

JAN 10 2000

**STATE OF OHIO
THE STATE MEDICAL BOARD
VOLUNTARY RETIREMENT FROM THE
PRACTICE OF MEDICINE AND SURGERY**

I, GLENN M. ROBERTS, D.O., am aware of my rights to representation by counsel, the right of being formally charged and having a formal adjudicative hearing, and do hereby freely execute this document and choose to take the actions described herein.

I, GLENN M. ROBERTS, D.O., do hereby voluntarily, knowingly, and intelligently retire from the practice of medicine and surgery, effective upon last date of signature below.

I, GLENN M. ROBERTS, D.O., do hereby voluntarily, knowingly and intelligently surrender my renewal card in connection with my certificate to practice medicine and surgery, No. 34-000727, to the State Medical Board of Ohio.

I understand that as a result of the surrender herein that I am no longer permitted to practice medicine and surgery in any form or manner in the State of Ohio.

I agree that I shall be ineligible for, and shall not apply for, reinstatement of certificate to practice medicine and surgery No. 34-000727 or issuance of any other certificate pursuant to Chapters 4730. or 4731., Ohio Revised Code, on or after the date of signing this Voluntary Retirement from the Practice of Medicine and Surgery. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

I, GLENN M. ROBERTS, D.O., hereby release the State Medical Board of Ohio, its members, employees, agents and officers, jointly and severally, from any and all liability arising from the within matter.

This document shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code.

Further, this information may be reported to appropriate organizations, data banks and governmental bodies.

JAN 10 2000

I stipulate and agree that I am taking the action described herein in lieu of formal disciplinary proceedings pursuant to Section 4731.22(B), Ohio Revised Code.

Signed this 21 day of October, 1999.

Witness [Signature]

[Signature]
Signature of Physician

[Signature]
Witness

Sworn to and subscribed before me this 21st day of October, 1999.

[Signature]

SEAL

Notary Public

Notarial Seal
Kimberly A. Walker, Notary Public
Pittsburgh, Allegheny County
My Commission Expires Aug. 12, 2000
Member, Pennsylvania Association of Notaries

(This form must be either witnessed OR notarized)

Accepted by the State Medical Board of Ohio:

[Signature]

Anand G. Garg, M.D.
Secretary

[Signature]
Raymond J. Albert
Supervising Member

9/11/2000

Date

1/12/00

Date

STATE OF OHIO
THE STATE MEDICAL BOARD OF OHIO
77 SOUTH HIGH STREET
17TH FLOOR
COLUMBUS, OHIO 43215

July 14, 1989

Glenn M. Roberts, D.O.
2-6 Main Street
Burgettstown, PA 15021

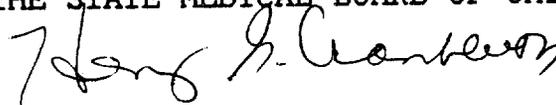
Dear Doctor Roberts:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Joan Irwin Fishel, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of the Minutes of the State Medical Board, meeting in regular session on July 12, 1989, including Motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board.

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



Henry G. Cramblett, M.D.
Secretary

HGC:em

Enclosures

CERTIFIED MAIL NO. P 746 514 587
RETURN RECEIPT REQUESTED

Mailed July 17, 1989

STATE OF OHIO
STATE MEDICAL BOARD

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 Joan Irwin Fishel, Attorney Hearing Examiner, State Medical Board; and attached excerpt of Minutes of the State Medical Board, meeting in regular session on July 12, 1989, including Motions 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 Glenn M. Roberts, D.O., 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)



Henry G. Cramblett, M.D.
Secretary

July 14, 1989

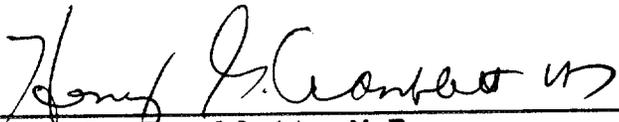
Date

Glenn M. Roberts, M.D.

- b. In the event that Dr. Roberts should leave Ohio for three (3) consecutive months, or reside or practice outside the State, Dr. Roberts must notify the State Medical Board in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period of probation.
 - c. If Dr. Roberts violates this Order in any respect, the Board, after giving him notice and an opportunity to be heard, may set aside the stay Order and impose the revocation of Dr. Roberts' license.
4. Upon successful completion of probation, Dr. Roberts' license shall be fully restored.

This Order shall become effective thirty (30) days from the date of mailing of notification of approval by the State Medical Board of Ohio.

(SEAL)



Henry G. Cramblett, M.D.
Secretary

July 14, 1989

Date

JUN 23 1989

REPORT AND RECOMMENDATION
IN THE MATTER OF GLENN M. ROBERTS, D.O.

The Matter of Glenn M. Roberts, D.O., came on for hearing before me, Joan Irwin Fishel, Esq., Hearing Examiner for the State Medical Board of Ohio, on May 26, 1989.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Basis for Hearing

- A. By letter of January 11, 1989 (State's Exhibit #1), the State Medical Board notified Glenn M. Roberts, D.O., that it proposed to take disciplinary action against his certificate to practice osteopathic medicine and surgery due to his conviction in the United States District Court for the Western District of Pennsylvania of one count of bankruptcy fraud, and due to the subsequent suspension of his license by the Pennsylvania State Board of Osteopathic Medicine. The Board alleged that these actions constituted:
1. "Conviction of a felony whether or not committed in the course of his practice," as that clause is used in Section 4731.22(B)(9), Ohio Revised Code (as in effect prior to March 17, 1987); and
 2. "The revocation or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state for an action that would also have been a violation of this chapter except for nonpayment of fees," as that clause is used in Section 4731.22(B)(18), Ohio Revised Code (as in effect prior to March 17, 1987), to wit: Section 4731.22(B)(9), Ohio Revised Code (as in effect prior to March 17, 1987).
- B. By letter received by the State Medical Board on January 25, 1989 (State's Exhibit #3), Dr. Roberts requested a hearing.

II. Appearances

- A. On behalf of the State of Ohio: Anthony J. Celebrezze, Jr., Attorney General, by Steven P. Dlott, Assistant Attorney General
- B. On behalf of the Respondent: Dr. Roberts did not personally appear at hearing but submitted written contentions.

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III. Testimony Heard

Neither party presented any witnesses in this Matter.

IV. Exhibits Examined

In addition to those exhibits noted above, the following exhibits were identified and admitted into evidence in this Matter:

A. Presented by the State

1. State's Exhibit #2: Certified mail receipt and return card showing service of State's Exhibit #1.
2. State's Exhibit #4: January 31, 1989, letter to Dr. Roberts from the State Medical Board advising that a hearing initially set for February 6, 1989, was postponed pursuant to Section 119.09, Ohio Revised Code.
3. State's Exhibit #5: February 10, 1989, letter to Dr. Roberts from the State Medical Board scheduling the hearing for April 18, 1989.
4. State's Exhibit #6: Entry dated April 18, 1989, granting the Respondent's continuance request and rescheduling the hearing for May 26, 1989.
5. State's Exhibit #7: Certified copy of documents received from the United States District Court for the Western District of Pennsylvania including the following documents for Case No. 84-193, U.S. v. Roberts: Docket Sheet; Waiver of Indictment; Information; Plea; Scheduling Sheet; Judgment and Probation/Commitment Order showing a plea of guilty by Dr. Roberts to one count of bankruptcy fraud in violation of 18 U.S.C. Section 152; and the following documents for Case No. 84-83, U.S. v. Roberts, et al.: Docket Sheet; Indictment; Not Guilty Plea of Defendant Glenn M. Roberts; cover page of Indictment; Summons Request; and information regarding the sentencing hearing in Case Nos. 84-83 and 84-193.
6. State's Exhibit #8: Certified copy of the Adjudication and Order of the State Board of Osteopathic Medicine of the Commonwealth of Pennsylvania.

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FINDINGS OF FACT

1. Glenn M. Roberts, D.O., was one of three defendants named in a thirty-three count indictment filed on May 18, 1984 in the U.S. District Court for the Western District of Pennsylvania, in Case No. 84-83, United State v. Roberts, et. al. Dr. Roberts pled not guilty to these charges. On October 30, 1984, Dr. Roberts pled guilty to a new charge of bankruptcy fraud, a felony, in violation of 18 U.S.C. Section 152. The charge alleged that Dr. Roberts had received \$125,000 in June, 1981, from a company that had filed a petition for bankruptcy. On March 7, 1985, the original charges against Dr. Roberts were dismissed and Dr. Roberts was sentenced to five years of imprisonment on the bankruptcy fraud charge. The execution of this sentence was suspended and Dr. Roberts was placed on probation for five years on the condition that he make restitution to the bankruptcy trustee in the amount of \$25,500 and pay a \$5,000 fine.

These facts are established by State's Exhibit #7.

2. In his written statement to the Board, Dr. Roberts contended that he had invested money in a savings and loan company in the mid 1960's. Later, he had become vice-president, a position he described as honorary. Dr. Roberts stated that he had had no contact with the customers or investors of the company, and had never signed any papers. Dr. Roberts did not deny that he had received \$25,000* from the company. However, he denied that he had committed fraud. He stated that he had placed the \$25,000 into a subsidiary corporation of the loan company. Dr. Roberts asserted that he had pled guilty to the bankruptcy fraud charge as part of a plea bargain, and on the advice of his attorney.

These facts are established by State's Exhibit #7 and Respondent's Exhibit A.

3. On June 16, 1986, the State Board of Osteopathic Medicine of the Commonwealth of Pennsylvania ordered that Dr. Roberts' license to practice osteopathic medicine in that state be suspended for a period of ninety days due to his felony conviction. The Board found that Dr. Roberts had been practicing for over thirty years in Burgettstown, Pennsylvania, a former mining town, which was economically depressed and undersupplied with physicians. Further, the Pennsylvania Board found that Dr. Roberts was the principal provider of medical services in the Burgettstown area and that a lengthy interruption of his practice would seriously affect the availability of local medical care. Lastly, the Pennsylvania Board found that Dr. Roberts was highly regarded by both his patients and his colleagues.

These facts are established by State's Exhibit #8.

* Dr. Roberts used the figure of \$25,000 in his written statement to the Board. However, he was required to make restitution to the bankruptcy trustee in the amount of \$25,500.

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CONCLUSIONS OF LAW

The acts and/or omissions as set forth in the above Findings of Fact constitute violations of:

1. Section 4731.22(B)(9), Ohio Revised Code, "Conviction of a felony whether or not committed in the course of his practice," (as in effect prior to March 17, 1987); and
2. Section 4731.22(B)(18), Ohio Revised Code, "The revocation or suspension of another state of a license or certificate to practice issued by the proper licensing authority of that state for an action that would have also been a violation of this chapter except for nonpayment of fees," (as in effect prior to March 17, 1987), to wit: Section 4731.22(B)(9), Ohio Revised Code (as in effect prior to March 17, 1987).

While Dr. Roberts' bankruptcy fraud conviction did not involve patient harm, there was likely financial harm to the investors in the bankrupt corporation. This Board has in the past taken the position that the conviction of a licensed physician for a felony seriously violates the public trust and cannot be tolerated in the profession. This position is reflected in the Board's disciplinary guidelines, which indicate revocation as the appropriate penalty for the conviction of a felony.

This Board is not required to agree with the Pennsylvania Board as to what constitutes mitigation of a felony conviction. The conviction of a felony indicates lack of integrity, a deficiency not mitigated by the location of a doctor's practice or by the affection of his patients. Dr. Roberts stated that his problem could happen to any professional who makes investments. Professionals, however, in conjunction with any special privileges enjoyed by virtue of their profession, have the special responsibility of scrupulously complying with the law. However, the felony was not committed in the course of practice and Dr. Roberts made restitution to the bankruptcy trustee.

PROPOSED ORDER

It is hereby ORDERED that:

1. The certificate of Glenn M. Roberts, D.O., to practice osteopathic medicine and surgery in the State of Ohio be REVOKED. Such revocation is stayed, and Dr. Roberts' certificate is hereby suspended for a period of one (1) year.

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2. The State Medical Board of Ohio shall not consider reinstatement of Dr. Roberts' license unless and until all the following minimum requirements are met:
 - a. Dr. Roberts shall submit an application for reinstatement, accompanied by appropriate fees.
 - b. Dr. Roberts shall not make such application for at least one (1) year from the effective date of this Order.
3. Upon reinstatement, and upon commencement of practice in Ohio, Dr. Roberts' certificate shall be subject to the following probationary terms, conditions, and limitations for a period of five (5) years:
 - a. Dr. Roberts shall obey all federal, state, and local laws and all rules governing the practice of medicine in Ohio.
 - b. In the event that Dr. Roberts should leave Ohio for three (3) consecutive months, or reside or practice outside the State, Dr. Roberts must notify the State Medical Board in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period of probation.
 - c. If Dr. Roberts violates this Order in any respect, the Board, after giving him notice and an opportunity to be heard, may set aside the stay Order and impose the revocation of Dr. Roberts' license.
4. Upon successful completion of probation, Dr. Roberts' license shall be fully restored.

This Order shall become effective thirty (30) days from the date of mailing of notification of approval by the State Medical Board of Ohio.


Joan Irwin Fishel
Attorney Hearing Examiner

EXCERPT FROM THE MINUTES OF JULY 12, 1989

REPORTS AND RECOMMENDATIONS

Dr. O'Day advised that the findings and orders appearing on the Board's agenda are those in the matters of Dr. Leonard M. Kaplan, Dr. John W. Foderick, Dr. Robert L. Tomsak, Ms. Clare M. Logan, and Dr. Glenn M. Roberts.

Dr. Rauch asked if 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 Dr. Leonard M. Kaplan, Dr. John W. Foderick, Dr. Robert L. Tomsak, Ms. Clare M. Logan, and Dr. Glenn M. Roberts. A roll call was taken:

ROLL CALL:	Dr. Cramblett	- aye
	Dr. Gretter	- aye
	Dr. Daniels	- aye
	Dr. Stephens	- aye
	Dr. Agresta	- aye
	Dr. Rauch	- aye
	Dr. Kaplansky	- aye
	Mr. Albert	- aye
	Ms. Rolfes	- aye
	Dr. O'Day	- aye

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

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Mr. Dowling, Ms. Thompson, and Mr. Dilling left the meeting at this time.

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REPORT AND RECOMMENDATION IN THE MATTER OF GLENN M. ROBERTS, D.O.

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DR. KAPLANSKY MOVED TO APPROVE AND CONFIRM MS. FISHEL'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF GLENN M. ROBERTS, D.O. DR. STEPHENS SECONDED THE MOTION.

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A roll call vote was taken on Dr. Kaplansky's motion:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Gretter	- aye
	Dr. Daniels	- aye
	Dr. Stephens	- aye

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EXCERPT FROM THE MINUTES OF JULY 12, 1989
IN THE MATTER OF GLENN M. ROBERTS, D.O.
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Dr. Agresta	- aye
Dr. Rauch	- abstain
Dr. Kaplansky	- aye
Mr. Albert	- aye
Ms. Rolfes	- aye

The motion carried.

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STATE OF OHIO
THE STATE MEDICAL BOARD
77 SOUTH HIGH STREET
17TH FLOOR
COLUMBUS OH 43215

January 11, 1989

Glen M. Roberts, D.O.
2-6 Main Street
Burgettstown, PA 15021

Dear Doctor Roberts:

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 osteopathic medicine and surgery or to reprimand or place you on probation for one or more of the following reasons:

- (1) On or about March 7, 1985 you were convicted in the U.S. District Court for the Western District of Pennsylvania, of one count of bankruptcy fraud, in violation of Title 18, United States Code, Section 152. Said conviction constituted a felony.

Such acts as alleged in the above paragraph (1) constitute "conviction of a felony whether or not committed in the course of his practice," as that clause is used in Section 4731.22(B)(9), Ohio Revised Code (as in effect prior to March 17, 1987).

- (2) On or about June 16, 1986, the Pennsylvania State Board of Osteopathic Medicine suspended your license to practice osteopathic medicine for a period of ninety (90) days, on the basis of the conviction as alleged in the above paragraph (1).

Such acts as alleged in the above paragraph (2) constitute "the revocation or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state for an action that would also have been a violation of this chapter except for nonpayment of fees", as that clause is used in Section 4731.22(B)(18), Ohio Revised Code (as in effect prior to March 17, 1987), to wit: Section 4731.22(B)(9), Ohio Revised Code (as in effect prior to March 17, 1987).

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, that request must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

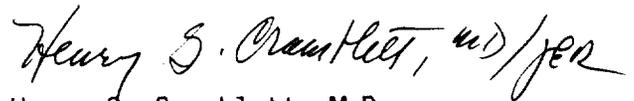
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You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments, or contentions in writing, 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 osteopathic medicine and surgery 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 cursive script that reads "Henry G. Cramblett, M.D." followed by a flourish.

Henry G. Cramblett, M.D.
Secretary

HGC:jmb
Encls.

CERTIFIED MAIL #P 569 363 929
RETURN RECEIPT REQUESTED