



# State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0315 • 614/ 466-3934 • Website: [www.state.oh.us/med/](http://www.state.oh.us/med/)

June 14, 2000

John Charles Guidi, M.T.  
2339 Park Ave. # 2R  
Cincinnati, Ohio 45206

Dear Mr. Guidi:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on June 14, 2000.

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

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

Very truly yours,

Anand G. Garg, M.D.  
Secretary

AGG/bjs  
Enclosures

CERTIFIED MAIL # P152 984 632  
RETURN RECEIPT REQUESTED

cc: Walter Wurster, Esq.  
CERTIFIED MAIL #P 152 984 633  
RETURN RECEIPT REQUESTED

*Mailed 6-16-00*

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry, approved by the State Medical Board meeting in regular session on June 14, 2000, constitute a true and complete copy of the Findings, Order and Journal Entry in the Matter of John Charles Guidi, M.T., as it appears in the Journal of the State Medical Board of Ohio.

This Certification is made by the authority of the State Medical Board of Ohio in its Behalf.

(SEAL)



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Anand G. Garg, M.D.  
Secretary

June 14, 2000

Date

**THE STATE MEDICAL BOARD OF OHIO**

**IN THE MATTER OF**

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**JOHN CHARLES GUIDI, M.T.**

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**FINDINGS, ORDER AND JOURNAL ENTRY**

On April 18, 2000, the State Medical Board of Ohio sent to John C. Guidi, M.T., a letter via certified mail, return receipt requested, stating that the Board had reason to believe that Mr. Guidi was unable to practice according to acceptable and prevailing standards of care pursuant to Section 4731.22(B)(26), Ohio Revised Code, to wit: “[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice.”

This determination was based upon one or more of the following reasons:

- (1) On or about July 29, 1998, Mr. Guidi was arrested by the Cincinnati Police for driving under the influence. He submitted to a breathalyzer test which indicated that he had a breath alcohol concentration of .247. On or about August 3, 1998, Mr. Guidi was found guilty by the Hamilton County Municipal Court of operating a vehicle with a breath alcohol concentration of .10 or greater under Section 4511.19 of the Ohio Revised Code.
- (2) On or about January 11, 1993, Mr. Guidi was found guilty by the Mayor’s Court of the City of Norwood, Ohio, of knowingly possessing and/or using a controlled substance, marihuana, under Section 513.03 of the Norwood Ohio Municipal Code.
- (3) On or about November 18, 1986, Mr. Guidi was found guilty by the Mason, Ohio Municipal Court of operating a motor vehicle while under the influence of an alcoholic beverage under Section 4511.19 of the Ohio Revised Code.
- (4) On or about March 10, 1983, Mr. Guidi pled guilty in the Hamilton County Court of Common Pleas to attempting to obtain, possess, or use a Schedule I controlled substance, Cocaine, under Section 2923.02 of the Ohio Revised Code.
- (5) On or about January 20, 1983, Mr. Guidi was found guilty by the Hamilton County Municipal Court of operating a motor vehicle while under the influence of an alcoholic beverage under Section 4511.19 of the Ohio Revised Code and disobeying a traffic signal/red light in violation of Section 506-40 of the Cincinnati Municipal Code.

The April 18, 2000, certified letter from the Board further notified John C. Guidi, M.T., that, pursuant to Section 4731.22(B)(26), Ohio Revised Code, he was ordered to submit to an examination. The examination was scheduled to take place at Bethesda Hospital Alcohol and Treatment Program, with Roberto Soria, M.D., on May 8, 2000, at 8:00 a.m.

The April 18, 2000, certified letter from the Board further notified Mr. Guidi that failure of any individual to submit to an examination as directed constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control. Finally, the letter notified Mr. Guidi that if he failed to submit to the examination, and such failure was not due to circumstances beyond his control, the Board would be authorized to enter a default and final order without the taking of testimony or presentation of evidence.

Pursuant to Section 119.07, Ohio Revised Code, Mr. Guidi was duly notified of the examination order and its scheduled date. The certified letter return receipt is signed and dated April 21, 2000. The Board received written notification, dated May 12, 2000, from Roberto Soria, M.D., Medical Director, Bethesda Alcohol and Drug Treatment Program, that Mr. Guidi failed to appear for his May 8, 2000, examination. At no time did Mr. Guidi inform the Board that his failure to appear was due to circumstances beyond his control.

WHEREFORE, pursuant to Section 4731.22(B)(26), Ohio Revised Code, the Board hereby FINDS that John C. Guidi, M.T., has admitted the truth of the allegations set forth in the April 18, 2000, letter from the Board to Mr. Guidi. The Board further FINDS that Mr. Guidi is unable to practice according to acceptable and prevailing standards of care pursuant to Section 4731.22(B)(26), Ohio Revised Code, to wit: "[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice."

WHEREFORE, it is hereby ORDERED that:

1. The certificate of Mr. Guidi to practice massage therapy in the State of Ohio shall be SUSPENDED for an indefinite period of time.
2. The BOARD shall not consider reinstatement of Mr. Guidi's certificate to practice massage therapy unless and until all of the following conditions are met:
  - a. Mr. Guidi shall submit an application for reinstatement, accompanied by appropriate fees, if any;
  - b. Mr. Guidi shall demonstrate to the satisfaction of the BOARD that he can resume practice in compliance with acceptable and prevailing standards of

care under the provisions of his certificate. Such demonstration shall include but shall not be limited to the following:

- i. Certification from a treatment provider approved under Section 4731.25 of the Revised Code that Mr. Guidi has successfully completed any required inpatient treatment;
  - ii. Evidence of continuing full compliance with an aftercare contract or consent agreement;
  - iii. Two written reports indicating that Mr. Guidi's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the BOARD for making such assessments. Prior to the evaluations, Mr. Guidi shall provide the evaluators with a copy of this Order and any other information which the Board deems may be appropriate to the evaluator. The reports shall describe the basis for this determination and a detailed recommended plan of any care, counseling, and/or treatment that may be required for Mr. Guidi.
- c. Mr. Guidi shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the BOARD or, if the BOARD and Mr. Guidi are unable to agree on the terms of a written CONSENT AGREEMENT, then Mr. Guidi further agrees to abide by any terms, conditions and limitations imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Ohio Revised Code.

Further, upon reinstatement of Mr. Guidi's certificate to practice massage therapy in this state, the BOARD shall require continued monitoring which shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Revised Code and, upon termination of the consent agreement or Board Order, submission to the BOARD for at least two years of annual progress reports made under penalty of BOARD disciplinary action or criminal prosecution stating whether Mr. Guidi has maintained sobriety.

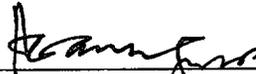
3. In the event that Mr. Guidi has not been engaged in the active practice of massage therapy for a period in excess of two years prior to application for reinstatement, the BOARD may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Mr. Guidi's fitness to resume practice.

4. Within thirty (30) days of the effective date of this Order, Mr. Guidi shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Further, Mr. Guidi shall provide a copy of this Order by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement of any professional license. Further, Mr. Guidi shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.

Within thirty (30) days of the effective date of this Order, Mr. Guidi shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services or is receiving training.

This Order shall become effective immediately upon the date of mailing of approval by the State Medical Board of Ohio.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 14th day of June, 2000, and the original thereof shall be kept with said Journal.



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Anand G. Garg, M.D.  
Secretary

(SEAL)

June 14, 2000

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Date



# STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

December 6, 1996

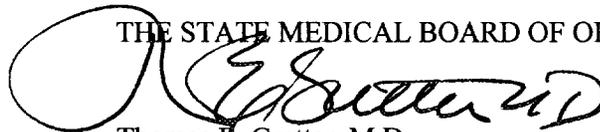
John C. Guidi, M.T.  
275 Forestwood Drive  
Cincinnati, Ohio 45216

Dear Mr. Guidi:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Suzanne E. Kelly, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on December 4, 1996, including Motions approving and confirming the Findings of Fact, and the Conclusions of Law of the Hearing Examiner, and adopting an amended Order.

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

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

THE STATE MEDICAL BOARD OF OHIO  
  
Thomas E. Gretter, M.D.  
Secretary

TEG:em  
Enclosures

Certified Mail Receipt No. P 152 982 929  
Return Receipt Requested

cc: Walter C. Wurster, Esq.

Certified Mail No. P 152 982 930  
Return Receipt Requested

*Mailed 12-17-96*



# STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

## CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; attached copy of the Report and Recommendation of Suzanne E. Kelly, Attorney Hearing Examiner, State Medical Board; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on December 4, 1996, including Motions approving and confirming the Findings of Fact, and the Conclusions of Law of the Hearing Examiner, and adopting an amended Order, constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of John C. Guidi, 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.

(SEAL)

A handwritten signature in black ink, appearing to read "T. E. Gretter, M.D.", written over a horizontal line.

Thomas E. Gretter, M.D.  
Secretary

12/4/96

\_\_\_\_\_  
Date



# STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

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JOHN CHARLES GUIDI, M.T.

\*

## ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on the 4th day of December, 1996.

Upon the Report and Recommendation of Suzanne E. Kelly, Hearing Examiner, Medical Board, in this matter designated pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the modification, 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 the application of John Charles Guidi, M.T., for a certificate to practice a limited branch of medicine and surgery, massage, in Ohio, is APPROVED.

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

Thomas E. Gretter, M.D.  
Secretary

(SEAL)

12/4/96

Date

STATE MEDICAL BOARD  
OF OHIO  
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## REPORT AND RECOMMENDATION IN THE MATTER OF JOHN CHARLES GUIDI, M.T.

The Matter of John Charles Guidi, M.T., came on for hearing before Suzanne E. Kelly, Esq., Hearing Examiner for the State Medical Board of Ohio, on August 27, 1996.

### INTRODUCTION

#### I. Basis for Hearing

A. By letter dated June 12, 1996 (State's Exhibit 1), the State Medical Board of Ohio [Board] notified Mr. Guidi that it intended to determine whether to discipline his certificate to practice massage therapy for one or more of the following reasons:

- 1). On or about February 21, 1996, Mr. Guidi filed a Reexamination Supplement to Application for Massage which is pending (the "current application").
- 2). On or about December 6, 1995, the State Medical Board of Ohio entered an order denying Mr. Guidi's 1994 Application for a Certificate to Practice a Limited Branch of Medicine and Surgery, Massage. The Board concluded that Mr. Guidi had violated Sections 4731.22(A) and (B)(5), Ohio Revised Code. Further, the Board concluded that these acts, conduct, and/or omissions, individually and/or collectively, constituted a failure to furnish proof of good moral character as required by Section 4731.20, Ohio Revised Code, to wit: Section 4731.08, Ohio Revised Code.

The Board alleged Mr. Guidi's conduct set forth in the December 6, 1995, Board order constitutes, individually and/or collectively, "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code. Further, the Board alleged that this conduct, individually and/or collectively, constitutes "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code. Finally, the Board alleged that this conduct, individually and/or collectively, constitutes a failure to

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furnish proof of good moral character as required by Section 4731.20, Ohio Revised Code, to wit: Section 4731.08, Ohio Revised Code.

The Board informed Mr. Guidi of his right to request a hearing in this Matter.

- B. On June 28, 1996, Mr. Guidi submitted a written hearing request. (State's Exhibit 2).

II. Appearances

- A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General, by Patrick Beatty, Assistant Attorney General.
- B. On behalf of the Respondent: Walter C. Wurster, Esq.

**EVIDENCE EXAMINED**

I. Testimony Heard

Presented by the Respondent

John Charles Guidi, M.T.

II. Exhibits Examined

In addition to State's Exhibits 1 and 2, noted above, the following exhibits were identified by the State and admitted into evidence:

- A. State's Exhibit 3: July 3, 1996, letter to Mr. Guidi from the Board advising that a hearing had been set for July 12, 1996, but further advising that the hearing had been postponed pursuant to Section 119.09, Ohio Revised Code.
- B. State's Exhibit 4: July 9, 1996, letter to Mr. Guidi from the Board scheduling the hearing for August 13, 1996.
- C. State's Exhibit 5: July 30, 1996, letter to the Board from Attorney Wurster. Enclosed with this letter is a Motion and Affidavit for a continuance of the hearing scheduled for August 13, 1996. (5 pp.)

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- D. State's Exhibit 6: August 9, 1996, Entry rescheduling the hearing to August 27, 1996.
- E. State's Exhibit 7: Mr. Guidi's Re-Examination Supplement to Application for Massage. (44 pp.) (Note: Pages numbered by the Hearing Examiner.)
- F. State's Exhibit 8: Packet of certified copies of exhibits in the formal hearing of John C. Guidi, M.T., on September 14, 1995, as they are maintained in the files of the State Medical Board of Ohio. (216 pp.)

III. Post-Hearing Admissions to the Record

Respondent's Exhibit A: Certificate of Education given to John Guidi by the American Massage Therapy Association - Ohio Chapter for completion of a 3 1/2 hour seminar, "An Evening with the Back."

**PROCEDURAL MATTERS**

At hearing, Respondent's counsel requested that the record be held open to receive documentation regarding a continuing education course completed by Mr. Guidi. The Hearing Examiner held the record open until September 6, 1996. On that date, Respondent's Exhibit A was received and the record closed.

**SUMMARY OF THE EVIDENCE**

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

1. John Charles Guidi, M.T., has held a cosmetology license in the State of Ohio since 1965. For the past twenty-three years, he has operated a hair salon in Cincinnati, Ohio. Mr. Guidi attended the Self Health School of Massage Therapy from February 18, 1993, until November 9, 1994. He received a diploma from that school on November 9, 1994. (State's Exhibit [St. Ex.] 8 at 129-131; Transcript [Tr.] 15-16)
2. On or about September 29, 1994, Mr. Guidi submitted an Application for Certificate to Practice a Limited Branch of Medicine and Surgery, Massage, to

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the Board. In this application, Mr. Guidi answered "Yes," to the following questions in the "Additional Information" section:

Question 6: Have you ever been requested to appear before any board, bureau, department, agency, or other body including those in Ohio, concerning allegations against you?

Question 13: Have you ever been convicted or found guilty of a violation of federal law, state law, or municipal ordinance other than a minor traffic violation?

Question 14: Have you ever forfeited collateral, bail, or bond for breach or violation of any law, police regulation, or ordinance other than for a minor traffic violation; been summoned into court as a defendant or had any lawsuit filed against you (other than a malpractice suit)?

The application instructions stated "[i]f you answer, 'YES,' to any of the following questions, you are required to furnish complete details including date, place, reason and disposition of the matter. All affirmative answers must be thoroughly explained on a separate sheet of paper." (St. Ex. 8 at 42-49)

3. The only explanations Mr. Guidi provided in the application were that:
  - a) On July 23, 1982, Mr. Guidi was a passenger in a car in which 0.2 gram of cocaine was found under the driver's seat and that he was charged because it was within his reach. Mr. Guidi further stated he was convicted of attempted drug abuse and sentenced to probation.
  - b) On March 2, 1990, a court entered a judgment against him for failure to pay City of Cincinnati income tax.
  - c) On January 4, 1983, Mr. Guidi was convicted of Driving Under the Influence of alcohol [DUI]. (St. Ex. 8 at 42-49)
4. During the pendency of Mr. Guidi's application, he took and passed the Massage Therapists' examination on December 4, 1994. (St. Ex. 7; Tr. )
5. On or about January 13, 1995, in response to a written request from the Board to provide complete details of the incidents which formed the bases for his affirmative responses to the Additional Information questions, Mr. Guidi provided some detail regarding the single disclosed income tax conviction of

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March 2, 1990, and some additional detail regarding the disclosed January 4, 1983, DUI conviction. (St. Ex. 8 at 50-53, 90-91)

6. Following a telephone discussion of his application with the Board on February 9, 1995, Mr. Guidi furnished written additional information on or about February 10, 1995. Mr. Guidi then provided additional details about the 1983 DUI conviction and an Attempted Drug Abuse conviction. (St. Ex. 8 at 54-57) On or about February 15, 1995, Mr. Guidi also forwarded a copy of the Hamilton County Municipal Court transcript which reflected four additional citations for City of Cincinnati income tax violations which Mr. Guidi had not previously disclosed. On or about July 9, 1990, the Hamilton County Municipal Court found Mr. Guidi guilty of: four counts of income tax violations for the years 1986 through 1989. (St. Ex. 8 at 54-57)
7. During an office conference with the Board on April 13, 1995, Mr. Guidi reported that he had been convicted of DUI in 1986. Mr. Guidi had failed to report this conviction in his September 29, 1994, application, or in subsequent written and telephone communications with the Board. (St. Ex. 8 at 58, 99-100, 137)
8. After a hearing, Mr. Guidi's complete criminal record was disclosed. In addition to the convictions for failure to pay income tax, Mr. Guidi had the following criminal record. On or about March 10, 1983, Mr. Guidi pleaded guilty in the Hamilton County Court of Common Pleas to attempting to obtain, possess, or use a Schedule I controlled substance, Cocaine, in violation of Section 2923.02, Attempted drug abuse, Ohio Revised Code, a first degree misdemeanor. Mr. Guidi was sentenced to the Community Correctional Institute for 180 days of which 165 days were suspended. Additionally, Mr. Guidi was placed on probation for three years. Additionally, on or about January 20, 1983, the Hamilton County Municipal Court found Mr. Guidi guilty of: operating a motor vehicle while under the influence of an alcoholic beverage in violation of Section 4511.19, Ohio Revised Code. Mr. Guidi was sentenced to thirty days in jail, of which twenty-seven days were suspended. Additionally, he was fined \$100.00 and ordered to pay \$25.00 costs. Moreover, Mr. Guidi's driving privileges were suspended for sixty days. Finally, on or about November 18, 1986, the Mason, Ohio, Municipal Court found Mr. Guidi guilty of operating a motor vehicle while under the influence of an alcoholic beverage, in violation of Section 4511.19, Ohio Revised Code. Mr. Guidi was sentenced to thirty days of which twenty were suspended. Additionally, Mr. Guidi was placed on one year probation. Mr. Guidi paid all of his fines in full and completed, without incident, his probationary periods. (St. Ex. 8 at 40-46, 54-57, 59-60)

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9. As a result of Mr. Guidi's answers to the three questions on the application, the Board notified him that it intended to determine whether to discipline his certificate. After a hearing, the Board denied Mr. Guidi's application on December 8, 1995. The Board found that Mr. Guidi's answers on the application constituted "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board," as set forth in Section 4731.22(A), Ohio Revised Code. The Board also found that Mr. Guidi's acts, conduct, and/or omissions, individually and/or collectively, constituted "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code. Finally, the Board found that Mr. Guidi's responses on his application constituted a failure to furnish satisfactory proof of good moral character as required by Section 4731.20, Ohio Revised Code, to wit: Section 4731.08, Ohio Revised Code. (St. Ex. 8 at 175-190)
10. Mr. Guidi appealed the Board's decision. However, on January 20, 1996, Mr. Guidi withdrew his appeal. (St. Ex. 8 at 213-216)
11. On February 21, 1996, Mr. Guidi, filed a Reexamination Supplement to Application for Massage. Mr. Guidi gave complete explanations to all questions that he marked "Yes" in the Additional Information Section. Mr. Guidi incorporated the Board's previous order and its attachments. Mr. Guidi explained that he has operated his hair salon for the past 20 years in Cincinnati. He pursued his massage therapist license because he has developed health problems from his work with various hair chemicals and dyes. In February 1995, Mr. Guidi took a continuing education class in massage therapy. Mr. Guidi submitted fourteen letters from clients and community members supporting his application. [Note: the Assistant Attorney General did not have the opportunity to cross-examine the writers of these letters] (St. Ex. 7; Respondent's Exhibit [Res. Ex] A; Tr. 16-18)

#### FINDINGS OF FACT

1. On or about February 21, 1996, John Charles Guidi filed a Reexamination Supplement to Application for Massage which is pending.
2. On or about December 6, 1995, the State Medical Board of Ohio entered an order denying Mr. Guidi's 1994 Application for a Certificate to Practice a Limited Branch of Medicine and Surgery, Massage. The Board concluded that

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Mr. Guidi had violated Sections 4731.22(A) and (B)(5), Ohio Revised Code. Further, the Board concluded that these acts, conduct, and/or omissions, individually and/or collectively, constituted a failure to furnish proof of good moral character as required by Section 4731.20, Ohio Revised Code, to wit: Section 4731.08, Ohio Revised Code.

### CONCLUSIONS OF LAW

1. Findings of Fact 1-2, above, support a conclusion that Mr. Guidi's acts, conduct, and/or omissions, individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board," as set forth in Section 4731.22(A), Ohio Revised Code.
2. Findings of Fact 1-2, above, support a conclusion that Mr. Guidi's acts, conduct, and/or omissions, individually and/or collectively, constitute "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.
3. Findings of Fact 1-2, above, support a conclusion that Mr. Guidi's acts, conduct, and/or omissions, individually and/or collectively, constitute a failure to furnish satisfactory proof of good moral character as required by Section 4731.20, Ohio Revised Code, to wit: Section 4731.08, Ohio Revised Code.

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When Mr. Guidi made his initial application to the Board, he failed to inform the Board of significant criminal convictions and details concerning his disclosed criminal convictions. The full extent of Mr. Guidi's criminal record was revealed only after repeated contact with the Board and a hearing. Nevertheless, a year has passed since Mr. Guidi's first application. His current application is complete and candid. He has had no criminal charges filed against him since the 1990 income tax violations. His last conviction for drug- or alcohol-related activity was in 1986. Clients and community members submitted many letters in support of Mr. Guidi's character. The Board may want to consider this information when reviewing Mr. Guidi's current application.

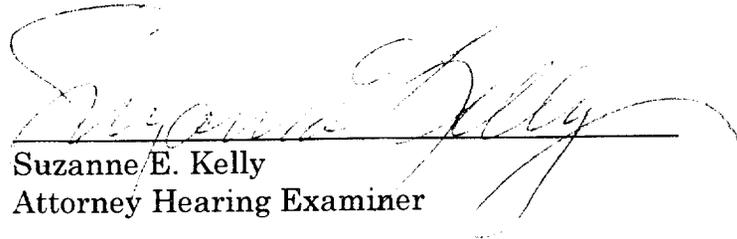
**PROPOSED ORDER**

STATE MEDICAL BOARD  
OF OHIO

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It is hereby ORDERED that the application of John Charles Guidi, M.T., for a certificate to practice a limited branch of medicine and surgery, massage, in Ohio, is DENIED.

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



Suzanne E. Kelly  
Attorney Hearing Examiner



# STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

## EXCERPT FROM THE DRAFT MINUTES OF DECEMBER 4, 1996

### REPORTS AND RECOMMENDATIONS

Dr. Stienecker announced that the Board would now consider the findings and orders appearing on the Board's agenda.

Dr. Stienecker asked whether each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Hans E. Gartner, M.T.; John Charles Guidi, M.T.; James Photiadis, M.D.; Jeffrey C. Spencer, M.D.; Robert George Sperry, M.D.; and Alan Weiner, D.P.M.

A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Bhati	- aye
	Dr. Heidt	- aye
	Dr. Gretter	- aye
	Dr. Egner	- aye
	Dr. Agresta	- aye
	Dr. Buchan	- aye
	Ms. Noble	- aye
	Mr. Sinnott	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Dr. Stienecker	- aye

Mr. Sinnott indicated that he did not read the materials with respect to Dr. Weiner, and he would therefore be abstaining from taking part in the discussion and vote.

Dr. Stienecker 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. Bhati	- aye
	Dr. Heidt	- aye
	Dr. Gretter	- aye
	Dr. Egner	- aye

December 4, 1996

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**REPORT AND RECOMMENDATION IN THE MATTER OF JOHN CHARLES GUIDI, M.T.**

Dr. Stienecker stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and order in the above matter. No objections were voiced by Board members present.

Dr. Stienecker advised that a request to address the Board has been timely filed on behalf of Dr. Guidi. Mr. Wurster, Dr. Guidi's attorney, would be allotted approximately five minutes for his address.

Mr. Wurster indicated that he had no objection to the absence of a court reporter, and he understands that the Board's minutes are the official record of the Board.

Mr. Wurster stated that he represents Mr. Guidi in his reapplication to the Board for a limited license for the practice of massage therapy. This is a reapplication. The record reflects that there was an original application in 1994, which was denied. A reapplication was filed on June 28, 1996. The Attorney Hearing Examiner adopted the prior findings, but one of the things that was particularly interesting was that Ms. Kelly's postscript indicated that Mr. Guidi has had no criminal charges filed against him since the 1990 income tax violations. The last drug/alcohol related conviction was in 1986. Clients and community members submitted many letters in support of Mr. Guidi's character. Ms. Kelly indicated that the Board may wish to consider this information when reviewing Mr. Guidi's current application. Mr. Wurster stated that he is encouraged that, after hearing the evidence, Ms. Kelly felt there were strong mitigating factors that should be brought to the attention of the Board.

As the report indicates, there are numerous letters of recommendation from physicians and other health professionals in Cincinnati and northern Kentucky. Seven Cincinnati attorneys and two police officers have also written letters in support of Mr. Guidi's position. All of these letters vouch for Mr. Guidi's moral character.

Mr. Wurster stated that there was some misinformation and omissions on the original application. All those things have been corrected in the current application. The issue here is moral character. Certainly the people who know Mr. Guidi best are those people who have written letters in support of his position.

Mr. Wurster stated that Mr. Guidi has held a cosmetology license for the past 30 years, with no violations on that license. He has developed some allergic reactions to chemicals with which he's worked in the profession of cosmetology. That is why he decided to become a massage therapist. He has kept his education current.

Mr. Wurster encouraged the Board to look at the mitigating circumstances, including the remoteness of the conduct, the fact that nothing has happened for the past ten years, and the letter from the Tax Commissioner indicating that there was no fraud involved in the tax conviction, it was just the nonpayment of taxes. Mr. Guidi shows a great deal of remorse for this conduct. There has been a full disclosure to the Board. These are isolated incidents and nothing has happened for a long time. Mr. Wurster feels that Mr. Guidi should be given an opportunity. He asked that the Board review all of the facts in determining its final action. He noted that there are a number of sanctions from reprimand to stayed suspension that the Board could do, short of denying Mr. Guidi the opportunity to practice.

Dr. Stienecker asked whether the Assistant Attorney General wished to respond.

Mr. Beatty stated that this was a fairly simple matter. It is not a question of the remoteness of Mr. Guidi's conduct ten years ago, but it's a question of conduct that occurred within the past year. Mr. Guidi's application was originally denied because he had committed misrepresentation, fraud or deception in applying for his original license. The question today is not whether his conduct ten years ago, that he tried to hide one year ago, is remote. The question is whether or not a leopard can change its spots. Mr. Beatty stated that he doesn't think so. He believes that the recommended Order is appropriate in this matter.

December 4, 1996

**DR. BHATI MOVED TO APPROVE AND CONFIRM MS. KELLY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF JOHN CHARLES GUIDI, M.T. DR. STEINBERGH SECONDED THE MOTION.**

Dr. Stienecker asked whether there were any questions or comments concerning the proposed findings of fact, conclusions and order in the above matter.

Dr. Heidt stated that he was very impressed with the letters written on Mr. Guidi's behalf. He knows many of the people who wrote letters, and believes they are all high-class individuals. Mr. Guidi has had no problems for the past 14 years. He appears to be of excellent character.

**DR. HEIDT MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF JOHN CHARLES GUIDI, M.T., BY SUBSTITUTING THE FOLLOWING:**

It is hereby ORDERED that the application of John Charles Guidi, M.T., for a certificate to practice a limited branch of medicine and surgery, massage, in Ohio, is APPROVED.

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

**MR. SINNOTT SECONDED THE MOTION.**

Mr. Sinnott stated that the matter came before the Board a year ago. At that time the Board sanctioned Mr. Guidi by denying his licensure application. There is a point where the Board needs to decide whether it is going to permanently deny a license. He sees no reason to deny this applicant the opportunity to practice. He's already been sanctioned for misconduct with respect to this initial application.

Dr. Agresta asked Mr. Guidi when he did his massage therapy training. Mr. Guidi stated that he graduated in October 1994. He trained after his income tax problems.

A vote was taken on Dr. Heidt's motion to amend:

VOTE:	Mr. Albert	- abstain
	Dr. Bhati	- aye
	Dr. Heidt	- aye
	Dr. Gretter	- abstain
	Dr. Egner	- aye
	Dr. Agresta	- aye
	Dr. Buchan	- aye
	Ms. Noble	- aye
	Mr. Sinnott	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

**DR. BHATI MOVED TO APPROVE AND CONFIRM MS. KELLY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF JOHN CHARLES GUIDI, M.T. DR. HEIDT SECONDED THE MOTION. A vote was taken:**

VOTE:	Mr. Albert	- abstain
	Dr. Bhati	- aye
	Dr. Heidt	- aye
	Dr. Gretter	- abstain
	Dr. Egner	- aye
	Dr. Agresta	- aye
	Dr. Buchan	- aye
	Ms. Noble	- aye
	Mr. Sinnott	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

June 12, 1996

**Charles D. Stienecker, M.D.**  
President  
Wapakoneta, Ohio

**Nora M. Noble**  
Vice-President  
Newark, Ohio

**Thomas E. Gretter, M.D.**  
Secretary  
Cleveland, Ohio

**Raymond J. Albert**  
Supervising Member  
Amanda, Ohio

**Ronald C. Agresta, M.D.**  
Board Member  
Steubenville, Ohio

**Anant R. Bhati, M.D.**  
Board Member  
Cincinnati, Ohio

**David S. Buchan, D.P.M.**  
Board Member  
Westerville, Ohio

**Carol L. Egner, M.D.**  
Board Member  
Cincinnati, Ohio

**Anand G. Garg, M.D., Ph.D.**  
Board Member  
Boardman, Ohio

**Robert S. Heidt, Sr., M.D.**  
Board Member  
Cincinnati, Ohio

**Bradley K. Sinnott, Esq.**  
Board Member  
Columbus, Ohio

**Anita M. Steinbergh, D.O.**  
Board Member  
Westerville, Ohio

John Charles Guidi, M.T.  
275 Forestwood Drive  
Cincinnati, OH 45216

Dear Mr. Guidi:

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

- 1) On or about February 21, 1996, you filed a Reexamination Supplement to Application for Massage which is pending (the "current application").
- 2) On or about December 6, 1995, the State Medical Board of Ohio entered an order denying your 1994 Application for a Certificate to Practice a Limited Branch of Medicine and Surgery, Massage. The Board concluded that you had violated Sections 4731.22(A) and (B)(5), Ohio Revised Code. Further, the Board concluded that your acts, conduct and/or omissions, individually and/or collectively, constituted a failure to furnish proof of good moral character as required by Section 4731.20, Ohio Revised Code, to wit: Section 4731.08, Ohio Revised Code. A copy of the Entry of Order is attached hereto and fully incorporated herein.

Your acts, conduct, and/or omissions underlying the Board Order as alleged in paragraph (2) above, individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code.

Further, your acts, conduct, and/or omissions underlying the Board Order as alleged in paragraph (2) above, individually and/or collectively, constitute "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Mailed 6/13/96

June 12, 1996

Further, your acts, conduct, and/or omissions underlying the Board Order as alleged in paragraph (2) above, individually and/or collectively, constitute a failure to furnish satisfactory proof of good moral character as required by Section 4731.08, Ohio Revised Code.

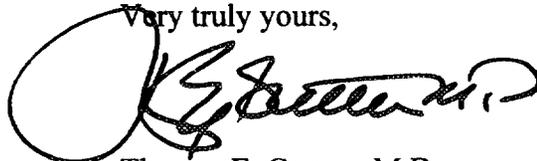
Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing this notice.

You are further advised that 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 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 (30) 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 or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink, appearing to read "T. E. Gretter, M.D.", written over a large, stylized circular flourish.

Thomas E. Gretter, M.D.  
Secretary

TEG/bjm

Enclosures

CERTIFIED MAIL # P 152 983 454  
RETURN RECEIPT REQUESTED

Walter C. Wurster (0018714)  
Attorney for Applicant, John C. Guidi

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF  
JOHN C. GUIDI, M.T.,

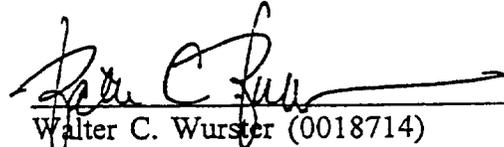
Appellant.

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NOTICE OF APPEAL TO  
ADMINISTRATIVE DECISION

Comes now the Appellant herein, John Charles Guidi, M.T., pursuant to Section 119.12 Ohio Revised Code, by and through his attorney, and would herein give notice of appeal to the Entry of Order of the State Medical Board of Ohio on the 6th day of December, 1995, denying your applicant a certificate to practice a limited branch of medicine and surgery, to wit: Massage in Ohio.

Your Appellant states that the grounds for his Appeal are that the Decision of the hearing examiner as set forth in her report and recommendations, as incorporated into the order of the State Medical Board is manifestly against the weight of the evidence and is not supported by or liable probative and substantial evidence.

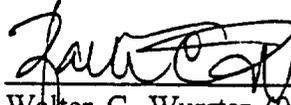


Walter C. Wurster (0018714)  
Attorney for Appellant  
601 Main Street, Third Floor  
Cincinnati, Ohio 45202  
(513) 621-8700

DEC 20 11:12:48

CERTIFICATE OF SERVICE

I hereby certify that an exact copy of the Notice of Appeal to the Decision of the State Medical Board in the above-captioned matter has been served on Larry Pratt, Assistant Attorney General, Health and Human Services Section, 30 East Broad Street, 26th Floor, Columbus, Ohio 43215-3428 and filed with the State Medical Board, on this 19th day of December, 1995, via certified mail.



---

Walter C. Wurster (0018714)  
Attorney for Appellant

35 DEC 20 PM 12:48



## STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

December 8, 1995

John C. Guidi, M.T.  
275 Forestwood Drive  
Cincinnati, Ohio 45216

Dear Mr. Guidi:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Melinda R. Early, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on December 6, 1995, 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 may be taken to the Franklin County Court of Common Pleas only.

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

THE STATE MEDICAL BOARD OF OHIO

Thomas E. Gretter, M.D.  
Secretary

TEG:em  
Enclosures

CERTIFIED MAIL RECEIPT NO. P 348 887 311  
RETURN RECEIPT REQUESTED

cc: Walker C. Wurster, Esq.

CERTIFIED MAIL NO. P 348 887 312  
RETURN RECEIPT REQUESTED

Mailed 12-11-95



# STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

## CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; attached copy of the Report and Recommendation of Melinda R. Early, Attorney Hearing Examiner, State Medical Board; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on December 6, 1995, including Motions approving and confirming the Report and Recommendation 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 John C. Guidi, 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.

(SEAL)

Thomas E. Gretter, M.D.  
Secretary

12/7/95

Date



# STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

\*

\*

JOHN CHARLES GUIDI, M.T.

\*

## ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on the 6th day of December, 1995.

Upon the Report and Recommendation of Melinda R. Early, Hearing Examiner, Medical Board, in this matter designated 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 the application of John Charles Guidi, M.T., for a certificate to practice a limited branch of medicine and surgery, massage, in Ohio, be DENIED.

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

Thomas E. Gretter, M.D.  
Secretary

(SEAL)

12/7/95

Date

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**REPORT AND RECOMMENDATION  
IN THE MATTER OF JOHN CHARLES GUIDI, M.T.**

The Matter of John Charles Guidi, M.T., was heard by Melinda R. Early, Attorney Hearing Examiner for the State Medical Board of Ohio, on September 14, 1995.

**INTRODUCTION**

**I. Basis for Hearing**

- A. The State Medical Board of Ohio notified John Charles Guidi, M.T., by letter dated June 14, 1995, (State's Exhibit 1), that it intended to determine whether or not to limit, revoke, suspend, refuse to register or reinstate his certificate to practice massage therapy, or to reprimand or place him on probation, for one or more of the following reasons:
1. On or about September 29, 1994, Mr. Guidi filed an Application for a Certificate to Practice a Limited Branch of Medicine and Surgery, Massage. In this application, Mr. Guidi answered "Yes" to three questions in the "Additional Information" section. The instructions for completing the Additional Information section of the application stated, "[i]f you answer, 'YES,' to any of the following questions, you are required to furnish complete details including date, place, reason and disposition of the matter. All affirmative answers must be thoroughly explained on a separate sheet of paper."
  2. The only explanations Mr. Guidi provided for the affirmatively answered questions were that:
    - a) On July 23, 1982, Mr. Guidi was a passenger in a car in which 0.2 gram of cocaine was found under the driver's seat. Mr. Guidi explained further that he was charged because the cocaine was within his reach. Moreover, Mr. Guidi stated that he was convicted of attempted drug abuse and placed on probation;
    - b) On March 2, 1990, a court entered a judgment against him for failure to pay City of Cincinnati income tax; and
    - c) On January 4, 1983, he was charged with "DUI."

3. On or about January 13, 1995, in response to a written request from the Board for complete details, Mr. Guidi provided some detail on one income tax conviction on March 2, 1990, and some additional detail on the January 4, 1983, DUI conviction.
4. Subsequently, on or about February 10, 1995, following a telephonic discussion of his application, Mr. Guidi furnished written additional information. He then listed four additional City of Cincinnati income tax convictions, as well as, additional details on the 1983 DUI conviction and the Attempted drug abuse conviction. Mr. Guidi, however, regarding the 1983 DUI conviction, did not state the length of confinement or provide information about the suspended sentence. Moreover, regarding the 1982 Attempted drug abuse conviction, Mr. Guidi did not provide any information on the length of confinement, nor did he mention that he was placed on probation. Mr. Guidi, instead, merely stated that he was not in possession of any drugs and that he did not use drugs.
5. During an office conference with the Board on April 13, 1995, Mr. Guidi stated that he was convicted of DUI in 1986. Mr. Guidi, however, had not reported this conviction in the September 29, 1994, application, or any subsequent written or telephonic communications with the Board.
6. The Board asserted that Mr. Guidi's criminal record included the following:
  - a. On or about January 20, 1983, the Hamilton County Municipal Court found Mr. Guidi guilty of operating a motor vehicle while under the influence of an alcoholic beverage under Section 4511.19, Ohio Revised Code, and disobeying a traffic control signal/red light in violation of Section 506-40 Cincinnati Municipal Code. As a result, Mr. Guidi was sentenced to thirty days in jail, of which twenty-seven were suspended; fined \$100.00; and ordered to pay \$25.00 in costs. Moreover, Mr. Guidi's driving privileges were suspended for sixty days;
  - b. On or about November 18, 1986, the Mason, Ohio, Municipal Court found Mr. Guidi guilty of operating a motor vehicle while under the influence of an alcoholic beverage in violation of Section 4511.19, Ohio Revised Code. As a result, Mr. Guidi

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was sentenced to thirty days in jail, with all but ten days suspended, and placed on one year probation;

- c. On or about March 10, 1983, in the Hamilton County Court of Common Pleas, Mr. Guidi pleaded guilty to attempting to obtain, possess, or use a Schedule I controlled substance, Cocaine, in violation of Section 2923.02, Attempted drug abuse, Ohio Revised Code. Consequently, Mr. Guidi was sentenced to the Community Correctional Institute for 180 days of which 165 were suspended. Additionally, Mr. Guidi was placed on probation for three years; and
- d. On or about July 9, 1990, the Hamilton County Municipal Court found Mr. Guidi guilty of:
  - i) Failure to pay City of Cincinnati Income Taxes Withheld from the Salaries and Wages of Employees for 1988. Mr. Guidi was ordered to pay costs and make restitution;
  - ii) Failure to pay City of Cincinnati Income Taxes Withheld from the Salaries and Wages of Employees for 1989. Mr. Guidi was ordered to pay costs and make restitution;
  - iii) Failure to pay City of Cincinnati Income Taxes Withheld from the Salaries and Wages of Employees for 1987. Mr. Guidi was ordered to pay costs and make restitution;
  - iv) Failure to pay City of Cincinnati Income Taxes Withheld from the Salaries and Wages of Employees for 1986. Mr. Guidi was sentenced to 180 days confinement which was suspended; fined \$200.00; and placed on five years probation (until July 7, 1995); and
  - v) Failure to pay Cincinnati City Income Taxes Withheld from the Salaries and Wages of Employees for 1988. Mr. Guidi was sentenced to 180 days confinement which was suspended; fined \$200.00; and placed on five years probation (until July 7, 1995).

The Board asserted that Mr. Guidi's "acts, conduct, and/or omissions," in failing to provide the Board with complete, detailed, and accurate information in response to his affirmatively answered questions in the

Additional Information section of the massage licensure application,  
“individually and/or collectively, constitute[d]:

- a. ‘fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board,’ as that clause is used in Section 4731.22(A), Ohio Revised Code;
- b. ‘publishing a false, fraudulent, deceptive, or misleading statement,’ as that clause is used in Section 4731.22(B)(5), Ohio Revised Code; and
- c. a failure to furnish satisfactory proof of good moral character as required by Section 4731.20, Ohio Revised Code, to wit: 4731.08, Ohio Revised Code.”

The Board notified Mr. Guidi of his right to request a hearing in this matter.

- B. Walter C. Wurster, Esq., submitted a written hearing request on Mr. Guidi’s behalf on July 10, 1995. (State’s Exhibit 2).

## II. Appearances

- A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General of Ohio, by Lawrence D. Pratt, Assistant Attorney General.
- B. On behalf of the Respondent: Walter C. Wurster, Esq.

## EVIDENCE EXAMINED

### I. Testimony Heard

- A. Presented by the State  
Charles A. Woodbeck

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B. Presented by the Respondent

John Charles Guidi, M.T.

II. Exhibits Examined

In addition to State's Exhibits 1 and 2, noted above, the following exhibits were identified and admitted into evidence in this Matter:

A. Presented by the State

1. State's Exhibit 3: July 11, 1995, letter from the Board to Mr. Guidi, advising that Mr. Guidi's hearing was initially set for July 24, 1995, but further advising that the hearing had been postponed pursuant to Section 119.09, Ohio Revised Code.
2. State's Exhibit 4: July 17, 1995, letter to Mr. Wurster from the Board scheduling Mr. Guidi's hearing for August 29, 1995. (2 pp.)
3. State's Exhibit 4A: Respondent's August 16, 1995, Motion for Continuance. Attached to this motion is the Affidavit of Walter C. Wurster, Counsel for John C. Guidi. (4 pp.)
4. State's Exhibit 5: August 18, 1995, Entry granting Respondent's Motion for Continuance and rescheduling the hearing to September 14, 1995.
5. State's Exhibit 6: Certified copies of five complaints captioned, *City of Cincinnati v. John C. Guidi*, (July 9, 1990), Hamilton Cty. M.C. No. 90CRB6454A, 90CRB6454B, 90CRB6454C, 90CRB6454D, 90CRB6454E, Failure to Pay Taxes Withheld From Employees. (10 pp.)
6. State's Exhibit 7: Certified copy of Hamilton County Municipal Court documentation regarding Mr. Guidi's citations for operating a motor vehicle while under the influence of an alcoholic beverage and disobeying a traffic control signal/red light. (6 pp.)
7. State's Exhibit 8: Hamilton County Court of Common certified documents regarding Mr. Guidi's indictment of obtaining,

possessing, or using a Schedule I controlled substance, cocaine, and ultimate plea of guilty to Attempted drug abuse. (9 pp.)

8. State's Exhibit 9: Certified computer printout of April 26, 1995, Mason Municipal Court Traffic/Criminal Docket regarding Mr. Guidi's November 11, 1986, D.U.I. charge.
9. State's Exhibit 10: Certified Copy of Mr. Guidi's Application for Certificate to Practice a Limited Branch of Medicine and Surgery, Massage. (20 pp.)
10. State's Exhibit 11: January 4, 1995, letter from the Board to Mr. Guidi requesting that Mr. Guidi provide complete details of the events referred to in his explanation of the affirmatively answered questions in the "Additional Information" section of the massage licensure application. (2 pp.)
11. State's Exhibit 12: Letter from Mr. Guidi to the Board, received by the Board on or about January 13, 1995, in response to the Board's January 4, 1995, request for more complete details. (2 pp.)
12. State's Exhibit 13: February 9, 1995, letter from Mr. Guidi to the Board providing additional details with which to supplement his massage licensure application, and including a Conviction Record Transcript from City of Cincinnati and County of Hamilton. (4 pp.)
13. State's Exhibit 14: April 3, 1995, letter from the Board to Mr. Guidi requesting Mr. Guidi to appear for a conference with the Board on April 13, 1995.
14. State's Exhibit 15: Certified copy of December 26, 1992, City of Norwood, Ohio, citation of Mr. Guidi for possession and/or use of a controlled substance, marijuana. (2 pp.)

B. Presented by the Respondent

1. Respondent's Exhibits A-H: Letters of recommendation submitted in Mr. Guidi's behalf. (10 pp.)
2. Respondent's Exhibit J: July 21, 1995, letter from the City of Cincinnati to the Board explaining the City's charges against

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Mr. Guidi for the failure to pay income tax withheld from employees for the years 1986, 1987, and 1988. (2 pp.)

### III. Post Hearing Admissions

The parties filed a Joint Notice to Hold Record Open for Settlement Negotiations, on September 20, 1995, which is hereby admitted to the record as Board Exhibit A. Inasmuch as the parties did not notify the Attorney Hearing Examiner within thirty days that this Matter was settled, this Report and Recommendation has been prepared for the Board's consideration.

### SUMMARY OF EVIDENCE

1. John Charles Guidi attended the Self Health School of Massage Therapy from February 18, 1993, until November 9, 1994. He received a diploma from that school on November 9, 1994. On or about September 29, 1994, Mr. Guidi submitted an Application for Certificate to Practice a Limited Branch of Medicine and Surgery, Massage. In the "Massage Additional Information" [Additional Information] portion of the application, Mr. Guidi answered "YES" to the three questions:
  6. Have you ever been requested to appear before any board, bureau, department, agency, or other body, including those in Ohio, concerning allegations against you?
  13. Have you ever been convicted or found guilty of violation of federal law, state law, or municipal ordinance other than a minor traffic violation?
  14. Have you ever forfeited collateral, bail, or bond for breach or violation of any law, police regulation, or ordinance other than for a minor traffic violation; been summoned into court as a defendant or had any lawsuit filed against you (other than a malpractice suit)?

The application instructions advised applicants that if they responded "Yes" to any question, then they were required to provide "complete details, including date, place, reason and disposition of the matter." Additionally, the instructions stated that all affirmatively answered questions "must be thoroughly explained on a separate sheet of paper."

Mr. Guidi submitted a letter with his application materials, explaining the circumstances surrounding the events which formed the bases for his affirmative responses. Mr. Guidi stated that in July 1982, he was a passenger in a car that was stopped by police for a traffic violation. The police searched the car and found 0.2 gram of cocaine under the seat. The other person in the car denied that the cocaine belonged to him. Consequently, Mr. Guidi explained that since the cocaine was within his reach, he was charged with attempted drug abuse. Moreover, Mr. Guidi further stated that he was convicted of this charge and placed on probation.

Additionally, Mr. Guidi explained that on March 1, 1990, he was ordered to appear in court for the failure to pay City of Cincinnati income tax. Mr. Guidi further stated that the court entered judgment against him and ordered him to make payments until the taxes were paid. Mr. Guidi explained that he had fallen behind on taxes as a result of financial problems.

Finally, Mr. Guidi stated that he was charged with "DUI" (operating a motor vehicle while under the influence of alcohol), on January 4, 1983. Mr. Guidi, however, did not provide any further details concerning this charge.

Mr. Guidi submitted a "Massage Affidavit and Release of Applicant" as part of the massage application. Thus, Mr. Guidi certified, under oath, that all information he provided was true, and that he had answered all application questions in compliance with application instructions.

(State's Exhibit [St. Ex.] 10).

2. On January 4, 1995, Charles A. Woodbeck, an Enforcement Coordinator with the Board, wrote Mr. Guidi and advised him that he had provided incomplete information to explain the affirmative answers to the Additional Information questions. Thus, Mr. Woodbeck requested Mr. Guidi to furnish "complete details, including the name and address of the court, the court case number, the dates of the court actions, and final disposition" of the March 1, 1990, action involving Mr. Guidi's failure to pay City of Cincinnati income taxes. Moreover, Mr. Woodbeck requested Mr. Guidi to provide a similar level of detail regarding the January 4, 1983, DUI charge.

Mr. Guidi responded to Mr. Woodbeck's letter on January 13, 1995, by relating information he had obtained from his police record transcript, as follows:

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1. 3-2-90 City Income tx:  
ARR. 3-2-90  
Disp. 7-2-90  
\$200 Fine  
CONF. SUS. FN. CST. PROB.  
Agency: City of Cinti.  
Hamilton Cnty. Court House  
100 Main St.  
Cinti. OH. 45202  
Case: CRB/006454/D
  
2. 1-4-83 DUI:  
Arr. 1-4-83  
Disp. 1-20-83 CONF. FN. CST. DR. SUSP.  
Agency: City of Cinti. Traffic Div.  
Justice Cntr. Rm. 115  
1000 Sycamore St.  
Cinti. OH. 45202  
Case: TRC/002813/A

Mr. Guidi apologized for using the abbreviations that appeared on the criminal record transcript. (St. Ex. 11, 12; Tr. 22-23).

3. Mr. Woodbeck testified at hearing that Mr. Guidi contacted him on February 8, 1995, to inquire about the status of his massage license. Mr. Guidi then assured Mr. Woodbeck that his January 13, 1995, letter had provided all the details to which he had access in order to explain the incidents. Mr. Woodbeck, nonetheless, advised Mr. Guidi that if there was any additional information he wanted to provide the Board, he should do so in writing.

Mr. Guidi subsequently submitted a letter to Mr. Woodbeck on February 10, 1995, in which he forwarded a copy of his Conviction Record Transcript for the City of Cincinnati and Hamilton County, [Transcript]. Inasmuch as the Transcript reflected a previously undisclosed November 2, 1984, arrest for the failure to register and confine a dog, Mr. Guidi provided information regarding this event. Additionally, Mr. Guidi provided supplemental information regarding the 1983 DUI conviction by noting that in 1983, a DUI was considered a traffic offense. Nevertheless, Mr. Guidi stated that he now understood such an offense to be classified as criminal. Further, Mr. Guidi explained that the Attempted drug abuse conviction was classified as a misdemeanor. Mr. Guidi assured Mr. Woodbeck that he had not been in

possession of any drugs. Moreover, he did not use drugs other than prescription asthma medication.

Mr. Guidi did not provide any additional explanation regarding his failure to pay City of Cincinnati income taxes in this letter, despite the entries reflected on the Transcript. The Transcript reflected that Mr. Guidi had been charged with five City income tax violations, Case Nos. 90/CRB/006454A, 90/CRB/006454B, 90/CRB/006454C, 90/CRB/0064654D, and 90/CRB/006454E. Moreover, the Transcript reflected the disposition of: "CONF SUS FN CST PROB" for Case No. 90/CRB/006454D. The Transcript indicated "Costs Remitted" for the disposition of the remaining four income tax charges. (St. Ex. 13; Tr. 28).

4. The Board requested Mr. Guidi to appear before Board representatives on April 13, 1995, to discuss his massage licensure application. Mr. Guidi appeared at the conference represented by counsel. The Board discussed his application, generally, and specifically asked Mr. Guidi the rationale for not disclosing certain information which the Board had discovered during its investigation of Mr. Guidi's application. Mr. Woodbeck testified that Mr. Guidi indicated that he had simply forgotten a number of things because several events occurred a number of years ago. The Board then gave Mr. Guidi an opportunity to further supplement his application materials after having been made aware of the level of detail the Board required.

Mr. Guidi then disclosed that he had a 1986 DUI conviction, and was charged with a minor misdemeanor involving possession of marijuana in 1992. Mr. Guidi had not previously revealed either of these incidents to the Board.

At hearing, Mr. Guidi explained that prior to the April 13, 1995, office conference with the Board, he thought the DUI conviction reflected on the Transcript referred to the 1986 conviction; he had overlooked the date of the conviction on the Transcript. He further explained that it was his understanding that the 1983 DUI was considered a traffic violation, and that the Board did not specifically ask about traffic violations. During the conference with the Board, however, he carefully reviewed the Transcript and discovered that the Transcript entry referred to the 1983 DUI conviction, rather than the 1986 DUI conviction. Thus, Mr. Guidi then felt compelled to disclose the 1986 DUI conviction to the Board. (St. Ex. 13; Tr. 31-32, 68).

5. The evidence reflects that Mr. Guidi's criminal record consists of the following:

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35 NOV -3 AM 10: 49

- a. On July 23, 1982, Mr. Guidi was indicted in Hamilton County for obtaining, possessing, or using a Schedule I controlled substance, cocaine, in violation of Section 2925.11, Ohio Revised Code. Mr. Guidi entered a plea of not guilty to the charge. Subsequently, the charge was reduced to Attempted drug abuse, in violation of Section 2923.02, Ohio Revised Code. Represented by counsel, Mr. Guidi withdrew the previous not guilty plea and entered a guilty plea. Consequently, on March 10, 1983, Mr. Guidi was sentenced to 180 days confinement in the Community Correctional Institute, of which 165 were suspended. Mr. Guidi was also placed on three years probation;
- b. On or about January 4, 1983, Mr. Guidi was charged with operating a motor vehicle while under the influence of an alcoholic beverage in violation of Section 4511.19, Ohio Revised Code. The Hamilton County Municipal Court found Mr. Guidi guilty of the charge and sentenced him to thirty days confinement. Twenty-seven of the thirty days were suspended, and Mr. Guidi was ordered to serve the remaining three day sentence on consecutive weekends at the Community Correctional Institute. Additionally, Mr. Guidi's driving privileges were suspended for sixty days. He was granted limited driving privileges to commute to and from work, however. Finally, Mr. Guidi was fined \$100.00 and ordered to pay costs;
- c. On or about November 11, 1986, Mr. Guidi was charged with operating a motor vehicle while under the influence of an alcoholic beverage in violation of Section 4511.19, Ohio Revised Code. Mr. Guidi entered a no contest plea in Mason Municipal Court. The Court found Mr. Guidi guilty of the charge, and sentenced him to thirty days confinement of which twenty were suspended. The Court also suspended Mr. Guidi's license for ninety days, and placed him on probation for one year;
- d. On February 27, 1990, the City of Cincinnati filed five criminal complaints against Mr. Guidi for failure to pay taxes withheld from employees, in violation of the Cincinnati Municipal Code. Although the Hamilton County Municipal Court found Mr. Guidi guilty of all five complaints, he was sentenced with respect to only one, Case No. 90CRB6454D. Mr. Guidi was sentenced to 180 days confinement which was suspended. Additionally, the Court ordered Mr. Guidi to make restitution of all taxes; fined him \$200; ordered him to pay court costs for all five complaints; and placed him on probation for five years;

- e. On December 26, 1992, a complaint was filed in the City of Norwood, Ohio, charging Mr. Guidi with having possessed, and or used, less than 100 grams of marijuana, a controlled substance. The complaint noted that Mr. Guidi could elect to pay a fine or appear in court.

Mr. Guidi testified at hearing that this offense was a minor misdemeanor, and he elected to pay a fine rather than defend against the charge.

(St. Exs. 6, 7, 8, 13, 15; Respondent's Exhibit [Resp. Ex.] J; Tr. 71).

6. Mr. Guidi testified at hearing that he was caring for his elderly mother who was dying of emphysema when he completed the massage licensure application. Thus, the stress he was under at the time caused him to provide brief explanations to the affirmatively answered Additional Information questions. Moreover, Mr. Guidi stated that the Board never specified the level of detail that was required. Thus, until he met with the Board in April 1995, he did not understand that he was expected to delineate the number of days he was sentenced to confinement. He emphasized that he used the Transcript when he initially completed the application, and when he supplemented the application.

Mr. Guidi explained that with respect to the City of Cincinnati income tax convictions, he understood only that he was order to pay one sum of money under one case number. He also stated, "I don't know why I should be expected to understand the law and how this works." Mr. Guidi indicated that his unsophisticated answers, both in completing the application and in providing supplemental information, should be excused because he holds only a high school diploma. (Tr. 50-51, 62-63; 65-66, 69-70, 72).

7. Mr. Guidi is a licensed cosmetologist and has owned and operated his own hair salon business for twenty years. He submitted nine letters of recommendations, primarily from business clients. These supporters all testified that Mr. Guidi operates his hair salon in a professional and responsible manner. One supporter was familiar with Mr. Guidi through his volunteer work with United Home Care Hospice's outreach program. This supporter noted that Mr. Guidi performed therapy on Hospice patients and caregivers in a "responsible and punctual manner and has Hospice's highest commendation." (Respondent's Exhibits A-I).

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### FINDINGS OF FACT

1. On or about September 29, 1994, Mr. Guidi filed an Application for a Certificate to Practice a Limited Branch of Medicine and Surgery, Massage. In this application, Mr. Guidi answered "Yes," to the following question(s) in the "Additional Information" section:
  - a) Question 6: Have you ever been requested to appear before any board, bureau, department, agency, or other body including those in Ohio, concerning allegations against you?
  - b) Question 13: Have you ever been convicted or found guilty of a violation of federal law, state law, or municipal ordinance other than a minor traffic violation?
  - c) Question 14: Have you ever forfeited collateral, bail, or bond for breach or violation of any law, police regulation, or ordinance other than for a minor traffic violation; been summoned into court as a defendant or had any lawsuit filed against you (other than a malpractice suit)?

The application instructions stated "[i]f you answer, 'YES,' to any of the following questions, you are required to furnish complete details including date, place, reason and disposition of the matter. All affirmative answers must be thoroughly explained on a separate sheet of paper."

2. The only explanations Mr. Guidi provided in the application were that:
  - a) On July 23, 1982, Mr. Guidi was a passenger in a car in which 0.2 gram of cocaine was found under the driver's seat and that he was charged because it was within his reach. Mr. Guidi further stated he was convicted of attempted drug abuse and given probation.
  - b) On March 2, 1990, a court put a judgment on him for failure to pay City of Cincinnati income tax.
  - c) On January 4, 1983, he was charged with DUI.

3. On or about January 13, 1995, in response to a written request from the Board to provide complete details of the incidents which formed the bases for his affirmative responses to the Additional Information questions, Mr. Guidi provided some detail regarding one income tax conviction of March 2, 1990, and some additional detail regarding the January 4, 1983, DUI conviction.
4. Following a telephonic discussion of his application with the Board on February 9, 1994, Mr. Guidi furnished written additional information on or about February 10, 1995. Mr. Guidi then provided additional details regarding the 1983 DUI and the Attempted Drug Abuse convictions. Regarding the 1983 DUI conviction, Mr. Guidi did not state the length of confinement to which he was sentenced, nor did he provide information on the suspended sentence. Rather, Mr. Guidi merely stated that he had not possessed any drugs, nor did he use drugs. Furthermore, regarding the 1982 Attempted drug abuse conviction, Mr. Guidi did not provide any information regarding the length of confinement to which he was sentenced. He also did not mention that he was placed on probation

Mr. Guidi also forwarded a copy of the Transcript which reflected four additional citations for City of Cincinnati income tax violations which Mr. Guidi had not previously disclosed. Moreover, the Transcript reflected 1984 charges regarding the failure to register and confine a dog.

5. During an office conference with the Board on April 13, 1995, Mr. Guidi reported that he had been convicted of DUI in 1986. Mr. Guidi had failed to report this conviction in his September 29, 1994, application, as well as, subsequent written and telephonic communications with the Board.
6. On or about March 10, 1983, Mr. Guidi pleaded guilty in the Hamilton County Court of Common Pleas to attempting to obtain, possess, or use a Schedule I controlled substance, Cocaine, in violation of Section 2923.02, Attempted drug abuse, Ohio Revised Code, a first degree misdemeanor. Mr. Guidi was sentenced to the Community Correctional Institute for 180 days of which 165 days were suspended. Additionally, Mr. Guidi was placed on probation for three years.

In the application, Mr. Guidi stated that he had been charged with, and convicted of, Attempted drug abuse, in 1982. Nevertheless, Mr. Guidi explained in the application that he had not possessed any drugs. Moreover, Mr. Guidi stated that he did not use drugs.

7. On or about January 20, 1983, the Hamilton County Municipal Court found Mr. Guidi guilty of: operating a motor vehicle while under the influence of an alcoholic beverage in violation of Section 4511.19, Ohio Revised Code; and disobeying a traffic control signal/red light in violation of Section 506-40 Cincinnati Municipal Code. Mr. Guidi was sentenced to thirty days in jail, of which twenty-seven were suspended. Additionally, he was fined \$100.00 and ordered to pay \$25.00 costs. Moreover, Mr. Guidi's driving privileges were suspended for sixty days.
8. Mr. Guidi reported a single income tax conviction in his application. Subsequently, on or about January 13, 1995, in a letter to the Board in which Mr. Guidi provided supplemental information, Mr. Guidi again referred to a single income tax conviction. Then, on or about February 15, 1995, Mr. Guidi forwarded a copy of the Transcript to the Board which reflected that the City of Cincinnati had filed five complaints against him for income tax violations. In fact, on or about July 9, 1990, the Hamilton County Municipal Court found Mr. Guidi guilty of:
  - a) Failure to pay City of Cincinnati Income Taxes Withheld from the Salaries and Wages of Employees for 1988. Mr. Guidi was ordered to pay costs and make restitution;
  - b) Failure to pay City of Cincinnati Income Taxes Withheld from the Salaries and Wages of Employees for 1989. Mr. Guidi was ordered to pay costs and make restitution;
  - c) Failure to pay City of Cincinnati Income Taxes Withheld from the Salaries and Wages of Employees for 1987. Mr. Guidi was ordered to pay costs and make restitution;
  - d) Failure to pay City of Cincinnati Income Taxes Withheld from the Salaries and Wages of Employees for 1986. Mr. Guidi was sentenced to 180 days which was suspended; fined \$200.00; and placed on five years probation; and
  - e) Failure to pay City of Cincinnati Income Taxes Withheld from the Salaries and Wages of Employees for 1988. Mr. Guidi was ordered to pay costs and make restitution.
9. On or about November 18, 1986, the Mason, Ohio, Municipal Court found Mr. Guidi guilty of DUI in violation of Section 4511.19, Ohio Revised Code.

Mr. Guidi was sentenced to thirty days of which twenty were suspended. Additionally, Mr. Guidi was placed on one year probation.

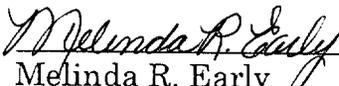
### CONCLUSIONS OF LAW

1. Findings of Fact 1-9, above, support a conclusion that Mr. Guidi's acts, conduct, and/or omissions, individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board," as set forth in Section 4731.22(A), Ohio Revised Code.
2. Findings of Fact 1-9, above, support a conclusion that Mr. Guidi's acts, conduct, and/or omissions, individually and/or collectively, constitute "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.
3. Findings of Fact 1-9, above, support a conclusion that Mr. Guidi's acts, conduct, and/or omissions, individually and/or collectively, constitute a failure to furnish satisfactory proof of good moral character as required by Section 4731.20, Ohio Revised Code, to wit: 4731.08, Ohio Revised Code.

### PROPOSED ORDER

It is hereby ORDERED that the application of John Charles Guidi, M.T., for a certificate to practice a limited branch of medicine and surgery, massage, in Ohio, be DENIED.

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

  
\_\_\_\_\_  
Melinda R. Early  
Attorney Hearing Examiner



# STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

## EXCERPT FROM THE DRAFT MINUTES OF DECEMBER 6, 1995

### REPORTS AND RECOMMENDATIONS

Dr. Garg announced that the Board would now consider the findings and orders appearing on the Board's agenda.

Dr. Garg asked whether each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Robert A. Graor, M.D.; Padmini Bhaskar, M.D.; John Charles Guidi, M.T.; Maged F. Hanna, M.D.; Paul Iahn, M.D.; Lawrence Stirling Krain, M.D.; Ajit Singh Nijjar, M.D.; Maryanne S. Olynyk, M.D.; Herbert W. Riemenschneider, M.D. A roll call was taken:

ROLL CALL:	Dr. Bhati	- aye
	Dr. Stienecker	- aye
	Dr. Gretter	- aye
	Dr. Egner	- aye
	Dr. Agresta	- aye
	Dr. Buchan	- aye
	Ms. Noble	- aye
	Mr. Sinnott	- aye
	Dr. Heidt	- aye
	Dr. Steinbergh	- aye
	Dr. Garg	- aye

Dr. Garg 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:	Dr. Bhati	- aye
	Dr. Stienecker	- aye
	Dr. Gretter	- aye
	Dr. Egner	- aye
	Dr. Agresta	- aye
	Dr. Buchan	- aye
	Ms. Noble	- aye
	Mr. Sinnott	- aye

Dr. Heidt - aye  
Dr. Steinbergh - aye  
Dr. Garg - aye

In accordance with the provision in Section 4731.22(C)(1), 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 this matter.

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

.....  
REPORT AND RECOMMENDATION IN THE MATTER OF JOHN CHARLES GUIDI, M.T.

.....  
**DR. STIENECKER MOVED TO APPROVE AND CONFIRM MS. EARLY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF JOHN CHARLES GUIDI, M.T. DR. BUCHAN SECONDED THE MOTION.**

.....  
A vote was taken on Dr. Stienecker's motion:

VOTE:

Dr. Bhati	- aye
Dr. Stienecker	- aye
Dr. Gretter	- abstain
Dr. Egner	- aye
Dr. Agresta	- aye
Dr. Buchan	- aye
Ms. Noble	- aye
Mr. Sinnott	- aye
Dr. Heidt	- aye
Dr. Steinbergh	- aye

The motion carried.



# STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

June 14, 1995

John Charles Guidi, M.T.  
275 Forestwood Drive  
Cincinnati, OH 45216

Dear Mr. Guidi:

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

- (1) On or about September 29, 1994, you filed an Application for a Certificate to practice a limited branch of medicine and surgery - massage.
- (2) In the above-mentioned application, you answered, "Yes," to the following question(s) in the "Additional Information" Section:
  - a) Question 6: Have you ever been requested to appear before any board, bureau, department, agency, or other body including those in Ohio, concerning allegations against you?
  - b) Question 13: Have you ever been convicted or found guilty of a violation of federal law, state law, or municipal ordinance other than a minor traffic violation?
  - c) Question 14: Have you ever forfeited collateral, bail, or bond for breach or violation of any law, police regulation, or ordinance other than for a minor traffic violation; been summoned into court as a defendant or had any lawsuit filed against you (other than a malpractice suit)?

The application instructions stated "[i]f you answer, 'YES,' to any of the following questions, you are required to furnish complete details including date, place, reason and disposition of the matter. All affirmative answers must be thoroughly explained on a separate sheet of paper."

- (3) The only explanations you provided were that:
  - a) On July 23, 1982, you were a passenger in a car in which 2/10 of a gram of cocaine was found under the driver's seat and that you were charged because it was within your reach. You stated you were convicted of attempted drug abuse and given probation.

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- b) Further, you explained that on March 2, 1990, a court put a judgment on you for failure to pay Cincinnati city income tax.
- (c) Further, you stated that you were charged with a DUI on January 4, 1983.
- (4) On or about January 13, 1995, in response to a written request from the Board for the complete details you failed to submit as required in your application for licensure on September 29, 1994, you provided some detail on one (1) income tax conviction on March 2, 1990, and some additional detail on the DUI conviction of January 4, 1983.
- (5) Following a telephonic discussion of your application of February 9, 1994, you furnished written additional incremental information on or about February 10, 1995, now listing four (4) additional Cincinnati city income tax convictions and additional details on the above 1983 DUI and Attempted Drug Abuse convictions.

On the above 1983 DUI conviction, you did not provide the length of confinement nor did you provide information on the suspended sentence. You stated that you were not in possession of any drugs nor do you use drugs. You provided no information on the length of confinement nor did you mention probation on the above 1982 Attempted Drug Abuse conviction.

- (6) With regard to the above 1983 DUI conviction, in fact, on or about January 20, 1983, the Hamilton County Municipal Court found you guilty of OMVI (4511.19, Ohio Revised Code) and disobeying a traffic control signal/red light (§ 506-40 Cincinnati). You were sentenced to 30 days in jail, with 27 suspended, fined \$100.00 and \$25.00 cost. Your driving privileges were suspended for 60 days.
- (7) During a Board Office Conference on April 13, 1995, you added that you also had a DUI conviction in 1986. You failed to report this conviction in your application of September 29, 1994, paragraph (1) above, or in any of your subsequent written or telephonic communication with the Board.

In fact, on or about November 18, 1986, the Mason, Ohio, Municipal Court found you guilty of DUI, 4511.19, Ohio Revised Code. You were sentenced to thirty (30) days in jail, with all but ten (10) days suspended and one (1) year of probation.

- (8) In paragraph (3) above, you stated you were charged and convicted of

June 14, 1995

attempted drug abuse in 1982. In paragraph (5) above, with regard to this 1982 conviction, you stated you were not in possession of any drugs nor do you use drugs.

In fact, on or about March 10, 1983, you plead guilty in the Hamilton County Court of Common Pleas to attempting to obtain possess or use a Schedule I controlled substance to wit: Cocaine (Attempted Drug Abuse (M-1) Section 2923.02 and 2925.11, Ohio Revised Code. You were sentenced to the Community Correctional Institute for 180 days of which 165 days were suspended. You were placed on probation for three years.

- (9) You reported a single income tax conviction in your Application for a Certificate in paragraph (3) above, and later on or about January 13, 1995, restated only one conviction, then expanded to five (5) convictions on or about February 15, 1995, in paragraph (5) above, in response to further questions.

In fact, on or about July 9, 1990, the Hamilton County Municipal Court found you guilty of:

- a) Failure to pay Cincinnati City Income Taxes Withheld from the Salaries and Wages of Employees for 1988. Costs and Restitution.
- b) Failure to pay Cincinnati City Income Taxes Withheld from the Salaries and Wages of Employees for 1989. Costs and Restitution.
- c) Failure to pay Cincinnati City Income Taxes Withheld from the Salaries and Wages of Employees for 1987. Costs and Restitution.
- d) Failure to pay Cincinnati City Income Taxes Withheld from the Salaries and Wages of Employees for 1986. 180 days suspended, fine of \$200.00 and five years probation (until July 7, 1995.)
- e) Failure to pay Cincinnati City Income Taxes Withheld from the Salaries and Wages of Employees for 1988. 180 days suspended, fine of \$200.00 and five years probation (until July 7, 1995.)

Your acts, conduct, and/or omissions as alleged in paragraphs (3), (4), (5), (7), (8) and (9) above, individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code.

Further, acts, conduct, and/or omissions as alleged in paragraphs (3), (4), (5), (7), (8) and (9) above, individually and/or collectively, constitute "publishing a false, fraudulent,

June 14, 1995

Guidi, M.T.

Page 4

deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (3), (4), (5), (7), (8) and (9) above, individually and/or collectively, constitute a failure to furnish satisfactory proof of good moral character as required by Section 4731.20, Ohio Revised Code, to wit: 4731.08, Ohio Revised Code.

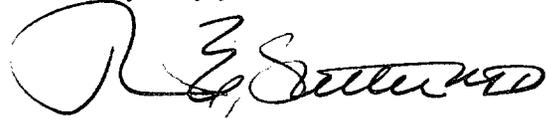
Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing this notice.

You are further advised that 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 contentions in writing, and that at the hearing you may present evident and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty (30) 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 or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Thomas E. Gretter, M.D.  
Secretary

TEG/bjm

Enclosures

CERTIFIED MAIL # P 348 888 203

RETURN RECEIPT REQUESTED

cc: Walter C. Wurster, Esq.

CERTIFIED MAIL # P 348 886 899

RETURN RECEIPT REQUESTED