State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

May 14, 2008

Patricia Annette Fowler, M.T.
3005 Keefer-Lawrenceville Road
Corinth, KY 41010

Dear Ms. Fowler:

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 May 14, 2008.

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 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 of the Ohio Revised Code.

Very truly yours,

Lance A. Talmage MD

Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL RECEIPT NO. 91 7108 2133 3934 3688 8599
RETURN RECEIPT REQUESTED

Mailed 5.15.08

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 March 12, 2008, constitutes a true and complete copy of the Findings, Order and Journal Entry in the Matter of Patricia Annette Fowler, 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.

Lance A. Talmage, M.D.
Secretary

(SEAL)

May 14, 2008
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :

:

PATRICIA ANNETTE FOWLER, M.T. :

FINDINGS, ORDER AND JOURNAL ENTRY

This matter came on for consideration before the State Medical Board of Ohio on May 14, 2008, pursuant to a Notice of Opportunity for Hearing issued to Patricia Annette Fowler, M.T., on February 13, 2008. No request for hearing having been received within the statutorily mandated time period, Hearing Examiner Patricia A. Davidson, Esq., on behalf of the Board, reviewed and summarized evidence supporting the Notice, and prepared Proposed Findings and a Proposed Order.

WHEREFORE, having reviewed Ms. Davidson's Proposed Findings and Proposed Order, which is attached hereto and incorporated herein, the Board hereby finds that there is reliable, probative and substantial evidence to support the allegations as set forth in the February 13, 2008, Notice of Opportunity for Hearing.

Accordingly, it is hereby ORDERED that:

> The certificate of Patricia Annette Fowler, M.T., to practice massage therapy in the State of Ohio is PERMANENTLY REVOKED.

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

Lance A. Talmage MD

Lance A. Talmage, M.D.
Secretary

(SEAL)

May 14, 2008
Date

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

February 13, 2008

Case number: 08-CRF- 013

Patricia Annette Fowler, M.T.
3005 Keefer-Lawrenceville Road
Corinth, Kentucky 41010

Dear Ms. Fowler:

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 March 31, 2005, in the Franklin County Municipal Court, Columbus, Ohio, you pled no contest to, and were found guilty of, Prostitution, a first degree misdemeanor, in violation of Section 2307.25 of the Columbus City Code. A copy of the Complaint and Sentence Entry are attached hereto and incorporated herein.

(2) On or about December 6, 2007, you met with Board investigators to discuss the circumstances of your arrest for Prostitution. You told the Board investigators that you had attempted to provide a legitimate massage for a gentleman at a hotel in Columbus, Ohio; that during the massage the sheet covering the gentlemen fell away exposing him; that you might have accidently brushed his penis when replacing the sheet but denied engaging in sexual activity; and that you were subsequently charged with criminal acts including prostitution. In fact, prior to meeting with this gentleman, who was an undercover police officer, you had on-line sexually related conversations with him, you offered sexual activity for $250.00 per hour, and after meeting with him in the hotel room, engaged in sexual activity with him.

Your plea of guilty or the judicial finding of guilt as alleged in paragraph (1) above, individually and/or collectively, constitute "[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 misdemeanor involving moral turpitude," as that clause is used in Section 4731.22(B)(13), Ohio Revised Code, to wit: Section 2307.25, City Code of Columbus, Ohio.

Your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of

Mailed 2-14-08

medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(B)(5), 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 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/KHM/flb

Enclosures

CERTIFIED MAIL #91 7108 2133 3934 3690 5142
RETURN RECEIPT REQUESTED

Franklin County Municipal Court

MIKE PIRIK
~~Paul M. Herbert~~, Clerk of Court 375 S. HIGH ST., COLUMBUS, OHIO 43215

FILED
04 NOV -5 PM 8:31
FRANKLIN COUNTY MUNICIPAL COURT
MICHAEL A. PIRIK, CLERK
TIME STAMP

~~State of Ohio~~
~~County of Franklin~~
City of Columbus
CPD
OTHER JURISDICTION

V: PATRICIA A. FOWLER
DEFENDANT

COMPLAINT

Complainant, being duly sworn, states that the above named defendant, at Franklin County / Columbus, Ohio, on or about the 5TH day of NOVEMBER, 2004 did: ENGAGE IN SEXUAL ACTIVITY FOR HIRE, TO WIT: MANUAL STIMULATION OF DET. WOLFINGBARGER'S PENIS (MASTURBATION) FOR THE SUM OF $250.00

in violation of section 2307.25 A ☒ City Code ☐ O.R.C., a ☒ Misdemeanor ☐ Felony of the 1ST degree.

Complainant B. W. (signature) B. WOLFINGBARGER 1523
SIGNATURE — PRINT FULL NAME — BADGE NUMBER

CPD VICE-1
ADDRESS OR AGENCY & ASSIGNMENT — CITY — STATE — ZIP CODE

Sworn to and subscribed before me, this 5TH day of NOVEMBER, 2004

~~Paul M. Herbert~~ MIKE PIRIK
Clerk of the Franklin County Municipal Court
By MONTE STALNAKER
~~CLERK / DEPUTY CLERK / NOTARY PUBLIC~~ / PEACE OFFICER

NO SEAL
~~Notary Seal & Expiration Date~~

☒ **ARREST WARRANT**

To any law enforcement officer of the State of Ohio:
You are hereby commanded to arrest the above named defendant and bring him/her before the Franklin County Municipal Court without unnecessary delay, to answer to the complaint hereon. WHEN APPLICABLE, IN ACCORDANCE TO CRIMINAL RULE #4, THE WARRANT HAS BEEN ISSUED BEFORE THE DEFENDANT HAS APPEARED AND THE BAIL PROVISION CRIMINAL RULE 46 SHALL APPLY. ARRAIGNMENT COURT IS HELD IN COURTROOM 4C AT 9:00 A.M., MONDAY THROUGH FRIDAY.

MIKE PIRIK ~~Paul M. Herbert~~
Clerk of the Franklin County Municipal Court
Slate # ..... Control # .....
By (signature) DEPUTY — 11-5-04 DATE

Complaint Number 909265
Issuing Officer B. WOLFINGBARGER
Badge Number 1523
☐ SUMMONS ☒ WARRANT ☐ MISDEMEANOR CITATION
Case No. 04-28184-1
Charge: PROSTITUTION
Section Number 2307.25 A ☒ City Code ☐ O.R.C.
Offense Date 11-5-04
Offense Time 5:20 AM ☒ PM
Offense Location WS BEST VALUE INN ROOM 154B 1313 JAMES LUTHERAN LN.
Suspect Cruiser Dist. 158
Name FOWLER (LAST), PATRICIA (FIRST) ANNETTE (MIDDLE)
Street 1604 BELVO RD.
City MIAMISBURG State OHIO Zip 45342
SEX F RACE W HGT 5'3" WGT 122 HAIR BLD EYES GRN
DOB [redacted] S.S.# [redacted] DL/I.D.# RU320765

☐ **SUMMONS:** Read Notice #1 on reverse side.
You MUST appear in courtroom 4C ☐ or 15C ☐ on the date and time indicated. I personally served the Defendant a copy of this Summons on _____ Signature _____

Type of SUMMONS Service Requested:
☐ Personal ☐ Certified Mail

☐ **CITATION:** Read Notice #2 on reverse side.
Court appearance is OPTIONAL. You may contest this citation by appearing in COURTROOM 4C ☐ COURTROOM 15C ☐ on the date and time indicated.

COURT DATE & TIME
MONTH | DAY | YEAR | TIME AM PM

X SLATED
This is not an admission of guilt. An ARREST WARRANT will be issued if you do not properly respond to this charge.

8/01

ORIGINAL/COURT COPY

FRANKLI' [redacted]NTY MUNICIPAL COURT, COL [redacted]S OHIO

State of Ohio,
City of Columbus/_____ FILED
Plaintiff, : 05 MAR 3 AM 10:25 Case No.: 04/28184

-vs-

Patricia Fowler Charge: FRANKLIN COUNTY MUNICIPAL COURT MICHAEL A. PIRIK-CLERK
Defendant.

SENTENCE ENTRY
(INDIRECT)

Defendant entered a plea of NC to the charge of Prostitution

Defendant was found guilty of Stip, in violation of Section 2307.25 by the court/jury.

Disposition of other counts: Dism-2.

Having considered the principles of sentencing outlined in R.C. 2929.21 and the factors set forth in R.C. 2929.22, the following sentence is imposed:

Fine: $150.00 plus court costs. ( ) Suspend $ _____ of the fine.
(✓) Suspend $ 100 of the fine for _____ days served

In accordance with R.C. 2947.14, the court makes the following findings:

( ) The court finds, based upon evidence presented by the defendant, that he/she is indigent and **NOT ABLE** to pay financial sanctions imposed.
( ) Pursuant to R.C. 2929.28, defendant shall perform community service for _____ hours.
(✓) The court finds, based upon evidence presented by the defendant or by the defendant's own statement, that he/she is **ABLE** to pay the financial sanctions imposed by F/W. If costs not paid, refer for collection pursuant to R.C. 2947.23.
DEFENDANT'S INCOME: _____
OTHER ASSETS: _____
DEFENDANT'S DEBT: _____
( ) Time payments authorized.

In accordance with R.C. 2929.28(D), judgment is hereby rendered against defendant and in favor of the appropriate political subdivision or legal entity for the financial sanctions imposed herein.

Restitution:
Pay restitution to: _____ in the amount of $_____.
( ) Restitution payments shall be made directly to the victim.
( ) Restitution payments shall be made to the above named party through the restitution office of the department of probation services.
( ) Restitution ordered by agreement of the parties.
( ) Installment payments authorized.
( ) See separate Restitution Entry.
Pursuant to R.C. 2929.28(D), judgment is rendered against defendant and in favor of _____ for restitution in the amount of $_____.

DRIVING PRIVILEGES SUSPENSION: Class _____ Length _____ Beginning Date: _____
Proof of Financial Responsibility _____. Clerk to Notify Bureau of Motor Vehicles.
( ) Occupational Driving Privileges authorized per separate entry. Effective Date _____

VEHICLE SANCTIONS: ( ) Vehicle ordered immobilized _____ days per separate entry.

2yr CC

JAIL TERM: 180d Suspend 178d Credit 2d

Length of Confinement _____. Enforcement Date (s)_____

( ) Other _____

COMMUNITY CONTROL: (✓) The Court hereby imposes a period of community control for 2 years. The defendant shall be under the general control and supervision of the Department of Probation Services of the Franklin County Municipal Court for purposes of reporting any violations of the sanctions imposed herein. In addition, as a further condition of the community control sanction(s) imposed herein:

Defendant shall comply with "Conditions of Supervision" adopted by the Franklin County Municipal Court.
Defendant is not to violate any law and not be engaged in an offensive course of conduct.
Defendant may not leave Franklin County, Ohio without permission from his/her probation officer.
Defendant must abide by all additional orders or instructions by this court or the probation officer, report promptly (within one week), and correctly report any change of address and telephone number to the probation officer.

ISRP (work release) _____ Enforcement Date(s) _____
Home Incarceration _____ days. Enforcement date _____ Electronic Monitoring Required_____
Special Enforcement Instructions: _____

( ) Community service _____ hours.
( ) Attend Maryhaven Exploring Sober Alternatives or other 3 day DIP _____
(✓) Attend Chemical Dependency Assessment
(✓) Attend chemical dependency counseling and NA/AA as deemed appropriate by the Probation Department
( ) Submit to alcohol/drug screen(s).
( ) No odor /consumption of alcohol and/or drugs of abuse.
( ) Driving Rights Suspension - Class _____ Length _____
( ) Attend Defensive Driving Course.
( ) Pay restitution to: _____ in the amount of $_____.
( ) Stay away from _____.
(✓) No same or similar offense.
( ) No further acts of violence.
(✓) Pay fines and costs by F/W.
( ) Pay fine and costs with time payments.
( ) Attend victim impact panel.
(✓) Attend ~~Domestic Violence, Anger Management and/or~~ mental health counseling as determined by the probation department.
( ) Strict compliance.
( ) Compliance with all vehicle sanctions ordered.
(✓) Further Δ is to co-operate w/ STD testing and treatment as deemed appropriate by Probation Dept.

IT IS SO ORDERED.

3/31/05
Date

JUDGE