

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

July 14, 2010

Joseph Lee Hofacre, M.T.
3695 Carriage Run Drive
Hilliard, OH 43026

RE: 10-CRF-052

Dear Mr. Hofacre:

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 July 14, 2010.

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, M.D.
Secretary

LAT:baj
Enclosures

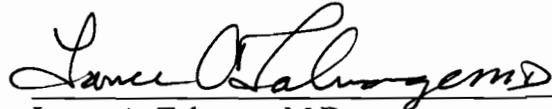
CERTIFIED MAIL NO. 91 7108 2133 3936 3067 3717
RETURN RECEIPT REQUESTED

Mailed 7-15-10

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 July 14, 2010, constitutes a true and complete copy of the Findings, Order and Journal Entry in the Matter of Joseph L. Hofacre, M.T., Case Number 10-CRF-052, 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)

July 14, 2010
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

CASE NO. 10-CRF-052

JOSEPH LEE HOFACRE, M.T.

*

FINDINGS, ORDER AND JOURNAL ENTRY

By letter dated May 12, 2010, notice was given to Joseph Lee Hofacre, M.T., that the State Medical Board intended to consider disciplinary action regarding his license to practice massage therapy in the State of Ohio, and that he was entitled to a hearing if such hearing was requested within thirty (30) days of the mailing of said notice. In accordance with Section 119.07, Ohio Revised Code, said notice was sent via certified mail, return receipt requested, to the address of record of Mr. Hofacre, that being 3695 Carriage Run Drive, Hilliard, Ohio 43026.

A signed certified mail receipt was returned to the Medical Board documenting proper service of the notice. However, no hearing request has been received from Mr. Hofacre and more than thirty (30) days have now elapsed since the mailing of the notice.

WHEREFORE, having reviewed the May 12, 2010, Notice of Opportunity for Hearing, certified copies of the Complaint and Judgment Entry of the Delaware Municipal Court, Delaware, Ohio, in the State of Ohio/City of Delaware v. Joseph L. Hofacre, Case Number 07 CRB 02681, the affidavit of Angela M. McNair, Enforcement Attorney, as well as the affidavit of Kay L. Rieve, Administrative Officer, which are attached hereto and incorporated herein, the Board hereby finds that:

On or about May 20, 2008, in the Delaware Municipal Court, Delaware, Ohio, Joseph L. Hofacre was found guilty of one misdemeanor count of Sexual Imposition. Such conviction was based upon Mr. Hofacre having offensive sexual contact with a female patient during the course of a massage.

Further, the Board hereby concludes that:

1. Section 4731.22(B)(11), Ohio Revised Code, authorizes the State Medical Board of Ohio to refuse to issue a license or to discipline a licensee based upon 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 committed in the course of practice.
2. Mr. Hofacre has been convicted of Sexual Imposition, a misdemeanor, as described above.
3. The conduct underlying Mr. Hofacre's Sexual Imposition conviction stemmed from offensive sexual contact with a female patient committed during the course of a massage.
4. Section 4731.22(B)(13), Ohio Revised Code, authorizes the State Medical Board of Ohio to refuse to issue a license or to discipline a licensee based upon 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.
5. Mr. Hofacre has been convicted of Sexual Imposition, a misdemeanor involving moral turpitude, as described above.

Accordingly, the Board hereby ORDERS that:

The license of Joseph Lee Hofacre, M.T., to practice massage therapy in the State of Ohio be PERMANENTLY REVOKED.

This Order shall become effective IMMEDIATELY.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 14th day of July 2010 and the original thereof shall be kept with said Journal.



Lance A. Talmage, M.D.
Secretary

(SEAL)

July 14, 2010
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

May 12, 2010

Case number: 10-CRF- 052

Joseph Lee Hofacre, L.M.T.
3695 Carriage Run Drive
Hilliard, OH 43026

Dear Mr. Hofacre:

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 May 20, 2008, the Delaware Municipal Court, Delaware, Ohio, found you guilty of one misdemeanor count of Sexual Imposition in violation of Section 2907.06(A)(1), Ohio Revised Code. The conviction was based upon your having offensive sexual contact during the course of a massage that you were providing to a patient.

The facts 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 committed in the course of practice," as that clause is used in Section 4731.22(B)(11), Ohio Revised Code.

Further, the facts 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.

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.

Mailed 5-13-10

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/AMM/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3106 6600
RETURN RECEIPT REQUESTED