepted as a proffer.

With respect to State's Exhibit 3A, it was agreed that the Hearing Examiner would admit a redacted copy of the indictment showing only the counts to which the Respondent had pleaded guilty or otherwise been found guilty, and that the copy previously admitted into the record had not been correctly redacted. In addition, the Hearing Examiner proposed, and the parties agreed, that the unredacted copy of the indictment would be accepted as a proffer rather than being admitted into the record under seal.

The State's counsel redacted the patient names from State's Exhibit 4 and circulated the redacted copy, State's Exhibit 4A, for review. The State's counsel also circulated a corrected copy of State's Exhibit 3A with revised redactions of the counts in the indictment. On January 31, 2007, Respondent's counsel informed the Hearing Examiner that the Respondent had no objection to the new exhibits as circulated. Therefore, the Hearing Examiner reopened the record on February 1, 2007, and admitted State's Exhibit 4A and the corrected copy of State's Exhibit 3A. In addition, the Hearing Examiner accepted States Exhibits 3 and 4 as proffered exhibits, and closed the record on February 1, 2007.

SUMMARY OF THE EVIDENCE

All admitted exhibits and the transcript, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

1. Mark Allen Davis, M.T., received a massage therapy license from the Board in January 1985. The Board's licensee database reflects that Mr. Davis' Ohio certificate is still active. (See February 2, 2007 *<https://license.ohio.gov/Lookup/SearchDetail.asp?ContactIdnt=3020223&DivisionIdnt=78&Type=L>*)

2. In March 2006, a grand jury in Richland County, Ohio, indicted Mr. Davis on 27 counts. The case was designated *State of Ohio v. Mark Allen Davis*, Case No. 2005 CR 0819D.

    - In Count 22, the indictment states that Mr. Davis did "claim to the public to be a practitioner of medicine and surgery, or any of its limited branches, to-wit: Mechanotherapy, without a certificate from the state medical board, in violation of section 4731.41 [of] the Revised Code, a felony of the fifth degree."

    - In Count 27, the indictment states that Mr. Davis did, while "being employed by, or associated with, any enterprise[,] conduct or participate in, directly or indirectly, the affairs of the enterprise through a pattern of corrupt activity or the collection of an unlawful debt, in violation of section 2923.32(A)(1) of the Revised Code, a felony of the second degree, * * *."

    - In Counts 24 and 25, the indictment states that Mr. Davis did "forge any writing so that it purports to be genuine when it actually is spurious, or to be a

copy of an original when so such original existed, in violation of section 2913.31(A)(2) of the Revised Code, a felony of the fifth degree."

- In Count 1, the indictment states that Mr. Davis did, "with purpose to deprive the owner; to-wit: various patients and/or customers, knowingly obtain or exert control over property or services; to-wit: monetary payments for professional services, beyond the scope of the express or implied consent of said owners and/or by deception; the value of said property or services being five thousand dollars or more but less than one hundred thousand dollars, in violation of section 2913.02(A)(2) or (3) of the Revised Code, a felony of the fourth degree." [1]

(State's Exhibit [St. Ex.] 3A at 1, 5-6)

3. On September 6, 2006, a jury found Mr. Davis guilty of Counts 1, 22, 24, 25 and 27. The jury verdict on Count 1 is not clear as to which provision of the theft statute was violated. That jury verdict simply states that Mr. Davis is guilty of theft. (St. Ex. 4A, at verdict 23)

4. On September 11, 2006, Mr. Davis was sentenced. The sentencing entry listed the convictions as follows:

- Claiming to be a Mechanotherapy Practitioner without a License, a violation of Section 4731.41, Ohio Revised Code, a fifth degree felony;
- Engaging in a Pattern of Corrupt Activity, a violation of Section 2923.32(A)(1), Ohio Revised Code, a second degree felony.
- Forgery, a violation of Section 2913.31(A)(2), Ohio Revised Code, a fifth degree felony;
- Forgery, a violation of Section 2913.31(A)(2), Ohio Revised Code, a fifth degree felony; and
- *Theft, a violation of Section 4731.41, Ohio Revised Code, a fifth degree felony*;[2]

(St. Ex. 2)

5. Among other things, Mr. Davis was sentenced to four years of community control, and required to perform 320 hours of community service, serve 60 days in a "jail alternate

---

[1]Section 2913.02(A)(2), Ohio Revised Code, states that no person, with purpose to deprive the owner of property or services, shall knowingly obtain or exert control over either property or services beyond the scope of the express or implied consent of the owner or person authorized to give consent. Section 2913.02(A)(3), Ohio Revised Code, states that no person, with purpose to deprive the owner of property or services, shall knowingly obtain or exert control over either property or services by deception.

[2]As noted previously, Section 2913.02, Ohio Revised Code, is the theft statute. Section 4731.41, Ohio Revised Code, prohibits the practice of medicine, surgery, or any of its branches, without a certificate from the Board. Also, as noted, the indictment described the theft charge as a felony of the *fourth* degree.

program" and surrender his massage therapy license. Additionally, Mr. Davis was required to pay restitution of $6,000 and a fine of $27,500. (St. Ex. 2)

6. In a letter to the Board, Respondent's counsel stated that Respondent has appealed the criminal matter. (Respondent's Ex. A)

FINDINGS OF FACT

1. Mark Allen Davis, M.T., was found guilty in *State of Ohio v. Mark Allen Davis* [*State v. Davis*], Case No. 2005 CR 0819D, of: (a) one felony count of the Practice of Medicine Without a Certificate (Claiming to be a Mechanotherapy Practitioner without a License) in violation of Section 4731.41, Ohio Revised Code; (b) one felony count of Engaging in a Pattern of Corrupt Activity in violation of Section 2923.32, Ohio Revised Code; and (c) two felony counts of Forgery in violation of Section 2913.31, Ohio Revised Code.

2. There is insufficient evidence to conclude that Mr. Davis was found guilty of one felony count of "Theft by Deception." Rather, the evidence establishes that Mr. Davis was found guilty in *State v. Davis* of one felony count of "Theft" in violation of Section 2913.02, Ohio Revised Code.

CONCLUSIONS OF LAW

1. The four felony convictions of Mark Allen Davis, M.T., as set forth in the Finding of Fact 1 constitutes a "plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony" as that language is used in Section 4731.22(B)(9), Ohio Revised Code.

2. The felony Theft conviction of Mr. Davis, as set forth in Finding of Fact 2, also constitutes a "plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony" as that language is used in Section 4731.22(B)(9), Ohio Revised Code.

* * * * *

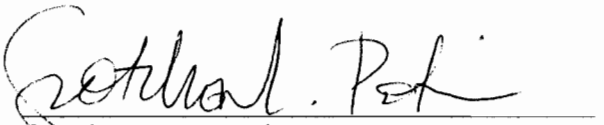
One or more of Mr. Davis' felony convictions occurred in the course of his practice of massage therapy. Although Mr. Davis is appealing the convictions, the Board is statutorily permitted to rely upon those convictions for purposes of taking disciplinary action under Section 4731.22(B)(9), Ohio Revised Code. In the event that the convictions are overturned on appeal, Mr. Davis could pursue reinstatement of his massage therapy certificate per Section 4731.22(H), Ohio Revised Code.

PROPOSED ORDER

It is hereby ORDERED, that:

PERMANENT REVOCATION OF CERTIFICATE: The certificate of Mark Allen Davis, M.T., to practice massage therapy in the State of Ohio, shall be PERMANENTLY REVOKED.

This Order shall become effective immediately upon the mailing of notification of approval by the Board.



Gretchen L. Petrucci
Hearing Examiner

State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

EXCERPT FROM THE DRAFT MINUTES OF MARCH 14, 2007

REPORTS AND RECOMMENDATIONS

Dr. Kumar announced that the Board would now consider the Reports and Recommendations appearing on its agenda. He asked whether each member of the Board had received, read, and considered the hearing records, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Paula Clark Adkins, M.D.; Thomas Leon Gemmer, P.A.; Jeffrey Michael Halter, M.D.; Jeffrey Vaughn Meyer, M.D.; Alan J. Parks, M.D.; Arthur Richard Schramm, M.D.; Philip L. Creps, D.O.; Mark Allen Davis, M.T.; Basma Ricaurte, M.D.; Albert W. Smith, III, M.D.; and Lovsho Phen, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Kumar	- aye

Dr. Kumar asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

Dr. Kumar - aye

Dr. Kumar noted that, in accordance with the provision in Section 4731.22(F)(2), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters. They may, however, participate in the matters of Dr. Halter and Dr. Ricaurte, as those cases are not disciplinary in nature and concern only the doctors' qualifications for licensure. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

.....

MARK ALLEN DAVIS, M.T.

.....

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS, AND PROPOSED ORDER IN THE MATTER OF MARK ALLEN DAVIS, M.T. DR. ROBBINS SECONDED THE MOTION.

.....

A vote was taken on Dr. Steinbergh's motion to approve and confirm:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

The motion carried.

State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

September 13, 2006

Mark Allen Davis, M.T.
297 Harlan Road
Mansfield, OH 44905

Dear Mr. Davis:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice massage therapy, or to reprimand you or place you on probation for one or more of the following reasons:

(1) On or about September 6, 2006, in the Court of Common Pleas for Richland County, Ohio, you were found guilty of one felony count of Practice of Medicine or Surgery Without Certificate (Claiming to be a Mechanotherapy Practitioner Without a License), in violation of Section 4731.41, Ohio Revised Code; one felony count of Engaging in a Pattern of Corrupt Activity, in violation of Section 2923.32, Ohio Revised Code; two felony counts of Forgery, in violation of Section 2913.31, Ohio Revised Code; and one felony count of Theft by Deception, in violation of Section 2913.02, Ohio Revised Code.

The court sentenced you to serve four years of community control and sixty days in a jail alternative program, fined you $27,500, and ordered you to surrender your massage therapy license. A redacted copy of the Jury Verdicts and a copy of the Sentencing Entry are attached hereto and incorporated herein.

Your plea of guilty or the judicial finding of guilt as alleged in paragraph (1) above, individually and/or collectively, constitutes "[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony," as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or

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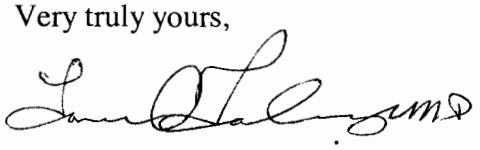
contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice massage therapy or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/blt
Enclosures

CERTIFIED MAIL # 7004 2510 0006 9801 8098
RETURN RECEIPT REQUESTED

cc: John Randolph Spon, Jr., Esq.
40 South Park Street
Mansfield, OH 44902

CERTIFIED MAIL # 7004 2510 0006 9801 8005
RETURN RECEIPT REQUESTED

2

RICHLAND COUNTY
CLERK OF COURTS
FILED
SEP 7 12 27 PM '06
LINDA H. FRARY
CLERK OF COURTS

I, Linda H. Frary, Clerk of Courts
Richland County, Ohio, hereby certify that
the foregoing is a true and correct copy of the
Jury Verdicts
filed with me 9-7-06
Deputy Clerk of Courts

IN THE COMMON PLEAS COURT OF RICHLAND COUNTY, OHIO

State of Ohio,	:	Case no. 05CR819D
Plaintiff	:	
vs.	:	
Mark Davis,	:	
Defendant	:	

JURY VERDICTS

1. We, the jury, find the defendant Mark Davis:

_____ guilty

✓ not guilty

of practicing chiropractic without a license on patient K[redacted] A[redacted]

2. We, the jury, find the defendant Mark Davis:

_____ guilty

✓ not guilty

of practicing chiropractic without a license on patient S[redacted] D[redacted]

3. We, the jury, find the defendant Mark Davis:

_____ guilty

✓ not guilty

of practicing chiropractic without a license on patient M[redacted] S[redacted]

OHIO STATE MEDICAL BOARD
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4. We, the jury, find the defendant Mark Davis:

_____ guilty

✓ not guilty

of practicing chiropractic without a license on patient A[redacted] H[redacted]

5. We, the jury, find the defendant Mark Davis:

_____ guilty

✓ not guilty

of practicing chiropractic without a license on patient A[redacted] H[redacted]

6. We, the jury, find the defendant Mark Davis:

_____ guilty

✓ not guilty

of practicing chiropractic without a license on patient C[redacted] S[redacted]

7. We, the jury, find the defendant Mark Davis:

_____ guilty

✓ not guilty

of practicing chiropractic without a license on patient C[redacted] O[redacted]

8. We, the jury, find the defendant Mark Davis:

_____ guilty

✓ not guilty

of practicing chiropractic without a license on patient P[redacted] G[redacted]

9. We, the jury, find the defendant Mark Davis:

_____ guilty

✓ not guilty

of practicing chiropractic without a license on patient G[redacted] B[redacted]

10. We, the jury, find the defendant Mark Davis:

_____ guilty

✓ not guilty

of practicing chiropractic without a license on patient J[redacted] C[redacted]

OHIO STATE MEDICAL BOARD
SEP 1 1 2006

11. We, the jury, find the defendant Mark Davis:

_____ guilty

✓ not guilty

of practicing mechanotherapy without a license on patient K[redacted] A[redacted]

12. We, the jury, find the defendant Mark Davis:

_____ guilty

✓ not guilty

of practicing mechanotherapy without a license on patient S[redacted] D[redacted]

13. We, the jury, find the defendant Mark Davis:

_____ guilty

✓ not guilty

of practicing mechanotherapy without a license on patient M[redacted] S[redacted]

14. We, the jury, find the defendant Mark Davis:

_____ guilty

✓ not guilty

of practicing mechanotherapy without a license on patient A[redacted] H[redacted]

15. We, the jury, find the defendant Mark Davis:

_____ guilty

✓ not guilty

of practicing mechanotherapy without a license on patient A[redacted] H[redacted]

16. We, the jury, find the defendant Mark Davis:

_____ guilty

✓ not guilty

of practicing mechanotherapy without a license on patient C[redacted] S[redacted]

17. We, the jury, find the defendant Mark Davis:

_____ guilty

✓ not guilty

of practicing mechanotherapy without a license on patient C[redacted] O[redacted]

OHIO STATE MEDICAL BOARD

SEP 1 1 2006

18. We, the jury, find the defendant Mark Davis:

_____ guilty

✓ not guilty

of practicing mechanotherapy without a license on patient P[redacted] G[redacted]

19. We, the jury, find the defendant Mark Davis:

_____ guilty

✓ not guilty

of practicing mechanotherapy without a license on patient G[redacted] B[redacted]

20. We, the jury, find the defendant Mark Davis:

_____ guilty

✓ not guilty

of practicing mechanotherapy without a license on patient J[redacted] C[redacted]

21. We, the jury, find the defendant Mark Davis:

✓ guilty

_____ not guilty

of claiming to be a mechanotherapy practitioner without a license.

22. We, the jury, find the defendant Mark Davis:

_____ guilty

✓ not guilty

of operating an office to practice mechanotherapy without a license.

23. We, the jury, find the defendant Mark Davis:

✓ guilty [redacted] $5000 or more

_____ not guilty

of theft.

24. We, the jury, find the defendant Mark Davis:

✓ guilty

_____ not guilty

OHIO STATE MEDICAL BOARD

SEP 1 1 2006

of forgery of the document labeled state's exhibit 18.

25. We, the jury, find the defendant Mark Davis:

✓ guilty

_____ not guilty

of forgery of the document labeled state's exhibit 20.

26. We, the jury, find the defendant Mark Davis:

_____ guilty

✓ not guilty

of possession of a criminal tool.

27. We, the jury, find the defendant Mark Davis:

✓ guilty

_____ not guilty

of engaging in a pattern of corrupt activity.

All we jurors who agree with every verdict marked on this verdict form sign our names below in ink on September 6, 2006.

1 [signature]	2 Cynthia Shaffer
3 [signature]	4 [signature]
5 Ryan Finley	6 Philip Troyer
7 Donald L. Kuter	8 Ann M. Porter
9 Patricia Mowry	10 Carl E. Duffner Jr.
11 Scott A. Amburgey	12 Eileen Coulter

CC: Spon, John
Prosecutor

SERVED BY Deputy Clerk: [signature]

On the 7th day of Sept, 2006

OHIO STATE MEDICAL BOARD

SEP 1 1 2006

I, Linda H. Frary, Clerk of Courts
Richland County, Ohio, hereby certify that
the foregoing is a true and correct copy of the
Sentencing Entry
filed with me 09-11-06
Deputy Clerk of Courts

RICHLAND COUNTY
CLERK OF COURTS
FILED
SEP 11 2 01 PM '06
LINDA H. FRARY
CLERK OF COURTS

IN THE COMMON PLEAS COURT OF RICHLAND COUNTY, OHIO

State of Ohio,	:	Case No. 2005 CR 0819 D
Plaintiff,	:	**SENTENCING ENTRY**
v.	:	
MARK ALLEN DAVIS,	:	
Defendant.	:	

On September 11, 2006, the defendant and attorney John Spon Jr came before the court for sentencing pursuant to R. C. 2929.19. The court considered their statements, the presentence investigation, any victim impact statement, the principles and purposes of sentencing in R. C. 2929.11, and the seriousness and recidivism factors in R. C. 2929.12.

I. CONVICTION & FINDINGS

The court finds:

That the defendant has been convicted of Claiming to be a Mechanotherapy Practitioner without a License, a violation of R. C. 4731.41, a fifth degree felony; Theft, a violation of R. C. 4731.41, a fifth degree felony; Forgery, a violation of R. C. 2913.31 (A)(2), a fifth degree felony; Forgery, a violation of R. C. 2913.31 (A)(2), a fifth degree felony; and, Engaging in a Pattern of Corrupt Activity, a violation of R. C. 2923.32 (A)(1), a second degree felony.

(✓) The court further finds (only necessary to override presumption in favor of prison and to impose community control): that a non-prison sanction does not demean the seriousness of the offense; and that a non-prison sanction will adequately punish defendant and protect the public; and that factors decreasing seriousness outweigh those increasing seriousness; and that there is less likelihood of recidivism. (This paragraph goes with F1/F2)

SEX OFFENDER Finding: (This paragraph goes with sex offenses.)

( ) This defendant is being sentenced for a sexually oriented offense. The court finds pursuant to R.C. Chapter 2950 that the defendant is:

( ) A sexual predator
( ) An habitual sex offender who ( ) is ( ) is not subject to community notification
( ) A sexually oriented offender.
( ) A child-victim predator
( ) A habitual child-victim offender
( ) A child-victim oriented offender

The court advised the defendant of his registration duties. The court orders the sheriff and/or O.D.R.C. to photograph, fingerprint and register the defendant as required by R.C. Chapter 2950 and to undertake the DNA collection for a sexual predator, if required by R.C. 2901.07.

II. SENTENCE

The court orders (each item applies only if marked):

(✓) The defendant is fined $ 29,500. and shall pay restitution for the cost of investigation of $600.00 unless the amount is challenged by the defendant.

( ) The defendant is sentenced to the Ohio State PRISON system for the following terms:

Count 1:_____mos/yrs

Count 2:_____mos/yrs

Count(s)_____mos/yrs

The defendant may be ordered into Re-entry Court in this case either by the court or the Ohio Adult Parole Authority.

This sentence includes 5 years post release control (PRC). Violation of PRC could result in additional prison time up to 50% of this sentence. If the violation is a new felony, the defendant could receive a new prison term in this case of the greater of one year or the time remaining on the post-release control.

( ) If there is more than one count, or if there are other cases, the sentences will be served
( ) consecutively _____
( ) concurrently _____

( ) This is an agreed sentence recommended jointly by the defendant and the prosecution pursuant to R.C. 2953.08(D).

( ) For the FIREARM SPECIFICATION, the defendant shall serve an additional _____ years of mandatory and consecutive imprisonment pursuant to R. C. 2929.14(D)(1).

( ) The defendant's DRIVERS LICENSE IS SUSPENDED for a period of _____ months.

( ) The defendant is a ( ) REPEAT VIOLENT OFFENDER OR ( ) a MAJOR DRUG OFFENDER, and is therefore sentenced to an additional term of _____ years beyond the basic prison term listed above.

( ) The court has considered the factors in R. C. 2929.13 and sentences the defendant to 4 years of COMMUNITY CONTROL to include the conditions and sanctions listed on the attached sheet. Violation of community control will lead to a prison term of 8 months/years and 5 years of post release control. Defendant is ordered to report forthwith to:

(✓) the Richland County Probation Department on the 3rd Floor of the Courthouse, 50 Park Avenue East, Mansfield, Ohio.

( ) the State Probation Department at 38 South Park Street, Mansfield, Ohio.

The defendant shall pay any restitution, all costs of prosecution, court appointed counsel costs and any fees permitted pursuant to R. C. 2929.18.

James DeWeese
JUDGE JAMES DEWEESE

cc: Prosecutor
Attorney JOHN RANDOLPH SPON JR
Probation County

SERVED BY Deputy Clerk_____
On the _____ day of _____, _____

Name: MARK ALLEN DAVIS Case No 2005 CR 0819 D

COMMUNITY CONTROL SANCTIONS

In addition to the standard community control conditions, the court orders the following special conditions/sanctions (conditions 2 and following apply only if marked):

1. The court finds that the defendant may reasonably be expected during the period of community supervision, and orders the defendant, to repay appointed counsel fees and to pay treatment and counseling expenses, drug and alcohol testing expenses and a monthly supervision fee of $20.00. Set up an installment payment plan for all court ordered financial obligations including any restitution.

__✓__ 2. Legally establish and pay/~~collect~~ child support for all _____ children.

__✓__ 3. Seek and maintain full-time employment/schooling. Perform 180 hours of community service if unemployed 30 days.

4. Successfully complete following programs: _____ Licking-Muskingum C.C.C.; _____ CROSSWAEH CBCF; _____ MONDAY CBCF; _____ Crossroads halfway house; _____ V.O.A. halfway house; _____ Forensic Sex Offender; _____ Parent to Parent; _____ D.O.V.E.; _____ G.E.D.; _____ Re-Entry Court; _____ DUI Court; __✓__ intensive collection supervision _____.

It is ordered that leaving a residential program (including CROSSWAEH CBCF) without authorization, including failure to return after being granted temporary leave, is an escape in violation of ORC§2921.34 which will be prosecuted.

5. Substance abuse: _____ evaluation and treatment at substance abuse treatment facility; __✓__ submit to random drug/alcohol testing to confirm abstinence; _____ stay out of high drug traffic areas in Mansfield.

6. Special conditions: __✓__ Do not cohabit with girlfriends or boyfriends with whom you engage in a sexual relationship; _____ have no contact with _____; _____ have no contact with minors except in the presence of a supervisor approved in advance by your probation officer; _____ do not use or possess checks, checking accounts, charge cards or charge card accounts without prior P. O. approval.

7. Other: Perform 320 hrs of community service. Serve 60 days in jail alternate program at a time to be arranged. Surrender massage therapy license.

8. The defendant and probation officer will meet with Judge DeWeese on 01/08/07 at 8:30 a.m./after completion of the residential program above to review defendant's performance of supervision conditions.

The Court reserves the right to modify conditions and extend the period of supervision at any time during supervision.

Judge: James DeWeese