

IN THE COURT OF COMMON PLEAS
ERIE COUNTY, OHIO

12-15-86

In re: JOHN P. RICHARD, D.O., : Case No. 47036

Appellant,

vs.

OHIO STATE MEDICAL BOARD,

Appellee.

JUDGMENT ENTRY

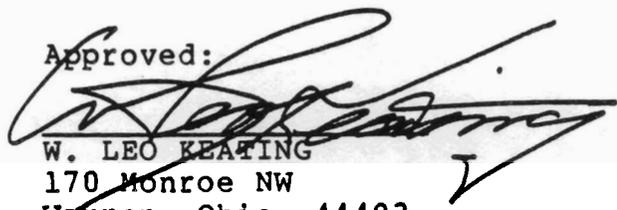
This action is before this Court as an appeal of an order of the State Medical Board of Ohio revoking Appellant's license. Upon review of the record of the administrative hearing, additional evidence submitted by the Appellant, and briefs submitted by both parties, this Court finds that the order of the State Medical Board of Ohio is supported by reliable, probative, and substantial evidence and is in accordance with law.

Therefore, the Order of the Medical Board is affirmed.

Costs to Appellant.

JAMES L. McCRYSTAL, JUDGE

Approved:



W. LEO KEATING
170 Monroe NW
Warren, Ohio, 44483



BENJAMIN M. CHAPMAN
602 Jackson Street
P.O. Box 1606
Sandusky, Ohio, 44870



MARY JOSEPH MAXWELL
Assistant Attorney General
30 East Broad Street
State Office Tower, 10th Floor
Columbus, Ohio 43266-0410
(614) 466-2980

The court document for this date cannot be found in the records of the Ohio State Medical Board.

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

April 16, 1986

John P. Richards, D.O. #144748
JROC
State Farm, Ohio 23160

Dear Doctor Richards:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Lauren Lubow, Esq., Hearing Examiner, State Medical Board of Ohio; a certified copy of the Motion by the State Medical Board, meeting in regular session on April 9, 1986, 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

Henry G. Cramblett by LWJ
Henry G. Cramblett, M.D.
Secretary

HGC:em

Enclosures

CERTIFIED MAIL NO. P 569 364 863
RETURN RECEIPT REQUESTED

cc: W. Leo Keating, Esq.
Attorney at Law
170 Monroe, N.W.
Warren, Ohio 44483

CERTIFIED MAIL NO. P 569 364 864
RETURN RECEIPT REQUESTED

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 510
65 South Front Street
Columbus, Ohio ~~43215~~ 43266-0315

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 Lauren Lubow, Esq., Hearing Examiner of the State Medical Board of Ohio; and the attached copy of the Motion by the State Medical Board, meeting in regular session on April 9, 1986, approving and confirming said Report and Recommendation as the Findings and Order of the State Medical Board, constitutes a true and complete copy of the Findings and Order of the State Medical Board in the matter of John P. Richards, 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 and on its behalf.

(SEAL)

Henry G. Cramblett, M.D.
Henry G. Cramblett, M.D.
Secretary

16 April 1986
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF *

 *

JOHN P. RICHARDS, D.O. *

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 9th day of April, 1986 .

Upon the Report and Recommendation of Lauren Lubow, Esq., Hearing Examiner in this matter designated pursuant to R.C. 19.09, a true copy of which is attached hereto and incorporated herein, 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 9th day of April, 1986.

It is hereby ORDERED:

That the license of John P. Richards, D.O., to practice osteopathic medicine and surgery in the State of Ohio be REVOKED.

The ORDER is effective immediately.

(SEAL)

Henry G. Cramblett by WW
Henry G. Cramblett, M.D.
Secretary

16 April 1986
Date

STATE OF OHIO
THE STATE MEDICAL BOARD

REPORT AND RECOMMENDATION
IN THE MATTER OF JOHN P. RICHARDS, D.O.

The matter of John P. Richards, D.O., came before me, Lauren Lubow, Hearing Examiner for the State Medical Board of Ohio, on January 8, 1986.

INTRODUCTION AND SUMMARY OF EVIDENCE

1. Dr. Richards was notified by letters of September 17, 1985 (State's Exhibit #1), October 29, 1985 (State's Exhibit #4), and November 27, 1985 (State's Exhibit #7) that the State Medical Board of Ohio proposed to take action against his certificate to practice medicine and surgery in the State of Ohio on the basis of his July 18, 1985, felony convictions for possession of more than (5) pounds of marijuana with intent to distribute and for conspiracy to sell, give or distribute more than five (5) pounds of marijuana.
2. At the request of Dr. Richards, a hearing was held in this matter on January 8, 1986. Dr. Richards did not appear personally, but was represented by his attorney, W. Leo Keating. Mary Joseph Maxwell, Assistant Attorney General, appeared on behalf of the State.
3. After opening statements by both parties, the State identified the following exhibits, which were thereafter admitted to the record:
 - A. State's Exhibit #1 is a September 17, 1985, citation letter from the State Medical Board to Dr. Richards notifying him of the Board's proposal to take action against his certificate to practice medicine and surgery in the State of Ohio.
 - B. State's Exhibit #2 is an October 10, 1985, letter from Mr. Keating to the State Medical Board requesting a hearing on behalf of Dr. Richards.
 - C. State's Exhibit #3 is a letter dated October 24, 1985, from the State Medical Board acknowledging receipt of Dr. Richards' hearing request and continuing the hearing pursuant to Section 119.09, Ohio Revised Code.
 - D. State's Exhibit #4 is an October 29, 1985, amended citation letter from the State Medical Board to Dr. Richards.

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MEDICAL BOARD

'86 MAR 10 P4:13

- E. State's Exhibit #5 is an October 31, 1985, letter from Mr. Keating to the State Medical Board in response to the October 29, 1985, amended citation letter requesting a hearing on behalf of Dr. Richards.
- F. State's Exhibit #6 is a letter dated November 12, 1985, from the State Medical Board to Mr. Keating scheduling Dr. Richards' hearing for January 8, 1986.
- G. State's Exhibit #7 is an amended citation letter dated November 27, 1985, from the State Medical Board to Dr. Richards which incorporates the doctor's conviction on a second charge, namely "conspiracy to sell, give or distribute more than five (5) pounds of marijuana."
- H. State's Exhibit #8 is a December 3, 1985, letter from Mr. Keating to the State Medical Board in response to the amended citation letter requesting a hearing on behalf of Dr. Richards. Mr. Keating's letter acknowledges the scheduled hearing date of January 8, 1986.
- I. State's Exhibit #9 is an order and entry of this hearing examiner dated December 6, 1985, denying the State's Motion for Order Disallowing Depositions Requested by Dr. Richards.
- J. State's Exhibit #10 is a certified copy of a True Bill filed in the Circuit Court of the County of Lancaster, Virginia, dated January 25, 1985, charging Dr. Richards with unlawfully and feloniously possessing with intent to sell, give or distribute more than five (5) pounds of marijuana, namely approximately 12,000 pounds of marijuana.
- K. State's Exhibit #11 is a copy of an Order filed in the Circuit Court of the County of Lancaster, Virginia, dated July 17, 1985. The Order indicates that a jury had been impaneled and that the trial had commenced.
- L. State's Exhibit #12 is a copy of an Order dated July 18, 1985, indicating that the Court had found the Defendant guilty of unlawfully and feloniously possessing more than five (5) pounds of marijuana with intent to sell, give or distribute, and recommending 30 years of imprisonment.
- M. State's Exhibit #13 is a certified copy of a True Bill entered by the Grand Jury in the Circuit Court of the County of Lancaster, Virginia, on January 25, 1985, charging Dr. Richards with unlawfully and feloniously conspiring to distribute more than five (5) pounds of marijuana, namely approximately 12,000 pounds of marijuana.

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MEDICAL BOARD

'86 MAR 10 P4:14

- N. State's Exhibit #14 is an Order, arising out of the conspiracy charge against Dr. Richards, dated July 17, 1985 and filed in the Circuit Court of the County of Lancaster, Virginia, indicating that a jury had been impaneled and that the trial had commenced.
 - O. State's Exhibit #15 is an Order dated July 18, 1985 indicating that the Circuit Court of Lancaster County had found the Defendant guilty of unlawfully and feloniously conspiring to sell or distribute more than five (5) pounds of marijuana, and recommending 30 years of imprisonment.
4. Subsequent to the admission of exhibits, the State rested.
 5. Mr. Keating proceeded with the Respondent's case by submitting the following documents, which were thereafter admitted to the record:
 - A. Respondent's Exhibit B is a transcript of statements made by Dr. John P. Richards, which was admitted as his written arguments and contentions, as provided in Section 119.09, Ohio Revised Code.
 - B. Respondent's Exhibits C through Q are character references submitted in support of Dr. Richards by friends and employers.
 6. A deposition marked as Respondent's Exhibit A and a videotape marked as Respondent's Exhibit R, were not admitted to the record by this hearing examiner, but were proffered on behalf of Dr. Richards.
 7. Mr. Keating proceeded with the presentation of the Respondent's case by calling the following witnesses:
 - A. Richard E. Dwight, D.O., Respondent's internship trainer
 - B. Robert W. Carver, D.O., Respondent's co-worker
 - C. Reverend Eugene Smercina, Director, Christ Episcopal Church, Huron, Ohio
 - D. Daniel Howard Rice, Assistant Director, Sandusky Council Juvenile Court
 - E. Roy Pilasky, Executive Director, Warren General Hospital, Warren, Ohio
 - F. Arthur Richards, Respondent's father
 8. Subsequent to testimony by said witnesses, the Respondent rested.

FINDINGS OF FACT

1. On or about July 18, 1985, John P. Richards, D.O., was convicted in the Circuit Court of the County of Lancaster, Virginia, of unlawfully and feloniously possessing with intent to sell, give or distribute more than five (5) pounds of marijuana, said count constituting a felony.
2. On or about July 18, 1985, John P. Richards, D.O., was convicted in the Circuit Court of the County of Lancaster, Virginia, of unlawfully and feloniously conspiring to sell, give or distribute more than five (5) pounds of marijuana, said count constituting a felony.

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MEDICAL BOARD

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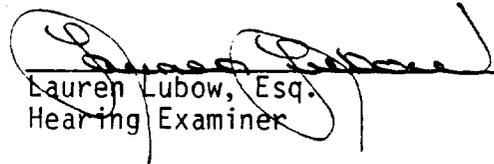
CONCLUSION

The testimony of Dr. Richards' colleagues, family and friends, as well as the written statements of Dr. Richards himself, were undeniably moving. They painted a picture of a dedicated, caring young physician who now finds himself in a difficult and serious situation. Yet the facts of this case remain. They are uncontroverted--and they are extraordinary. Dr. Richards stands convicted of two felonies. That fact alone has been sufficient in the past to sustain a license revocation by this Board under Section 4731.22(B)(9) of the Revised Code. The basis for these particular convictions is impossible to overlook: Dr. Richards has been found guilty not only of possession and conspiracy to distribute an illegal drug, but of a vast quantity--six tons--of that drug. Under these circumstances I find no choice but to recommend the following Proposed Order.

PROPOSED ORDER

It is hereby ORDERED that the license of John P. Richards, D.O., to practice osteopathic medicine and surgery in the State of Ohio be revoked.

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



Lauren Lubow, Esq.
Hearing Examiner

86 MAR 10 PM 13

OHIO STATE
MEDICAL BOARD

STATE OF OHIO
THE STATE MEDICAL BOARD

EXCERPT FROM THE MINUTES OF APRIL 9, 1986

REPORT AND RECOMMENDATION IN THE MATTER OF JOHN P. RICHARDS, D.O.

Dr. Rauch asked if each member of the Board had 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 John P. Richards, D.O. A roll call was taken:

ROLL CALL:	Dr. Cramblett	- abstain
	Dr. Lancione	- aye
	Dr. Barnes	- aye
	Dr. Buchan	- aye
	Dr. Lovshin	- aye
	Ms. Rolfes	- aye
	Dr. Oxley	- aye
	Dr. O'Day	- aye
	Dr. Stephens	- aye
	Mr. Johnston	- abstain

.....

DR. BUCHAN MOVED TO APPROVE AND CONFIRM THE FINDINGS OF FACT, CONCLUSIONS AND PROPOSED ORDER OF LAUREN LUBOW, ASSIGNMENT AND HEARING ATTORNEY, IN THE MATTER OF JOHN P. RICHARDS, D.O. DR. BARNES SECONDED THE MOTION.

.....

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

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Lancione	- aye
	Dr. Barnes	- aye
	Dr. Buchan	- aye
	Dr. Lovshin	- aye
	Ms. Rolfes	- aye
	Dr. Oxley	- aye
	Dr. O'Day	- aye
	Dr. Stephens	- aye
	Mr. Johnston	- abstain

The motion carried.

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 310
65 South Front Street
Columbus, Ohio 43215

November 27, 1985

John P. Richards, D.O.
5582 Ferry Street
Vermillion, OH 44089

Dear Doctor Richards:

On September 17, 1985 and October 29, 1985 citation letters were issued to you by the State Medical Board of Ohio in accordance with Chapter 119., Ohio Revised Code. Said citation letters are incorporated herein as if fully rewritten and attached hereto and are amended as follows:

1. On or about July 18, 1985 you were convicted by the Circuit Court of Lancaster County, Virginia, of conspiracy to distribute more than five (5) pounds of marijuana. Said conviction is a felony.

The conviction and acts giving rise to said conviction as stated in paragraph 1 constitute a violation of Section 4731.22(B)(3), Ohio Revised Code, to wit: Selling, prescribing, giving away or administering drugs for other than legal and legitimate therapeutic purposes or conviction of violation of any federal or state law regulating the possession, distribution, or use of any drug.

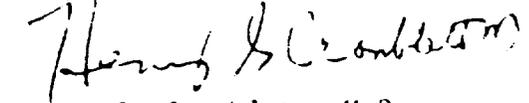
Further, the conviction and acts giving rise to said conviction as stated in paragraph 1 constitute a violation of Section 4731.22(B)(9), Ohio Revised Code, to wit: Conviction of a felony whether or not committed in the course of practice.

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 made within thirty (30) days of the time of mailing of this notice. If a hearing is requested in this matter, it will be consolidated with the hearing on the prior citation letters.

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

Very truly yours,



Henry G. Cramblett, M.D.
Secretary

HGC:jmb

CERTIFIED MAIL #P 569 363 372
RETURN RECEIPT REQUESTED

cc: W. Leo Keating, Esq.
170 Monroe, NW
Warren, OH 44483

CERTIFIED MAIL NO. P 569 361 846
RETURN RECEIPT REQUESTED

Ok per 20 11-10-85

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

October 29, 1985

John P. Richards, D.O.
5582 Ferry Street
Vermillion, OH 44089

AMENDED CITATION LETTER

Dear Doctor Richards:

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 medicine and surgery or to reprimand or place you on probation for the following reasons:

- 1. On or about July 18, 1985 you were convicted by the Circuit Court of Lancaster County, Virginia, of possession of more than five (5) pounds of marijuana with intent to distribute. Said conviction is a felony.

The conviction and acts giving rise to said conviction as stated in paragraph 1 constitute a violation of Section 4731.22(B)(3), Ohio Revised Code, to wit: Selling, prescribing, giving away or administering drugs for other than legal and legitimate therapeutic purposes or conviction of violation of any federal or state law regulating the possession, distribution, or use of any drug.

Further, the conviction and acts giving rise to said conviction as stated in paragraph 1 constitute a violation of Section 4731.22(B)(9), Ohio Revised Code, to wit: Conviction of a felony whether or not committed in the course of practice.

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 made 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 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 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, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

John P. Richards, D.O.
Page Two

AMENDED CITATION LETTER

October 29, 1985

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

Very truly yours,

A handwritten signature in cursive script, appearing to read "Henry G. Cramblett".

Henry G. Cramblett, M.D.
Secretary

HGC:jmb

Enclosures:

CERTIFIED MAIL #P 569 363 314
RETURN RECEIPT REQUESTED

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

September 17, 1985

John P. Richards, D.O.
5582 Ferry Street
Vermillion, OH 44089

Dear Doctor Richards:

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 medicine and surgery or to reprimand or place you on probation for the following reason:

1. On or about July 18, 1985 you were convicted of possession of more than five (5) pounds of marijuana with intent to distribute in the Circuit Court of Lancaster County, Virginia. Said conviction is a felony.

The conviction and acts giving rise to said conviction as stated in paragraph 1 constitute a violation of Section 4731.22(B)(3), Ohio Revised Code, to wit: Selling, prescribing, giving away or administering drugs for other than legal and legitimate therapeutic purposes or conviction of violation of any federal or state law regulating the possession, distribution, or use of any drug.

Further, the conviction and acts giving rise to said conviction as stated in paragraph 1 constitute a violation of Section 4731.22(B)(9), Ohio Revised Code, to wit: Conviction of a felony whether or not committed in the course of practice.

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 made within thirty (30) days of the time of mailing of this notice.

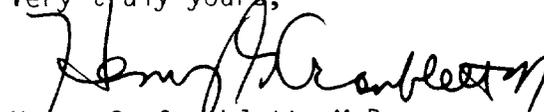
You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

September 11, 1985

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, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

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

Very truly yours,



Henry G. Cramblett, M.D.
Secretary

HGC:jmb

Enclosure:

CERTIFIED MAIL #P 569 363 271
RETURN RECEIPT REQUESTED