

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 510
65 South Front Street
Columbus, Ohio 43215

April 18, 1983

Ernest F. Shearer, D.O.
4191 North High Street
Columbus, Ohio 43214

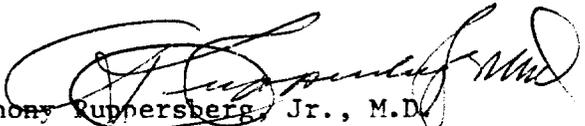
Dear Doctor Shearer:

Please find enclosed a certified copy of the Entry of Order, the Report and Recommendation of Walter H. Paulo, Member, State Medical Board of Ohio, and a certified copy of the Motion by the State Medical Board, meeting in regular session on April 13, 1983, approving and confirming said Report and Recommendation as the Findings and Order of the State Medical Board.

You are hereby notified that you may appeal this Order to the Court of Common Pleas of the county in which your place of business is located, or the county in which you reside. If you are not a resident and have no place of business in this state, you may appeal to the Court of Common Pleas of Franklin County, Ohio.

To appeal as stated above, you must file a notice of appeal with the Board, setting forth the Order appealed from, and the grounds of the appeal. You must also file a copy of such notice with the court. Such notices of appeal shall be filed within fifteen (15) days after the date of mailing of this letter and in accordance with Section 119.12, Revised Code.

THE STATE MEDICAL BOARD OF OHIO


Anthony Ruppertsberg, Jr., M.D.
Secretary

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enclosures

CERTIFIED MAIL NO. P349-644-040
RETURN RECEIPT REQUESTED

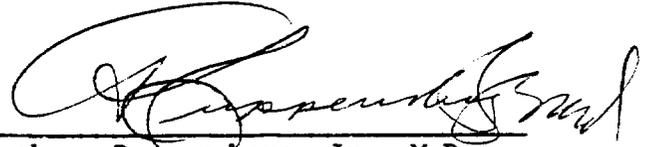
cc: Mr. Charles E. Brant, Attorney
Glander, Brant, Ledman & Newman
The Midland Building
250 East Broad Street
Columbus, Ohio 43215

CERTIFIED MAIL NO. P349-644-041
RETURN RECEIPT REQUESTED

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 510
65 South Front Street
Columbus, Ohio 43215

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 Walter H. Paulo, Member, State Medical Board of Ohio; and the attached copy of the Motion approved by the State Medical Board, meeting in regular session on April 13, 1983, approving and confirming said Report and Recommendation as the Findings and Order of the State Medical Board, constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Ernest F. Shearer, D.O., as it appears in the Journal of the State Medical Board of Ohio.



Anthony Ruppertsberg, Jr., M.D.
Secretary

(SEAL)

4-18-83
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF *
 *
ERNEST F. SHEARER, D.O. *

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 13th day of April, 1983.

Upon the Report and Recommendation, a true copy of which is attached hereto and incorporated herein, of Walter H. Paulo, the Hearing Member in this matter designated pursuant to R.C. 4731.23, which Report and Recommendation was approved and confirmed by vote of the Board on the above date, the following order is hereby entered on the Journal of the State Medical Board for the 13th day of April, 1983, and made part of the record of the Board's proceedings:

Dr. Shearer shall retain his license without penalty.



Anthony Ruppertsberg, Jr., M.D.
Secretary

(SEAL)

4-18-83
Date

STATE OF OHIO
THE STATE MEDICAL BOARD
REPORT AND RECOMMENDATIONS
IN THE MATTER OF ERNEST F. SHEARER, D.O.

THE MATTER OF ERNEST F. SHEARER, D.O. CAME BEFORE ME, WALTER H. PAULO, Member of the State Medical Board of Ohio, on Wednesday, January 12, 1983.

Mr. Jeffrey J. Jurca, Assistant Attorney General,
on behalf of the Ohio State Medical Board.

Mr. Charles E. Brant, 250 East Broad Street,
Columbus, Ohio, on behalf of Ernest F. Shearer, D.O.
4191 North High Street, Columbus, Ohio.

MR. JURCA: My name is Jeffrey J. Jurca, my address
is 30 East Broad Street, 15th Floor, Columbus.

I didn't indicate on the outset, Mr. Paulo, that I
believe Dr. Shearer will probably be the only witness, and of
course he has counsel who can represent him to the full extent
permitted by Chapter 119.

HEARING OFFICER PAULO: Are you ready to make an
opening statement?

MR. JURCA: Yes, Mr. Paulo. This is a very simple
factual situation involving Dr. Shearer's conviction of a
misdemeanor in September of 1979 in the State of New York for
a violation of New York law involving practicing medicine
without a license. For our purposes today, the state's case
will simply consist of presenting you with a certified copy of
the court document evidencing the conviction and various
documents setting up today's hearing, and after I admit those
I will turn things over to Mr. Brant and allow him to make
Dr. Shearer's case. Transcript at 3, 3-21.

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MR. JURCA: I have nothing else in the way of an
opening statement. Transcript at 4, 1-2.

MR. JURCA: Basically it involved Dr. Shearer
pleading guilty, as I understand it, to the allegation of
practicing medicine without a license and paying a fine of
\$800. And I think we will get into the details of that as we
proceed. Transcript at 4, 8-12.

REPORT AND RECOMMENDATIONS IN THE
MATTER OF ERNEST F. SHEARER, D.O.

MR. JURCA: I will simply have a handful of about eight (8) exhibits which I will mark, beginning with State's Exhibit #1 which is a certified copy of the record of conviction from the case of The People of the State of New York against Ernest F. Shearer, which was entered on the 24th day of September 1979, evidencing his conviction. Transcript at 4, 19-24.

State's Exhibit #2 is a letter dated July 14, 1982 from Dr. Ruppertsberg, Secretary of the Board, addressed to Dr. Shearer, advising him of the Board's intention to determine whether or not to take disciplinary action against him based on the misdemeanor conviction, and advising him of his rights, including his right to a hearing.

Exhibit #3 is a letter from Attorney Ellen Wristen of Columbus writing on Dr. Shearer's behalf and requesting a hearing in this matter. Transcript at 5, 9-18

State's Exhibits, 4, 5, 7, & 8, are routine scheduling notices and #9, is the hearing notice for today's date and time.

Exhibit #6, is a letter from Mr. Brant dated November 3, 1982, wherein he indicated that he has replaced Miss Wristen as attorney for Dr. Shearer. Transcript at 5, 23-25.

Those documents, set up the jurisdictional basis for the hearing, and I would move to have them admitted into the record. Transcript at 5, 19-22.

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JUDICIAL BOARD
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HEARING OFFICER PAULO: They will be accepted. Transcript at 6, 1-8.

MR. BRANT: Let me just make one objection for the record to Exhibit #1, not on the grounds that it is not authentic but simply on the grounds that it is our position that the conviction of Dr. Shearer of the particular misdemeanor in question does not constitute the conviction of a misdemeanor within the course of his practice. In our defense we will develop that, but for the record I would like to make that objection at this time to the admission of that. Transcript at 6, 14-22.

REPORT AND RECOMMENDATIONS IN THE
MATTER OF ERNEST F. SHEARER, D.O.

MR. JURCA: I will probably respond to that objection as we move along.

One other comment I think we can do in terms of a stipulation, which would be that I have reviewed the record of the Board and they do indicate that the Board's staff was aware of the conviction in approximately October of 1979 and, from what I can tell, had all of the necessary certified documents no later than December of 1979. And I think we can stipulate to that. Transcript at 6, 25 and at 7, 1-6.

MR. JURCA: Mr. Paulo, I would have nothing else to present. We believe that the misdemeanor conviction speaks for itself. So I would simply turn things over to Mr. Brant at this time. Transcript at 7, 9-12.

MR. BRANT: There isn't any question before the Board today that the particular offense to which Dr. Shearer pleaded guilty is a misdemeanor under the laws of the State of New York. That is established, that is conceded, no question about that. Transcript at 8, 3-7.

Let me just briefly state the facts, and I don't believe there is any dispute as to these facts. Ernest Shearer is a doctor of osteopathic medicine who has been duly licensed by the State of Ohio to practice his profession for forty years, On June 21 of 1979 Dr. Shearer conducted a seminar at the Holicay Inn in Salina, New York, and at the time treated some patients. He was subsequently charged by the State of New York for practicing without a license from thht state. On September 20, 1979 Dr. Shearer pleaded guilty to a misdemeanor, in fraction of Section 6522 of the New York Education Law, practicing as a physician without a license. There is no question but what Dr. Shearer does not hold a medical license from the State of New York. Transcript at 8, 20-25 and at 9, 1-8.

The Defendant, Dr. Shearer, is a licensed physician in Ohio, he is 65 years of age -- and we make this motion in the interest of justice -- and the rest of this memo is not pertinent, and at this point the people would summarily move that the

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REPORT AND RECOMMENDATIONS IN THE
MATTER OF ERNEST F. SHEARER, D.O.

criminal charges be amended to the single charge of violation of the Section 6522 of the New York State Education Law, a misdemeanor, contingent on a plea of guilty to that charge by the Defendant. Transcript at 9, 14-22.

The judge then granted the motion and said, "How do you plead, Dr. Shearer, to violation of Section 6522 of the Education Law of the State of New York?"

Dr. Shearer pled guilty. Transcript at 9, 25 and at 10, 1-3.

The court then asked the prosecutor, "Are there any recommendations?" Whereupon the prosecutor said, "The district attorney's office recommends a fine of \$800. That sum reflects the amount of money received by the Defendant through his unauthorized practice, if the court please."

The court then imposed a fine, that being \$800. in accordance with that recommendation.

The Ohio State Medical Board was immediately made aware of this conviction. More than three years after these acts complained of, on July 14, 1982, the State of Ohio Medical Board cited Dr. Shearer with violation of the Ohio Medical Practice Act, specifically Section 7431.22 (B)(11) of the Ohio Revised Code, that is, "the conviction of a misdemeanor committed in the course of his practice," which would subject Dr. Shearer to appropriate disciplinary sanctions as further described in the act. No other grounds for these proceedings today are charged. Transcript at 10, 4-21.

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His certificate, issued pursuant to Section 4731.14 of the Ohio Revised Code, was declared by law to be conclusive evidence that the person to whom it is issued is entitled to practice osteopathic medicine or surgery. It is not limited by geographical bounds, it does not stay only within the State of Ohio. Transcript at 11, 21-25 and at 12, 1.

REPORT AND RECOMMENDATIONS IN THE
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However, in our country other states are sovereign and need not recognize Ohio's certificates. They may require their own. New York did, and when Dr. Shearer practiced in New York without a license, New York proceeded against him. But that was between Dr. Shearer and the State of New York and was settled there between those parties. Transcript at 12, 7-12.

Mr. Paulo, of all of the cases from all states, from 1700 to 1982, fails to turn up a single decision in point. There is no case found where the unlicensed practice in a foreign state was grounds for discipline against a doctor in his home state of licensure.

Nor, indeed, are we aware of any similar application of Section 4731.22 (B)(11) to a fully licensed Ohio practitioner, contending that unauthorized practice in another state is within the scope of the person's practice in this state. Transcript at 13, 10-18.

The purpose of the Board's power to discipline medical practitioners is to correct errant behavior by licenses practitioners and to protect the people from harm by said practitioners. And that's been the law of Ohio, as indicated by those cases there, ever since we had a medical practice act. Neigher purpose is served by waiting three years to file a complaint.

The doctor paid his debt to the State of New York and has since been practicing in the full and reasonable belief that the matter ended there. Transcript at 14, 4-13.

Pursuant to Section 4731.281 (B) of the Ohio Revised Code, all osteopathic physicians in the state had to re-register on a tri-ennial basis with the medical board. This was begun in 1977, was repeated in 1980, I would like at this time to mark this as respondent's Exhibit A. This is simply the re-registration certificate which the medical board gave him in 1980, and also his notice for re-registration this year and an indication that on December 27 he paid his re-registration fee for the current triennium. Transcript at 15, 5-10.

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Thereupon, the document referred to was marked Respondent's Exhibit A for purposes of identification herein. Transcript at 15, 12-13.

MR. JURCA: I should indicate I have no objection to the admission of that. So we can admit that as far as I am concerned. Transcript at 15, 15-17.

MR. JURCA: I think if we are going to have questions of Dr. Shearer it would probably be helpful to him to have him sworn as a witness. Transcript at 16, 2-4.

MR. BRANT: It is analogous to what in the law would be referred as the doctrine of res-judicata, which means once a thing is decided that's the end of it.

Our conclusion is that the Board should dismiss these charges against Dr. Shearer. The conviction in New York of unlicensed practice could not, by definition be a misdemeanor in the course of practice. Transcript at 16, 14-21.

MR. JURCA: Excuse me, Mr. Paulo. Should we have the doctor sworn?

MR. BRANT: I have no reason to swear him unless Mr. Paulo wants to.

MR. JURCA: My understanding is that witnesses at these 119 proceedings are customarily sworn, and I would hate to see a problem develop later for whatever reason.

HEARING OFFICER PAULO: Let's swear him.

(Thereupon, Dr. Ernest Shearer was duly sworn to testify to the truth, the whole truth and nothing but the truth.) Transcript at 17, 11-21.

HEARING OFFICER PAULO: Q. Why did you go to New York in 1979 and how long did you practice there and did you know that you were in violation of the New York law?

A. First off, Mr. Paulo, I never practiced in New York. I have lectured over the eastern part of the United States at conventions and meetings of health groups and doctors' meetings

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REPORT AND RECOMMENDATIONS IN THE
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and so forth like that. And because of my lecturing in New York state, many people came out to Columbus and would stay in the neighborhood of our office for perhaps a week or two or three, something like that, and they would take treatments and consultations and things like that at my office. And many of them were from, as I say, New York state, some were from Massachusetts and other states. So they would have me back to their meetings to lecture perhaps two or three times a year. Transcript at 18, 2-20.

I was there in February of 1979 and also in June of 1979, four or five months later. And at those meetings these people that had been from New York state, that had been out here, I would take their record, their file with me, and I would check on them or have a consultation with them and see how they were doing. Transcript at 18, 21-25 and at 19, 1.

And in June of 1979, why, the New York authorities ran a lady in and she was, as usual, crying and complaining, and she had never been to the clinic, she had never been out to Columbus, but she asked me to help her. And so I checked on her and prescribed some medication for her or some vitamins and she paid me \$50. for the vitamins and the consultation, and then we found that she was from the police department of Syracuse. And that was the reason for this arrest. Transcript at 19, 1-9.

The \$800. was not -- this was all the money that I had with me. That was my travel money because I didn't take in that much money on the road. These people when they came to the clinic, and if they owed any money from the road, they would send a check to the clinic. But that was my travel money. So, needless to say, I have not been back to New York state since that time because I have plenty to do in Ohio, and I was really up there lecturing. I confine my lecture activities to Ohio and neighboring states now.

Q. Is it true that that particular patient that was sent in by the New York -- you say she came to more or less trap you, is that the only one that you treated in New York, this lady that you just talked about?

A. That's about the only one of consequence. The rest of the people had been to the clinic. But there might have been others that I'd see and consult with them, and then they would

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REPORT AND RECOMMENDATIONS IN THE
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come out to the clinic later. I didn't have any office in New York or any established practice. Transcript at 19, 10-25 and at 20, 1-3.

m MR. BRANT: This one instance is what we are talking about.

Q. All right.

A. I had been to New York state probably a couple two or three times of the previous year lecturing. There is a group in New York state that had me up every year to lecture to their their annual convention.

MR. PAULO: All states have doctors coming and giving lectures. Okay.

A. The lecturing was okay. But of course they construed this to be practice, which -- well, it is true, it is what I would have done in Ohio if this lady would have come in on me.

Q. Let me just straighten something out. Did you not have any warning from the State of Ohio until the end of three years that this happened?

A. No, none whatsoever. I hadn't heard a word from them. We settled the case up in New York state amicably, and I of course came back and went right on with my practice. I have never heard any word from them.

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HEARING OFFICER PAULO: Thank you very much.

MR. JURCA: I have some questions for the Doctor if now would be an appropriate time.

HEARING OFFICER PAULO: Go right ahead. Transcript at 20, 13-25 and at 21, 1-11.

CROSS-EXAMINATION

BY MR. JURCA: Q. Doctor, I am confused by some of the statements you made. You started off in response to Mr. Paulo by saying you never practiced in New York, is that correct?

A. I have never had a New York Practice. I have never been located there. I have always been in Ohio.

REPORT AND RECOMMENDATIONS IN THE
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Q. But you did engage in the practice of medicine in New York?

MR. BRANT: The conviction speaks for itself. That's the only item before the Board.

Q. My point is that there seemed to be some contradiction between what you said and what the conviction said and that's what I was trying to clear up.

A. Oh, no, I attest to the conviction.

Q. You also referred initially to people coming to your office in New York and then later you said that you didn't have an office.

A. No. They came to my office from New York.

Q. This would be your Columbus office?

A. Yes, 4191 North High.

Q. Out of curiosity let me ask this. What was the subject of these lectures that you gave in New York?

MR. BRANT: I would object. I don't think that's relevant.

A. I'll talk to you later.

Q. I am asking the question now.

MR. BRANT: If you are curious, go to one.

MR. JURCA: I don't feel like traveling to New York.

MR. BRANT: He doesn't give them in New York anymore.

HEARING OFFICER PAULO: Well, do you object to saying what the lectures are about?

MR. BRANT: Tell them.

A. I would say that after 30 or 40 years of practice I am experienced in nutrition and osteopathic methods and home care for people trying to recover from an illness or disease. So the lectures would be primarily in nutrition and rehabilitation and preventive medicine.

Q. How many of these did you give in New York in 1979, approximately?

REPORT AND RECOMMENDATIONS IN THE
MATTER OF ERNEST F. SHEARER, D.O.

MR. BRANT: Again, I will object to this as being beyond the scope of the charge.

HEARING OFFICER PAULO: His objection is accepted.

Q. One other thing that I would like to clear up. You stated on questioning from Mr. Paulo that the \$800. that you paid to the court was in effect your travel money. Just money you happened to have on hand?

A. Some of it, yes.

Q. The reason I ask the question is that in the brief that your attorney submitted there is a reference to some of the documents and the proceedings in court, where the prosecutor makes a representation that the \$800. reflected the amount received by you through the unauthorized practice. Can you clarify that for us?

A. I wouldn't be able to explain how much of it I had with me and how much was paid to be in New York state at that time because the prosecutor or the police department took all of my money. As I say, my travel money, they took all money and they also took the checks that people paid to me for having been to the clinic the previous perhaps two or three months, whenever they were there. Some of them paid their bill, in other words. And I have no record of that at all because I never got that back. They kept it all. So as much as I can say is that the \$50. of the money taken from me was given to me by this lady from the police department. That I remember. But the rest was in checks, and, as I say, they never gave the checks back to me. They kept them.

Q. So some of the checks you received in New York were based on services you rendered in Ohio, is that correct?

A. Oh, yes, I would say practically all of them were services rendered in Ohio. A small amount would have been maybe over a consultation in New York.

Q. How long have you been practicing in Columbus?

A. Well, every since after World War II, it would be in 1946, thirty-seven years now.

REPORT AND RECOMMENDATIONS IN THE
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MR. JURCA: No further questions, Mr. Paulo.

HEARING OFFICER PAULO: Would you present your general case? Will the Assistant Attorney proceed with the state's case. Are you finished?

MR. JURCA: I have finished the state's case moments ago.

HEARING OFFICER PAULO: All right.

MR. JURCA: I don't know if Mr. Brant is finished.

HEARING OFFICER PAULO: Are you satisfied?

MR. BRANT: Yes, I am. What he did in New York is between him and New York, and my contention is this can't be within the scope of his practice.

Transcript at 21, 13-25 and at 22, 1-7 10-25 and at 23, 1-25 and at 24, 1-19 21-25 and at 25, 1-6 16-18.

MR. JURCA: I just want to comment, if I can, because I think we are more in the nature of informal closing statements. I am not at this point in a position to agree with or contest any of the arguments raised by Mr. Brant. I would like the opportunity to have the record be left open for a thirty day period to allow me to file a written response brief to Mr. Brant's brief.

HEARING OFFICER PAULO: The state has no further rebuttal?

MR. JURCA. No, I have no rebuttal.

HEARING OFFICER PAULO: All right. Thank you very much for appearing here today. I will carefully consider this matter and you will be given an opportunity to make written comments or objections to my report and recommendations prior to action by the full Board. Transcript at 26, 7-13 20-25 and at 27, 1-3.

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FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE

REPORT AND RECOMMENDATIONS IN THE
MATTER OF ERNEST F. SHEARER, D.O.

FINDINGS OF FACT

1. Ernest F. Shearer is a doctor of osteopathic medicine, who has been duly licensed by the State of Ohio to practice for forty years.
2. On June 21, 1979, Dr. Shearer conducted a seminar at the Holiday Inn in Salina, New York. He never practiced in New York State. He lectured over the eastern part of the United States at conventions and meetings of health groups and doctor's meetings.
3. Because of these lectures in New York state, many people came to Columbus and would stay in the neighborhood of his office for perhaps a week or two or three, and they would take treatments and consultations at his office, at 4191 North High Street.
4. In June of 1979, the New York authorities ran a lady in and she was crying and complaining. She had never been to his Columbus clinic, but she asked him to help her. He checked her and prescribed some medication and vitamins and she paid him \$50. for the vitamins and consultation. He then found she was from the police department of Syracuse. That was the reason for his arrest.
5. On September 20, 1979, Dr. Shearer pleaded guilty in the state of New York, to a misdemeanor, in fraction of Section 6522 of the New York Education Law, practicing as a physician without a license.

Dr. Shearer was convicted and fined \$800.
6. The police department took all of his money, which included his travel money and checks that people had paid to him for having been to his Columbus office, which he never got back.
7. The doctor paid his debt to the State of New York and has since been practicing in the full and reasonable belief that the matter ended there.

RECEIVED
STATE MEDICAL BOARD
OHIO
MAY 1 1980

PROPOSED ORDER

It is proposed that Dr. Ernest F. Shearer's license be retained without penalty.

Walter H Paulo
Walter H. Paulo, Member
State Medical Board of Ohio

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 510
65 South Front Street
Columbus, Ohio 43215

EXCERPT FROM THE MINUTES OF APRIL 13, 1983

REPORT AND RECOMMENDATION IN THE MATTER OF ERNEST F. SHEARER, D.O.

Dr. Clarke asked if each member of the Board received, read and considered the hearing record, the proposed findings and order, and any objections filed to the proposed findings and order in the matter of Ernest F. Shearer, D.O. A roll call was taken:

ROLL CALL:

| | |
|------------------|-------|
| Dr. Cover | - aye |
| Dr. Lancione | - aye |
| Dr. Buchan | - aye |
| Dr. Cramblett | - aye |
| Mr. Johnston | - aye |
| Dr. Yut | - aye |
| Dr. Oxley | - aye |
| Dr. Lovshin | - aye |
| Mr. Paulo | - aye |
| Dr. Ruppertsberg | - aye |

.....

DR. YUT MOVED TO APPROVE AND CONFIRM THE FINDINGS OF FACT AND PROPOSED ORDER IN THE MATTER OF ERNEST F. SHEARER, D.O. DR. COVER SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:

| | |
|------------------|-----------|
| Dr. Cover | - aye |
| Dr. Lancione | - aye |
| Dr. Buchan | - aye |
| Dr. Cramblett | - nay |
| Mr. Johnston | - aye |
| Dr. Yut | - aye |
| Dr. Oxley | - aye |
| Dr. Lovshin | - aye |
| Mr. Paulo | - abstain |
| Dr. Ruppertsberg | - abstain |

The motion carried.

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 510
65 South Front Street
Columbus, Ohio 43215

July 14, 1982

Ernest F. Shearer, D.O.
4191 North High Street
Columbus, OH 43214

Dear Doctor Shearer:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine under the provisions of Section 4731.22, Ohio Revised Code, whether or not to limit, reprimand, revoke, suspend, place on probation, refuse to register or reinstate your certificate to practice osteopathic medicine and surgery for the reason outlined below.

On or about September 24, 1979, you were convicted in the Court of Special Sessions for the town of Salina, County of Onondaga, New York, of one count of practicing medicine without a license, in violation of Section 6512 of the Educational Law of the State of New York. Such offense is classified as a misdemeanor under New York law.

Pursuant to Section 4731.22(B)(11), Ohio Revised Code, conviction of a misdemeanor committed in the course of your practice is grounds to limit, reprimand, revoke, suspend, place on probation, refuse to register or reinstate your certificate to practice osteopathic medicine and surgery.

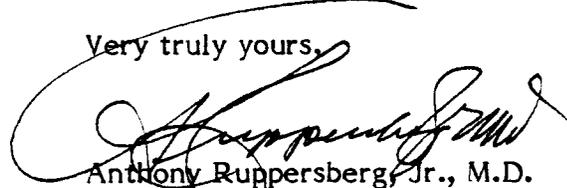
You are advised that you are entitled to a hearing in this matter if you request such hearing within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or you may present your positions, 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 made 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, reprimand, revoke, suspend, place on probation, refuse to register or reinstate your certificate to practice osteopathic medicine and surgery.

A copy of the Medical Practice Act is enclosed for your examination.

Very truly yours,



Anthony Ruppertsberg, Jr., M.D.
Secretary

AR:ls

Enclosure

CERTIFIED MAIL NO. P349 642 002
RETURN RECEIPT REQUESTED