

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
GENERAL DIVISION

HEALTH & HUMAN

ROBERT MARTIN STANG, D.O.,

Appellant,

vs.

STATE MEDICAL BOARD OF OHIO,
et al.,

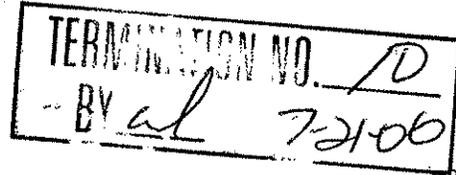
Appellees.

CASE NO. 06CVF03-4217

JUL 27 2006

JUDGE REECE

SERVICES SECTION



FILED
COMMON PLEAS COURT
FRANKLIN COUNTY, OHIO
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CLERK OF COURTS

DECISION AND ENTRY GRANTING "APPELLEE'S MOTION TO DISMISS
APPEAL FOR LACK OF JURISDICTION," FILED ON MAY 26, 2006

Issued this 6th day of July 2006.

REECE, J.

This case is a Revised Code 119.12 administrative appeal, by Robert Martin Stang, D.O. (Appellant), from an Order that Appellee the State Medical Board of Ohio (Medical Board) issued on December 14, 2005, permanently revoking Appellant's medical license. The record that the Medical Board has certified to the Court reflects the following undisputed facts.

In an Order issued on December 14, 2005, the Medical Board permanently revoked Appellant's certificate to practice osteopathic medicine and surgery in the state of Ohio. The Medical Board did so based upon Appellant's criminal convictions in the state of Michigan, and also based upon prior actions taken by the Michigan Board of Osteopathic Medicine & Surgery against Appellant's license to practice osteopathic medicine and surgery in the state of Michigan.

On December 16, 2005, the Medical Board mailed its Order to Appellant by certified mail. On December 22, 2005, Appellant received the Order. In a document filed with the Medical Board on January 3, 2006, and executed by Appellant on December 26, 2005, Appellant acknowledged the following:

*** I understand that I have *fifteen days from the date of mailing* [of the Medical Board's Order] to file an appeal. I further understand that if I choose to file an appeal, the original Notice of Appeal is to be filed with the Medical Board and a copy is to be filed with the Franklin County Court of Common Pleas. (Emphasis added.)

On March 29, 2006, Appellant filed a notice of appeal with this Court.

On May 26, 2006, the Medical Board moved this Court to dismiss this appeal on the grounds that Appellant did not file his notice of appeal in accordance with R.C. 119.12, which provides:

Any party desiring to appeal shall file a notice of appeal with the agency setting forth the order appealed from and the grounds of the party's appeal. A copy of such notice of appeal shall also be filed by the appellant with the court. Unless otherwise provided by law relating to a particular agency, such notices of appeal shall be filed within *fifteen days after the mailing of the notice of the agency's order* as provided in this section. (Emphasis added.)

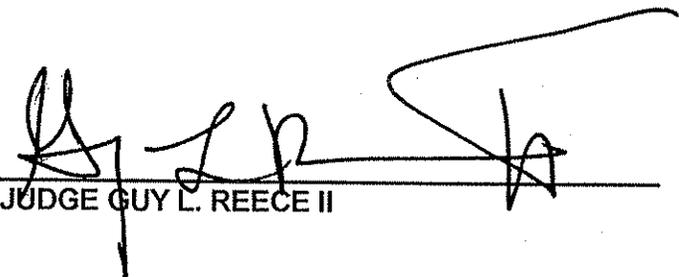
In opposing the Medical Board's motion to dismiss, Appellant argues that his failure to timely file his notice of appeal was due to "reasons beyond [his] control." For the following reasons, however, the Court is compelled to grant the Medical Board's motion to dismiss.

When the right of appeal is conferred by a statute, an appeal may be perfected only in the manner prescribed by the statute. *CHS-Windsor, Inc. v. Ohio Dept. of Job & Family Servs.*, Franklin App. No. 05P-909, 2006-Ohio-2446 at ¶6, citing *Zier v. Bur. of Unemployment Comp.* (1949), 151 Ohio St. 123, paragraph one of the syllabus. Parties must strictly adhere to the filing requirements in order to perfect an appeal and invoke the jurisdiction of the court of common pleas. *CHS-Windsor, Inc.*, *supra*, citing *Harrison v. Ohio State Med. Bd.* (1995), 103 Ohio App. 3d 317, and *Hughes v. Ohio Dept. of Commerce, Div. of Financial Insts.*, Franklin App. No. 04AP-1386, 2005-Ohio-6368.

In the instant case, Appellant's right of appeal was conferred by R.C. 119.12, which obligated him to file his notice of appeal with this Court within fifteen days of December 16, 2005, the date on which the Medical Board mailed its Order to Appellant. Appellant's deadline was therefore December 31, 2005, but he did not file his notice of appeal with this Court until

March 29, 2006, nearly three months after the Medical Board mailed its Order to Appellant. Having failed to strictly adhere to the filing requirements of R.C. 119.12, Appellant failed to perfect his appeal and invoke the jurisdiction of this Court.

Accordingly, "Appellee's Motion to Dismiss Appeal for Lack of Jurisdiction," filed on May 26, 2006, is hereby **GRANTED**. This case is hereby **DISMISSED** for lack of jurisdiction.



JUDGE GUY L. REECE II

Copies mailed to:

ROBERT MARTIN STANG, D.O., Appellant *pro se*, MDOC #514082, Lock 1A-078, Pugsley Correctional Facility, 7401 E. Walton Rd., Kingsley, MI 49649-9637
BARBARA J. PFEIFFER, AAG (0029609), STEVE MCGANN, AAG (0075476), Counsel for Appellees

IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO
GENERAL DIVISION

ROBERT MARTIN STANG, D.O. ,

Appellant,

: Case No. 06 CVH-03-4217

v.

Judge: Guy L. Reece, II

OHIO STATE MEDICAL BOARD, et al.,

:

Appellee.

:

STATE MEDICAL BOARD
OF OHIO
COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO
MAY 26 2006
ID: 42

DECISION AND ENTRY
GRANTING DEFENDANTS/APPELLEES' APRIL 18, 2006
MOTION FOR CHANGE OF CLASSIFICATION AND ISSUANCE OF
ADMINISTRATIVE APPEAL CASE SCHEDULE

RENDERED THIS 17th DAY OF MAY 2006.

REECE, J.

The instant case was initiated on March 29, 2006, and was designated as an "H" case, classified under the "All other cases" category and placed on a 12-month track pursuant to Loc.R. 37. On April 18, 2006, Defendants Sharon Murphy, Lance Talmage, M.D., Charles Woodbeck, Annette Jones, and Ohio State Medical Board (hereinafter collectively "Defendants") filed a Motion for Change of Classification and Issuance of Administrative Appeal Case Schedule. Defendants maintain Plaintiff Robert Martin Stang, D.O.'s (hereinafter "Plaintiff") pleading, filed on March 29, 2006, is in fact a Notice of Appeal of a decision issued by Defendant Ohio State Medical Board, and the instant action should be classified as an "Administrative Appeal" and designated an "F" category case. Defendants contend the erroneous classification may be partly due to the fact that Plaintiff is a pro se litigant and has used confusing language in his pleading. However, Defendants contend, the pleading clearly demonstrates that it is an attempt

to appeal the administrative decision issued by Defendant Ohio State Medical Board on December 14, 2005.

On May 1, 2006, Plaintiff submitted to the Court a letter, requesting that the Court deny Defendants' "motion to reschedule the upcoming trial schedule in Case Number 06CVH-03-4217 to an earlier time frame." (Pltf. May 1, 2006 Letter.) Said letter is simultaneously being filed as a part of the record along with the instant decision. Plaintiff, who is currently incarcerated at the Pugsley Correctional Facility in Kingsley, Michigan, maintains the "current schedule better allows [him] to be able to more adequately present [his] side of the case," as it would allow him to be "out of prison and be able to contact witnesses and have access to resources that would more fairly portray [his] position in the case." (Id.)

Although sympathetic to Plaintiff's concerns with respect to his ability to be out of prison and able to adequately prepare for and attend, in person or via telephone, the proceedings herein, the Court nonetheless finds that Plaintiff's March 29, 2006 pleading is indeed an attempt to appeal the administrative decision issued by Defendant Ohio State Medical Board. The pleading itself states that "[t]he following is a revision of a Notice of Appeal initially filed in December of 2005." (Pltf. March 29, 2006 pleading, at unnumbered page 1.) The pleading further requests that the Court "overturn the decision of the State Medical Board of Ohio to permanently revoke [Plaintiff's] Osteopathic Medical License." (Id., at unnumbered page 3.)

Pursuant to Loc.R. 35.01, a case attempting to appeal an administrative decision should be classified as an "Administrative Appeal" and designated an "F" category case. Accordingly, the Court hereby **GRANTS** Defendants' April 18, 2006 Motion for Change of Classification and Issuance of Administrative Appeal Case Schedule.

STATE MEDICAL BOARD
OF OHIO
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Pursuant to Loc.R. 59, “[a]ll Administrative Appeals (F) shall be placed on the appeals track,” which consists of a sequence of events that are to be scheduled to take place within designated time periods, determined by the number of weeks that have elapsed since the filing of the Notice of Appeal (starting date). Loc.R. 59.01. Pursuant to the sample appeals track schedule set forth in Loc.R. 59, and the designated time frames therein, the Court hereby issues the following Case Schedule using the date of this Decision and Entry as the starting date for time calculation purposes:

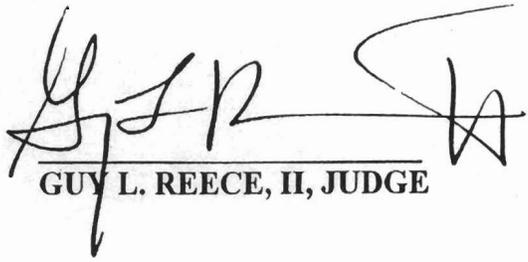
Filing of Record	June 14, 2006
Dispositive Motions	June 28, 2006
Filing of Record, if extension granted	July 12, 2006
Filing of Appellant’s Brief	July 26, 2006
Filing of Appellee’s Brief	August 9, 2006
Filing of Appellant’s Reply Brief and non-oral hearing date	August 16, 2006

STATE MEDICAL BOARD
 OF OHIO
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In light of his status as a pro se litigant, the Court hereby informs Robert Martin Stang, D.O., that he is now designated as the Appellant herein. With respect to Appellant’s concerns about his ability to be out of prison and attend the proceedings in this case, the Court notes the appeals track case schedule above does not include an oral argument hearing date. If such a hearing is requested, and if deemed necessary is then granted, the Court will address Appellant’s concerns about his ability to attend at that time. Appellant could also retain an attorney to represent him at such a hearing, if an oral argument hearing is granted. The Court further

informs Appellant that the above case schedule can be modified, if necessary and appropriate, upon motion as per Loc.R. 59.

IT IS SO ORDERED.



GUY L. REECE, II, JUDGE

Copies To:

Clerk's Office

Robert Martin Stang
MDOC Number 414082
740 East Walton Road
Kingsley, MI 49649
Plaintiff *Pro se*

Barbara J. Pfeiffer, Esq.
Steve McGann, Esq.
Assistant Attorneys General
Ohio Attorney General's Office
Health and Human Services Section
30 East Broad Street, 26th Floor
Columbus, OH 43215

Counsel for Defendants, The Ohio State Medical Board, Sharon Murphy, Lance Talmage, M.D., Charles Woodbeck and Annette Jones

STATE MEDICAL BOARD
OF OHIO
2006 MAY 26 A 10:42

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
STATE MEDICAL BOARD
OF OHIO

ROBERT MARTIN STANG, D.O.,

Plaintiff,

2006 APR 20 A 9 55
Case No. 06CVH-03-4217

vs.

THE OHIO STATE MEDICAL BOARD,
ET. AL.,

Judge Reece

Defendants.

**MOTION OF DEFENDANTS SHARON MURPHY, LANCE TALMAGE,
M.D., CHARLES WOODBECK, ANNETTE JONES, AND THE OHIO
STATE MEDICAL BOARD, FOR CHANGE OF CLASSIFICATION AND
ISSUANCE OF ADMINISTRATIVE APPEAL CASE SCHEDULE**

CLEMSON
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COURT
OHIO

In accordance with Loc. R. 35 and Loc. R. 59, Defendants respectfully request this Court to change the above-captioned case from classification "H," the designation for "All other cases," to classification "F," the designation for "Administrative Appeals" and to issue a new case schedule in accordance with the administrative appeal track set forth in Loc. R. 59. The basis for this motion is that the pleading filed in this case by plaintiff on March 29, 2006 is in fact a "Notice of Appeal" of a decision of the Ohio State Medical Board. A Memorandum in Support follows.

Respectfully submitted,

JIM PETRO (0022096)
Ohio Attorney General

Barbara J. Pfeiffer
BARBARA J. PFEIFFER (0029609)
STEVE MCGANN (0075476)
Assistant Attorneys General

MEMORANDUM IN SUPPORT

STATE MEDICAL BOARD
OF OHIO

2006 APR 20 A 9 55

On December 14, 2005 the Ohio State Medical Board issued an order permanently revoking plaintiff's license to practice medicine. Per plaintiff's own admissions, he received this order on December 22, 2005 while in prison. More than three months later, on March 29, 2006, plaintiff filed the pleading which initiated the instant Common Pleas Court case.

According to plaintiff's pleading, the relief which he seeks is to have this court "overturn the decision of the State Medical Board of Ohio" to permanently revoke his license to practice osteopathic Medicine and instead, suspend his Ohio Osteopathic Medical License until such time as he meets certain conditions as set forth in his pleading. (Unnumbered Page 3 of plaintiff's March 29, 2006 pleading.)

Some of the wording contained in plaintiff's pleading is confusing and may be due to the fact that plaintiff is *pro se* which in turn may have led to the erroneous classification in this matter. However, a reading of the pleading itself clearly demonstrates that plaintiff is attempting to appeal a decision of the Ohio State Medical Board. For example, plaintiff starts out the substantive portion of his pleading as follows: "The following is a revision of a **Notice of Appeal** initially submitted in December of 2005" (unnumbered page 1 of plaintiff's March 29, 2006 pleading, emphasis added).

In particular, plaintiff's pleading states in pertinent part as follows:

I wish to have an order placed by this court reversing the decision of the State Medical Board of Ohio to permanently revoke my Osteopathic Medical License. I wish for this court to instead suspend my Ohio Osteopathic Medical License until such time as:

1) My MICHIGAN and NEW JERSEY Osteopathic Medical Licenses are restored.

2) I have satisfied all of the requirements for reinstatement of these licenses.

3) I have appeared before this court and the State Medical Board of Ohio and demonstrated by clear and convincing evidence

that the issues leading to the suspension of my Michigan and New Jersey Medical Licenses have been resolved and that I can safely practice medicine in the United States and/or other locations.

STATE MEDICAL BOARD
OF OHIO

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(Unnumbered page 1 plaintiff's March 29, 2006 pleading.)

Finally, at the end of plaintiff's appeal, he states in relevant part:

I am respectfully requesting that this court . . . overturn the decision of the State Medical Board of Ohio to permanently revoke my Osteopathic Medical License. I would request that my license to practice Osteopathic Medicine in your state be suspended until the conditions that I alluded to on the first page be met. . . . I do not believe this request is unreasonable.

(Unnumbered page 3 of plaintiff's March 29, 2006 pleading.)

Franklin County Local Rule 35 is titled "Classification of cases, deadlines, timing."

Franklin County Local Rule 35.01 states as follows:

All cases filed after January 1, 1990, shall be classified in the following categories, and the classification shall be reflected in the case number. . . . The classifications are:

- Professional Tort (A)
- Product Liability (B)
- Personal Injury (C)
- BWC Appeals (D)
- Foreclosures (E)
- Administrative Appeals (F)**
- Complex Litigation (G)
- All other cases (H)

The time limits in these case flow management rules shall be calculated from the date of filing of the initial document invoking the jurisdiction of the Common Pleas Court. (Emphasis Added.)

In addition, Franklin County Local Rule 59 sets forth a specific "appeals track" for administrative appeals, which is both procedurally and time wise significantly different than the trial track set forth initially in this matter. Specifically, in administrative appeals, Local Rule 59

sets forth a timeline for the filing of the record, and briefs as opposed to discovery deadlines and a trial date.

STATE MEDICAL BOARD
OF OHIO

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It is clear from a careful reading of plaintiff's March 29, 2006 pleading that it constitutes an attempt, albeit untimely, to appeal a decision of the Ohio State Medical Board and that the March 29, 2006 pleading was misclassified by the Clerk's Office.

CONCLUSION

For all of the foregoing reasons, Defendants respectfully request this Court to change the caption of the instant case from classification "H," the designation for "All other cases," to classification "F," the designation for "Administrative Appeals" and reissue an "appeals track" timeline in accordance with Franklin County Local Rule 59.

Respectfully submitted,

JIM PETRO (0022096)
Ohio Attorney General

Barbara J. Pfeiffer

BARBARA J. PFEIFFER (0029609)
STEVE MCGANN (0075476)
Assistant Attorneys General
Ohio Attorney General's Office
Health and Human Services Section
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Columbus, Ohio 43215
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bpfeiffer@ag.state.oh.us
smcgann@ag.state.oh.us

**COUNSEL FOR DEFENDANTS,
THE OHIO STATE MEDICAL BOARD,
SHARON MURPHY, LANCE TALMAGE,
M.D., CHARLES WOODBECK AND
ANNETTE JONES**

STATE MEDICAL BOARD
CERTIFICATE OF SERVICE OHIO

I hereby certify that a true and accurate copy of the foregoing ^{2006 APR 20 A 9:55} Respondants' Motion for Change of Classification Issuance of Administrative Appeals Case Schedule has been sent to Robert Martin Stang, MDOC Number 514082, 7401 East Walton Road, Kingsley, Michigan 49649 this 13th day of April, 2006.

Barbara J. Pfeiffer

BARBARA J. PFEIFFER
Assistant Attorney General

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

ROBERT MARTIN STANG, D.O.,

Plaintiff,

vs.

THE OHIO STATE MEDICAL BOARD,
ET. AL.,

Defendants.

STATE MEDICAL BOARD
OF OHIO

2006 APR 20 A 9 56

Case No. 06CVH-03-4217

Judge Reece

CLERK OF COURTS
06 APR 18 AM 9:57
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ENTRY STAYING DEFENDANTS' ANSWER DATE

Upon good cause shown, it is hereby ordered that the Answer due date of all Defendants in response to the service of summons in this matter is stayed until a determination is made regarding the propriety of the current classification of this case pursuant to the "Motion of Defendants Sharon Murphy, Lance Talmage, M.D., Charles Woodbeck, Annette Jones, and the Ohio State Medical Board, for a Change of Classification and Issuance of Administrative Appeal Case Schedule" and further order of this court.

Pursuant to Civ. R. 58, the clerk is hereby ordered to enter this judgment upon the journal and to serve upon all parties a copy of this entry in accordance with Civ. R. 5(B).

IT IS SO ORDERED.

Entered this ____ day of _____, 2006.

GUY REECE, Judge

March 16, 2006

To: Franklin County Court of Common Pleas
Attn: John O'Grady, Clerk
Civil Division, Hall of Justice
369 South High Street
Columbus, Ohio 43215-4579

From: Plaintiff Robert Martin Stang, D.O.
MDOC Number 514082
7401 East Walton Road
Kingsley, Michigan 49649

06CVH03 4217

Re: Civil Litigation Against The Following Defendants:
State Medical Board of Ohio
Sharon Murphy
Lance Talmage, M.D.
Charles Woodbeck
Annette Jones
All Defendants Jointly And Separately As Noted Above
All Defendants As Noted Above With Address of:
77 South High Street
Columbus, Ohio 43215-6127

FILED
FRANKLIN CO. OHIO
06 MAR 29 AM 9:55
CLERK OF COURTS

The following is a revision of a Notice of Appeal initially submitted in December of 2005:

To whom it may concern:

My name is Robert Martin Stang, D.O. I have had an order of permanent revocation of my Ohio Osteopathic Medical License based on the "examination" of the State of Ohio Medical Board, Sharon Murphy, Lance Talmage, M.D., Charles Woodbeck, and Annette Jones. I did not receive this decision at a prison location until December 22, 2005. I wish to have an order placed by this court reversing the decision of the State Medical Board of Ohio to permanently revoke my Osteopathic Medical License. I wish for this court to instead suspend my Ohio Osteopathic Medical License until such time as:

STATE MEDICAL BOARD OF OHIO
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- 1) My MICHIGAN and NEW JERSEY Osteopathic Medical Licenses are restored.
- 2) I have satisfied all of the requirements for reinstatement of these licenses.
- 3) I have appeared before this court and the State Medical Board of Ohio and demonstrated by clear and convincing evidence that the issues leading to the suspension of my Michigan and New Jersey Medical Licenses have been resolved and that I can safely practice medicine in the United States and/or other locations.

There would be NO risk whatsoever to the citizens of Ohio if my license to practice Osteopathic Medicine in the State of Ohio was simply suspended. If this court and the State Medical Board of Ohio are not convinced of my ability to safely practice Osteopathic Medicine, then they can simply not reinstate the license. However, by suspending as opposed to permanently revoking the license, I am at least given the opportunity to demonstrate that I can safely practice Osteopathic Medicine in the State of Ohio.

Under the current scenario, I have not been given an adequate opportunity to present my side of the case due to reasons beyond my control. It is clear that all of the defendants, particularly Dr. Talmage and Ms. Murphy, had made their decision prior to examination of my side of the story and have made a concerted effort to prevent my side of the story from being adequately presented. I am bankrupt and in a Michigan prison. I cannot afford an attorney at the present time and cannot physically appear to defend myself until at least November 8, 2006. This is when I would be released from the Michigan Department of Corrections. To be fair, I would need at least a time period until the month of December of 2006 to be able to adequately research my case and be able to defend myself; my resources in the prison law library are limited to Michigan and a few Federal laws.

I would also like for it to be noted that defendant Annette Jones chose to report the decision of the State of Ohio Medical Board to the National Practitioner's Data Bank while she was fully aware that an appeal was in process. The version that was reported to the aforementioned organization was biased, to say the least! This report is libellous and needs to be rescinded or at least, revised.

A number of allegations have been made about me. A substantial portion of these allegations are exaggerated, embellished, twisted, and in some cases, completely untrue. In a plea agreement with the Michigan Board of Osteopathic Medicine, I had to sign a blanket statement that all of the allegations were true. In exchange for my signature, an agreement was made for the restoration of my Michigan Osteopathic Medical License under Sections 333.16245 and 333.16247 of the Michigan Penal Code. My license to practice Osteopathic Medicine in Michigan is to be restored after a three (3) year suspension provided that I:

- 1) Appear before the Michigan Board of Osteopathic Medicine and demonstrate that I am fit to resume the practice of Osteopathic Medicine
- 2) Pay a \$2,500 fine
- 3) Complete an inpatient treatment program for sexual abuse
- 4) Am under the care of a psychologist and a psychiatrist for the treatment of previously undiagnosed Type II Bipolar Disorder that greatly contributed to any deviant actions
- 5) Have a physician chaperone when treating patients between the ages of 10 and 15

In spite of anything that I had to sign for the State of Michigan in a plea agreement, nothing precludes me from having the right to challenge the accusations and to cross examine witnesses in the State of Ohio. To date, I have not been permitted to do this.

The defendants have also failed to acknowledge that two (2) other states, Michigan AND New Jersey have opted to SUSPEND as opposed to revoke my Osteopathic Medical Licenses. The penalty imposed by the State of Ohio is too harsh in light of the fact that TWO other states have considered ALL of the evidence, including extenuating circumstances, that contributed to my actions. The defendants have failed to provide any evidence that I am a threat to adult patients. Further, they have failed to note that I have provided them with evidence that I am not a threat to patients of

STATE MEDICAL BOARD
OF OHIO
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ANY age while I am being treated for the Bipolar Disorder. Bipolar disorder is a medical and mental condition with which other physicians in Ohio have been allowed to practice; to deny me the same opportunity would be discriminatory.

The defendants have made a deliberate attempt to withhold evidence that is favorable to my case. My psychological report from Dr. Steven Miller was not released to all board members for their review as I instructed. My rebuttal to Ms. Murphy's allegations and statements was not acknowledged. Ms. Murphy is NOT, to my knowledge, licensed to practice psychiatry or psychology in the State of Ohio or anywhere else in the United States. In spite of this, she has made the statement that my alleged actions were "so vile and reprehensible that even with the treatment of any psychiatric or psychological condition he may have, the Board could not be assured that allowing Dr. Stang to practice Osteopathic Medicine and Surgery in this state would not present an unacceptable risk of harm to the citizens of Ohio."

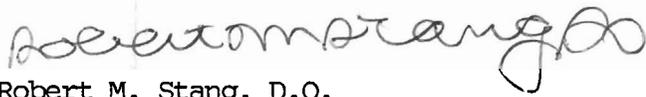
I have offered to be examined by an independent psychologist and psychiatrist to substantiate my diagnosis of Bipolar Disorder; a condition with which other physicians in Ohio have been allowed to practice with treatment. Given the fact that I have provided the defendants with evidence that I can practice Osteopathic Medicine safely with treatment, Ms. Murphy's allegations and statements are libellous and could be construed as practicing psychology and/or psychiatry without a license to do so. Given Ms. Murphy's lack of medical training, she should not be so quick to make statements about my ability to practice medicine without further psychological and psychiatric evaluations. She may now think that I can never practice Osteopathic Medicine safely but has no medical evidence to support her claim. How does she know that treatments are not available that can stabilize conditions like mine and allow someone to safely practice Osteopathic Medicine? She may have preconceptions now that I can never safely practice Osteopathic Medicine that could be challenged with evidence both now and in the future. To blankly state that I can NEVER safely practice Osteopathic Medicine and Surgery on anyone without further evidence is extreme; the action of the defendants is excessive and not necessary to protect the citizens of Ohio.

STATE MEDICAL BOARD
OF OHIO

I am respectfully requesting that this court place a restraining order on and overturn the decision of the State Medical Board of Ohio to permanently revoke my Osteopathic Medical License. I would request that my license to practice Osteopathic Medicine in your state be suspended until the conditions that I alluded to on the first page be met. The suspension would protect the citizens of Ohio from perceived potential harm but would allow for a decision to be more fairly made on the basis of ALL available evidence. I do not believe that this request is unreasonable.

In closing, I thank you for your time to consider this matter. If you require anything further from me, please feel free to contact me at the location indicated on the first page. If you wish to speak to me personally prior to the date of my full release from the Michigan Department of Corrections of November 7, 2006, please send an order to Warden Thomas Phillips at the same address authorizing a telephone conversation with me at a specified date and time.

Sincerely,



Robert M. Stang, D.O.
MDOC #514082
Lock 1A-078
Pugsley Correctional Facility
7401 East Walton Road
Kingsley, MI 49649

STATE MEDICAL BOARD
OF OHIO
2006 APR - 6 P 1: 06

TO: Franklin County Court Of Common Pleas
STATE MEDICAL BOARD OF OHIO
775. HIGH STREET, 17th Floor
COLUMBUS OH 43215-6127
614-466-3934

FR: Robert M. Stang, D.O. / Defendant
Michigan Correctional Facility
7701 East Alton Rd.
Kingsley, MI 48868

OHIO STATE MEDICAL BOARD

JAN 03 2006

To Whom It May Concern:

My name is Robert Martin Stang, D.O. I have had an order of permanent revocation of my Ohio Osteopathic Medical License based on "examination" of Sharon Murphy and Lance Talmage, M.D. I did not receive this decision at my prison location until December 22, 2005. I wish to have an order placed by this court suspending my Ohio Osteopathic Medical License until such time as:

1. My MICHIGAN and NEW JERSEY Osteopathic Medical Licenses are restored.
2. I have satisfied all of the requirements for reinstatement of these Licenses.
3. I have appeared before this court and the OHIO MEDICAL BOARD and demonstrated by clear and convincing evidence that the issues leading to the suspension of my MICHIGAN and NEW JERSEY MEDICAL LICENSES have been resolved, and that I can safely practice medicine in the UNITED STATES and/or other locations. There would be no risk whatsoever to the citizens of OHIO if my licenses to practice Osteopathic Medicine was simply suspended. If this court and the OHIO MEDICAL BOARD are not convinced of my ability to safely practice Osteopathic, then they do not need to reinstate the certificate. However, by suspending as opposed to permanently revoking the certificate, then I am at least given the opportunity to demonstrate that I can safely practice Osteopathic Medicine.

Under the current scenario, I have not been given an adequate opportunity to present my side of the case due to reasons beyond my control. It is clear that Dr. Talmage and Ms. Murphy made their decision prior to examination of my side of the story and have made a concerted effort to prevent my side of the story from being adequately presented due to reasons beyond my control. I am bankrupt and in a Michigan prison. I cannot afford an attorney at the present time and cannot physically appear to defend myself until at least November 8, 2006. This is when I would be fully released from the Michigan Department of Corrections.

A number of allegations have been made about me. A substantial portion of these statements are exaggerated, twisted, and in some cases, completely untrue. In a plea agreement with the Michigan Board of Osteopathic Medicine, I had to sign a blanket statement that all of the allegations were true. In exchange for my signature, an agreement was made for the restoration of my Michigan Osteopathic Medical License under Sections 333.16245 and 333.16247 of the Michigan Penal Code. My license to practice Osteopathic Medicine in the State of Michigan is to be restored after a three (3) year suspension provided that I:

- 1) Appear again before the Board and demonstrate that I am fit to resume the practice of Osteopathic Medicine.
- 2) Pay a \$2,500.00 fine.
- 3) Complete an inpatient treatment program for sexual abuse.
- 4) Am under the care of a psychologist and a psychiatrist for the treatment of previously undiagnosed Type II bipolar disorder that greatly contributed to my deviant actions.
- 5) Have a physician chaperone when treating patients between the ages of 10 and 16.

In spite of anything that I had to sign for the State of Michigan in a plea agreement, nothing precludes me from having the right to challenge the accusations and cross examine witnesses in the State of Ohio. To date, I have not been permitted to do this by the State of Ohio.

The State of Ohio has also failed to acknowledge that two (2) other states, Michigan and New Jersey, have opted to suspend as opposed to revoke my Osteopathic Medical License. The penalty imposed by the State of Ohio is too harsh in light of the fact that two other states considered ALL of the evidence, including extenuating circumstances, that contributed to my actions. The State of Ohio has failed to provide any evidence that I am a threat to adult patients. Furthermore, they have failed to note that I have provided them with evidence that I am not a threat to patients of any age while I am taking medication for the Bipolar disorder. Bipolar disorder is a medical and mental condition with which other physicians in Ohio have been allowed to practice; to deny me the same opportunity would be discriminatory.

Dr. Talmage and Ms. Murphy have made a deliberate attempt to withhold evidence from the Board that is favorable to my case. They did not release my psychological report from Dr. Steven Miller to the Board as I instructed them to do, nor did they acknowledge or provide to the Board my rebuttal to Ms. Murphy's allegations and statements. Ms. Murphy is not, to my knowledge, licensed to practice psychiatry or psychology in the State of Ohio or anywhere else in the United States. In spite of this, she has made the statement that my alleged actions were "so vile and reprehensible that even with treatment of any psychiatric or psychological condition he may have, the Board could not be assured that allowing Dr. Stang to practice Osteopathic medicine and surgery in this state would not present an unacceptable risk of harm to the citizens of Ohio."

I have offered to be examined by an independent psychologist and psychiatrist to substantiate my diagnosis of Bipolar disorder; a condition with which other physicians in Ohio have been allowed to practice with treatment. Given the fact that I have provided the Board with evidence that I can practice Osteopathic medicine safely with medication, her allegations are libellous and could be construed as practicing psychology and/or psychiatry without a license to do so. Given Ms. Murphy's lack of medical training, she should not be so quick to make statements about my ability to practice medicine without further psychological and psychiatric evaluations. She may think now that I can never practice Osteopathic medicine safely, but has no medical evidence to support her claim. How does she know that treatments are not available that can stabilize conditions like mine and allow someone to safely practice Osteopathic medicine? She may have preconceptions now that could be challenged with other evidence in the future. To blankly state that I can never safely practice Osteopathic medicine and surgery on anyone without further evidence is an extreme action that need not be taken to protect the citizens of Ohio.

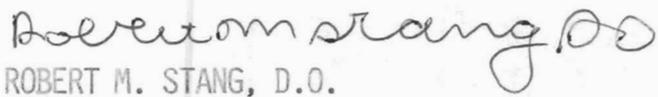
I am respectfully requesting that this court place a restraining order on and overturn the decision of the OHIO MEDICAL BOARD to permanently revoke my Osteopathic Medical License. I would request that my license to practice Osteopathic Medicine in your state be suspended until the conditions that I alluded to on page one be met. The suspension would protect the citizens of OHIO from perceived potential harm but allow a decision to be fairly made on the basis of all available evidence. I do not believe that this is an unreasonable request.

OHIO STATE MEDICAL BOARD

JAN 03 2006

In closing, I thank you for your time to consider this matter. If you request anything further from me, please feel free to contact me at the location indicated under my signature. If you wish to speak to me personally prior to the date of my full release from the MICHIGAN DEPARTMENT OF CORRECTIONS (November 7, 2006), please send an order to warden Thomas Phillips at the same address authorizing a telephone conversation with me at a specified date and time.

Sincerely,



ROBERT M. STANG, D.O.

#514082

Lock 1-B-098

Pugsley Correctional Facility

7401 East Walton Road

Kingsley, MI 49649

OHIO STATE MEDICAL BOARD

JAN 03 2006



State Medical Board of Ohio

High School District • Columbus, OH 43217-6017 • 614-464-3100 • Website: www.smb.state.oh.us

December 14, 2005

Robert Martin Stang, D.O.
MDOC #514082, Lock 1B-098
Pugsley Correctional Facility
7401 East Walton Road
Kingsley, MI 49649

Dear Doctor Stang:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Sharon W. Murphy, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on December 14, 2005, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

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 of the Notice of Appeal 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, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

A handwritten signature in black ink, appearing to read "Lance A. Talmage, M.D.", written in a cursive style.

Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 7003 0500 0002 4333 9593
RETURN RECEIPT REQUESTED

Mailed 12-16-05

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Sharon W. Murphy, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on December 14, 2005, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Robert Martin Stang, 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.



Lance A. Talmage, M.D.
Secretary

(SEAL)

December 14, 2005

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

ROBERT MARTIN STANG, D.O.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on December 14, 2005.

Upon the Report and Recommendation of Sharon W. Murphy, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

The certificate of Robert Martin Stang, D.O., to practice osteopathic medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED.

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

(SEAL)



Lance A. Talmage, M.D.
Secretary

December 14, 2005

Date

2005 NOV 18 P 12: 19

**REPORT AND RECOMMENDATION
IN THE MATTER OF ROBERT MARTIN STANG, D.O.**

The Matter of Robert Martin Stang, D.O., was heard by Sharon W. Murphy, Hearing Examiner for the State Medical Board of Ohio, on November 17, 2005.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated July 13, 2005, the State Medical Board of Ohio [Board] notified Robert Martin Stang, D.O., that it had proposed to take disciplinary action against his certificate to practice osteopathic medicine and surgery in this state. The Board based its proposed action on allegations pertaining to Dr. Stang's criminal conviction for two misdemeanor counts of Fourth Degree Criminal Sexual Conduct, in violation of the Michigan Penal Code, MCL 750.520E1A-A. In addition, the Board based its proposed action on actions against Dr. Stang's certificate to practice in the State of Michigan taken by the Michigan Board of Osteopathic Medicine and Surgery [Michigan Board].

Furthermore, the Board alleged that Dr. Stang's criminal conviction constitutes "[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; and "[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.

Finally, the Board alleged that the actions taken by the Michigan Board against Dr. Stang's certificate to practice in that state constitute "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

Accordingly, the Board advised Dr. Stang of his right to request a hearing in this matter. (State's Exhibit 1A)

- B. On July 27, 2005, the Board received a written hearing request submitted by Dr. Stang. (State's Exhibit 1B)

II. Appearances

- A. On behalf of the State of Ohio: Jim Petro, Attorney General, by Tara L. Berrien, Assistant Attorney General.
- B. On behalf of the Respondent: Dr. Stang, having been apprised of his right to attend the hearing or to be represented by counsel, did not appear in person or by representative. Instead, Dr. Stang presented his defense in writing.

PROCEDURAL MATTERS

On November 14, 2005, the Board received a letter from Dr. Stang requesting that the hearing in this matter be continued until after his release from prison sometime after November 2006. (See Respondent's Exhibit A-1) The untimely request is denied.

In the alternative, Dr. Stang requested that arrangements be made to allow him to participate in the hearing by telephone. (See Respondent's Exhibit A-1) On November 16, 2005, upon receiving Dr. Stang's letter, the Hearing Examiner contacted Diane Graham, secretary to the warden at Pugsley Correctional Facility, in an attempt to make arrangements for Dr. Stang to participate in the hearing by telephone. After discussing the matter with the warden, Ms. Graham advised that such arrangements would not be possible. Accordingly, Dr. Stang's written documents were admitted into evidence at hearing.

EVIDENCE EXAMINED

I. Testimony Heard

None presented

II. Exhibits Examined

A. Presented by the State

- 1. State's Exhibits 1A-1G: Procedural exhibits.

2. State's Exhibit 2: Certified copies of documents regarding Dr. Stang maintained by the State of Michigan Department of Community Health, Bureau of Health Professions, Board of Osteopathic Medicine & Surgery.
 3. State's Exhibit 3: Certified copies of documents regarding Dr. Stang maintained by the State of Michigan Third Judicial Court, Criminal Division.
- B. Presented by the Respondent

Respondent's Exhibits A-1 and A-2: A packet of documents submitted by Dr. Stang. [Note: Respondent's Exhibit A-2 is a forensic psychological evaluation of Dr. Stang and is sealed to protect patient confidentiality.]

SUMMARY OF THE EVIDENCE

All exhibits and transcripts of testimony, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

1. On September 2, 2004, an Administrative Complaint was filed with the Michigan Board of Osteopathic Medicine and Surgery [Michigan Board] in the matter of Robert Martin Stang, D.O. Factual allegations contained in the Administrative Complaint include the following:
 - a. Dr. Stang maintained a private practice in Michigan where he specialized in sports medicine. Dr. Stang also worked as a cross-country and track coach and served as a medical adviser in several school districts.
 - b. Dr. Stang "regularly engaged in inappropriate behavior with teenage boys for sexual gratification." More specifically, Dr. Stang "spanked the boys, and was spanked by them, with a wooden paddle, bare hands or a belt, both while clothed and unclothed." Dr. Stang also "rubbed his genitals against the boys' buttocks to the point of ejaculation."
 - c. Dr. Stang met two brothers, DW and EW, while serving as a track coach at their school. The brothers were in seventh and sixth grade, respectively. Dr. Stang performed sports physicals and continued to treat both DW and EW over the next several years. Dr. Stang spent a lot of time with DW and EW and bought clothing and other presents for them. DW and EW spent the night at Dr. Stang's home on several occasions.
 - d. On numerous occasions, Dr. Stang spanked DW and EW and had DW and EW spanked him. The spankings were done when Dr. Stang and the boys were fully

- clothed, when they were just wearing underwear, and when their buttocks were bare. The spankings took place both at Dr. Stang's home and at his office.
- e. Dr. Stang asked DW and EW to find friends who would be willing to participate in these spanking activities. DW is aware of numerous other boys that Dr. Stang recruited for spanking activities.
 - f. Dr. Stang told DW that Dr. Stang "engaged in this spanking activity to 'get a buzz' and to 'become aroused.'"
 - g. Eventually, Dr. Stang began rubbing his genitals against the buttocks of DW and EW to the point where Dr. Stang would ejaculate. Dr. Stang paid DW and EW for this activity.
 - h. Dr. Stang engaged in similar activity with other boys whose ages ranged from twelve to fourteen years old.
 - i. TR2, age twelve or thirteen, saw Dr. Stang in his office for a sports physical. Thereafter, Dr. Stang continued to treat TR2 on a regular basis.
 - j. At nearly every appointment, Dr. Stang "cuddled" with TR2 and instructed TR2 not to tell anyone. TR2 stated that he had seen Dr. Stang cuddling other boys on the cross-country team.
 - k. TR2 also participated in spanking activities with Dr. Stang and other boys. Dr. Stang bought TR2 expensive presents and paid all expenses for TR2 and TR2's brother to attend a summer sports camp.
 - l. TR2 spent the night at Dr. Stang's home on several occasions. On one occasion, Dr. Stang had TR2 spank him as he lay across TR2's lap. Eventually, Dr. Stang removed his underwear and had TR2 spank him on his bare buttocks. Dr. Stang placed a towel between his unclothed body and TR2's lap. Nevertheless, TR2 was aware that Dr. Stang's penis was erect. At the end of the spanking, Dr. Stang went into the bathroom where he stayed for ten to fifteen minutes. When he emerged, he instructed TR2 not to tell anyone what had happened.

(State's Exhibit [St. Ex.] 2 at 3-8)

- 2. On September 9, 2004, the Michigan Board issued an Order of Summary Suspension of Dr. Stang's license to practice osteopathic medicine and surgery in the State of Michigan. (St. Ex. 2 at 7)
- 3. On October 14, 2004, in the Third Judicial Circuit Court, Criminal Division, Wayne County, Michigan, Dr. Stang pleaded guilty to two misdemeanor counts of Fourth Degree

Criminal Sexual Conduct, in violation of the Michigan Penal Code, MCL 750.520E1A-A. Subsequently, on November 9, 2004, Dr. Stang was found guilty and sentenced to 16 to 24 months confinement, to be followed by inpatient sexual abuse treatment. The court also sentenced Dr. Stang to pay \$5,000 in restitution to one of the victims. (St. Ex. 3)

4. On February 3, 2005, the Michigan Board issued a Consent Order and Stipulation, in which Dr. Stang admitted that the allegations set forth in the Administrative Complaint were true. The Consent Order and Stipulation dissolved the September 9, 2004, summary suspension of Dr. Stang's certificate to practice in that state. Moreover, the Consent Order and Stipulation suspended Dr. Stang's certificate for a period of three years and, if and when Dr. Stang is reinstated, fined Dr. Stang in the amount of \$2,500.00, to be paid at the time of reinstatement. (St. Ex. 2 at 2-5)
5. In a letter to the Board, which was received by the Board on November 14, 2005, Dr. Stang stated that, despite the fact that he had signed the Michigan Board's Consent Order and Stipulation admitting the allegations set forth in the Administrative Complaint, "NOTHING inappropriate happened in the medical office during the course of medical care." (Respondent's Exhibit [Resp. Ex.] A-1 at 2)
6. Moreover, Dr. Stang advised in his letter that he had been diagnosed with "bipolar disorder, a treatable medical disorder that would explain a great deal of the alleged behavior." Dr. Stang testified that he has been treated for this disorder and his condition has stabilized. (Resp. Ex. A-1 at 1-2, 5, 13)

Dr. Stang included a report of a forensic psychological evaluation performed on him by Steven R. Miller, Ph.D. The report of Dr. Miller's evaluation includes a detailed description of Dr. Stang's Sexual Addiction Inventory, and other historical, social, and psychological findings. Moreover, Dr. Miller set forth Axis I diagnoses as follows:

Bipolar II Disorder [Cycling Neurotic Depressions and Hypo-mania];
Paraphilia, Fetish ["Paddling" or "Spanking" Fetish] together with
Pedophilic tendencies pertaining exclusively to adolescent males from
approximately 13 to 18 years of age. Rule out possible PTSD caused by
childhood sexual abuse.

(Resp. Ex. A-2 at 32-33) Dr. Miller also noted that Dr. Stang has no personality disorders [Axis II diagnoses] and concluded that Dr. Stang's prognosis is "quite good." (Resp. Ex. A-2 at 33-35)

7. Dr. Stang further advised that medical boards in other states had considered his bipolar disorder and had decided to merely suspend his certificates to practice in those states. He asked that the Board do the same. (Resp. Ex. A-1 at 2, 4, 7-13)

8. Dr. Stang is currently incarcerated at the Pugsley Correctional Facility in Kingsley, Michigan. (Resp. Ex. A-1 at 1)

FINDINGS OF FACT

1. On September 9, 2004, the Michigan Board of Osteopathic Medicine and Surgery [Michigan Board] issued an Order of Summary Suspension suspending the license of Robert Martin Stang, D.O., to practice osteopathic medicine and surgery in that state.
2. On October 14, 2004, in the Third Judicial Circuit Court, Criminal Division, Wayne County, Michigan, Dr. Stang pleaded guilty to two misdemeanor counts of Fourth Degree Criminal Sexual Conduct, in violation of the Michigan Penal Code, MCL 750.520E1A-A. Subsequently, on November 9, 2004, Dr. Stang was found guilty and sentenced to 16 to 24 months confinement, to be followed by inpatient sexual abuse treatment.
3. On February 3, 2005, the Michigan Board issued a Consent Order and Stipulation dissolving the September 9, 2004, summary suspension; suspending Dr. Stang's license for a period of three years; and, if and when Dr. Stang is reinstated, fining Dr. Stang in the amount of \$2,500.00.

CONCLUSIONS OF LAW

1. The guilty plea of Robert Martin Stang, D.O., and the judicial finding of guilt as described in Findings of Fact 2 constitutes "[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.
2. Dr. Stang's plea of guilty and the judicial finding of guilt as described in Findings of Fact 2 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.
3. The Michigan Board of Osteopathic Medicine and Surgery [Michigan Board] Order of Summary Suspension of Dr. Stang's certificate to practice osteopathic medicine and surgery in that state, as described in Findings of Fact 1, constitutes "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license;

imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

4. The Michigan Board Consent Order and Stipulation pertaining to Dr. Stang, as described in Findings of Fact 3, constitutes “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

* * * * *

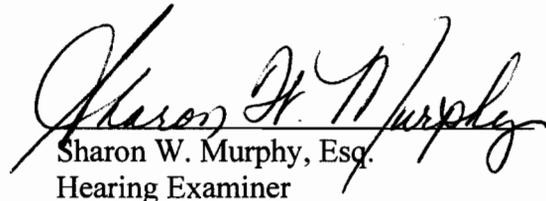
The evidence is undisputed that Dr. Stang engaged in extremely inappropriate behavior with teenage boys who were both his patients and members of a school sports team of which he was the coach. This conduct was so vile and reprehensible that, even with treatment of any psychiatric or psychological condition he may have, the Board could not be assured that allowing Dr. Stang to practice osteopathic medicine and surgery in this state would not present an unacceptable risk of harm to the citizens of Ohio.

PROPOSED ORDER

It is hereby ORDERED that:

The certificate of Robert Martin Stang, D.O., to practice osteopathic medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED.

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


Sharon W. Murphy, Esq.
Hearing Examiner



State Medical Board of Ohio

777 North High Street, Columbus, Ohio 43260-4327 • (614)466-1313 • Fax: (614)466-1314

EXCERPT FROM THE DRAFT MINUTES OF DECEMBER 14, 2005

REPORTS AND RECOMMENDATIONS

Dr. Davidson announced that the Board would now consider the findings and orders appearing on the Board's agenda. She asked whether each member of the Board had received, read, and considered the hearing records, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Binh Quoc Doan, M.D.; Adam P. Hall, D.O.; James L. Kegler, M.D.; John Michael Lonergan, M.D.; Richard Daniel Price, M.D.; Craig L. Rich, M.D.; Charles Christian Rickey, P.A.; Steven John Shor, M.D.; and Robert Martin Stang, D.O. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Saxena	- aye
	Dr. Steinbergh	- aye
	Dr. Davidson	- aye

Dr. Davidson asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Saxena	- aye
	Dr. Steinbergh	- aye
	Dr. Davidson	- aye

Dr. Davidson noted that, in accordance with the provision in Section 4731.22(F)(2), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of

these matters. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

Dr. Davidson stated that, if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and orders in the above matters. No objections were voiced by Board members present.

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

.....

ROBERT MARTIN STANG, D.O.

.....

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF ROBERT MARTIN STANG, D.O. DR. ROBBINS SECONDED THE MOTION.

.....

A vote was taken on Dr. Steinbergh's motion to approve and confirm:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Saxena	- aye
	Dr. Steinbergh	- aye

The motion carried.



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

July 13, 2005

Robert Martin Stang, D.O.
MDOC #514082, Lock 1B-098
Pugsley Correctional Facility
7401 East Walton Road
Kingsley, Michigan 49649

Dear Doctor Stang:

In accordance with R.C. Chapter 119., you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice osteopathic medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about September 9, 2004, the Michigan Board of Osteopathic Medicine and Surgery (Michigan Board) issued an Order of Summary Suspension of your license to practice osteopathic medicine and surgery in the State of Michigan. Copies of the Order of Summary Suspension and Complaint are attached hereto and incorporated herein.
- (2) On or about October 14, 2004, in the Third Judicial Circuit Court, Criminal Division, Wayne County, Michigan, you pleaded guilty to two (2) misdemeanor counts of Fourth Degree Criminal Sexual Conduct, in violation of the Michigan Penal Code, MCL 750.520E1A-A. Subsequently, on or about November 9, 2004, you were found guilty and sentenced to 16-24 months confinement, to be followed by in-patient sexual abuse treatment. Your scheduled earliest release date from confinement, presently at Pugsley Correctional Facility, Kingsley, Michigan, is March 7, 2006.

The underlying conduct is provided in detail in the Amended Information, Pretrial Settlement Offer and Notice of Acceptance, and Order of Conviction and Sentence, copies of which are attached hereto and incorporated herein.

- (3) On or February 3, 2005, the Michigan Board issued a Consent Order and Stipulation dissolving the September 9, 2004, summary suspension, paragraph one (1) above; suspending your license for a period of three (3) years and, if and when you are reinstated, fined you in the amount of \$2,500.00, to be paid at that time. The underlying conduct is provided in detail in the Michigan Board

Mailed 7-14-05

Consent Order and Stipulation, a copy of which is attached hereto and incorporated herein.

The Michigan Board Order of Summary Suspension, as alleged in paragraph one (1) above, constitutes “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in R.C. 4731.22(B)(22).

Further, your plea of guilty and the judicial finding of guilt, as alleged in paragraph two (2) 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 R.C. 4731.22(B)(11).

Further, your plea of guilty and the judicial finding of guilt, as alleged in paragraph two (2) 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 R.C. 4731.22(B)(13).

Further, the Michigan Board Consent Order and Stipulation, as alleged in paragraph three (3) above, constitutes “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in R.C. 4731.22(B)(22).

Pursuant to R.C. Chapter 119., 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 of this notice.

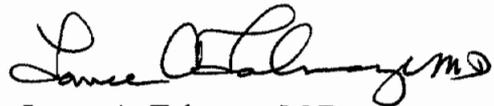
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at 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, permanently revoke, suspend, refuse to register or reinstate your certificate to practice osteopathic medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, R.C. 4731.22(L), 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/cw
Enclosures

CERTIFIED MAIL # 7003 0500 0002 4340 6431
RETURN RECEIPT REQUESTED

STATE OF MICHIGAN

CASE NO: 2004407

AMENDED
INFORMATION
FELONY

33RD DISTRICT COURT
3rd JUDICIAL CIRCUIT

The People of the State of Michigan
vs
ROBERT MARTIN STANG 82-04407416-01

Offense Information
Police Agency / Report No.
82FR 04-870

Date of Offense
01/1/01-01/25/04

Place of Offense
SEE BELOW, FLAT ROCK

Complainant or Victim

D, JC WE , E/ CI
WI , J/ S/ AI , T
RE

Complaining Witness
DLT TAMMY PAINTER

STATE OF MICHIGAN, COUNTY OF Wayne

In the name of the People of the State of Michigan: The Prosecuting Attorney for this county appears before the Court and informs the Court that on the date and at the location above described, the Defendant(s)

COUNT 8 DEFENDANT(S) 01 CRIMINAL SEXUAL CONDUCT - FOURTH DEGREE - VICTIM BETWEEN 13-16
did engage in sexual contact with a D W. , a person who was at least 13 years of age and under 16 years of age, and the defendant was 5 or more years older than that person; contrary to MCL 750.520e(1)(a). [750.520E1A-A]
HIV/STD TESTING NOTICE

Take notice that pursuant to MCL 333.5129, upon bindover to circuit court or recorder's court, the district court judge shall order the defendant to be tested for venereal disease, hepatitis B infection, and for the presence of HIV or an antibody to HIV if the judge determines there is reason to believe the violation involved sexual penetration or exposure to body fluid of the defendant. If the district judge determines that testing is not required, upon conviction, the court must order the defendant to be tested.

MISDEMEANOR: 2 Years and/or \$500.00; mandatory HIV/STD testing

COUNT 9 DEFENDANT(S) 01 CRIMINAL SEXUAL CONDUCT - FOURTH DEGREE - VICTIM BETWEEN 13-16
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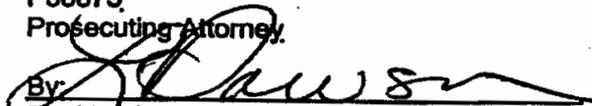
Upon conviction of a felony or an attempted felony court shall order law enforcement to collect DNA identification profiling samples.

and against the peace and dignity of the State of Michigan.

Date

6/10/04

Kym L. Worthy
P38875
Prosecuting Attorney

By: 
Bar Number

440665

STATE OF MICHIGAN
THIRD JUDICIAL COURT
CRIMINAL DIVISION

PRETRIAL
SETTLEMENT OFFER
AND NOTICE OF ACCEPTANCE

CASE NO. 04 5752
PROS. WAR. NO. _____

THE PEOPLE OF THE STATE
OF MICHIGAN

v.

Defendant's Name <u>Robert Garg</u>	
SID	LPD

PRETRIAL SETTLEMENT OFFER

No charge reduction Charge reduction

COUNT: SPECIFY CHARGE(S)	PACC	ATTEMPT 750.92	STATUTORY MAXIMUM PENALT
<u>8 CSC 40 13-16</u>	<u>750.520c(1)a</u>		<u>2 yrs.</u>
<u>9 CSC 40 13-16</u>	<u>750.520c(1)a</u>		<u>2 yrs.</u>

Sentence Agreement Agree to Guideline Sentence Sentence Recommendation

16 months to 24 months Michigan Department of Corrections followed by inpatient Sexual Abuse Treatment

People agree to PA 511 sentence People object to PA 511 sentence

Sentence is mandatorily consecutive by law to _____

People agree to withdraw notice to enhance sentence.

Dismiss 05 1-7 and 10-19 in exchange for plea in this case

Other prosecutorial agreement _____

10-14-04 Date [Signature] Prosecuting Attorney

NOTICE OF ACCEPTANCE

I HEREBY ACCEPT THE ABOVE PRETRIAL SETTLEMENT OFFER AND WAIVE THE FOLLOWING RIGHTS:

1. THE RIGHT TO A JURY TRIAL OR TRIAL BY THE COURT WITH THE PROSECUTOR'S CONSENT.
2. THE RIGHT TO BE PRESUMED INNOCENT UNLESS PROVEN GUILTY BEYOND A REASONABLE DOUBT.
3. THE RIGHT TO CONFRONT AND QUESTION THE WITNESSES AGAINST ME.
4. THE RIGHT TO HAVE THE COURT COMPEL WITNESSES TO COME TO COURT AND TESTIFY FOR ME.
5. THE RIGHT TO TESTIFY AT MY TRIAL. THE RIGHT TO REMAIN SILENT AND NOT HAVE MY SILENCE USED AGAINST ME.
6. THE RIGHT TO CLAIM MY PLEA WAS THE RESULT OF PROMISES OR THREATS NOT DISCLOSED TO THE COURT, OR THAT IT WAS NOT MY CHOICE TO PLEAD GUILTY.
7. THE RIGHT TO APPEAL AS OF RIGHT AS TO CONVICTION AND SENTENCE.

[Signature] Defendant 10/14/04 Date [Signature] Defense Attorney P46342 10/14/04 Date

THE PEOPLE OF THE STATE OF MICHIGAN vs. STANG, ROBERT, MARTIN
Defendant

1. At a session of the court on 10/14/2004 before the Hon. SULLIVAN, BRIAN, R.

a Judge of the court, the defendant was convicted by: Jury Court Plea
of the offense(s) PACC code(s)

750520E1A-A

CSC4TH/13-16YR

750520E1A-A

CSC4TH/13-16YR

2. The defendant was in court for sentence on NOV 9 2004 and was sentenced by the court to:

Probation, for a term of _____ years. (see separate probation order)

Michigan Department of Corrections, confined for a term of not less than nor more than _____

16 mos - 24 mos _____ years.

The maximum statutory penalty for the crime(s) of which said defendant stands convicted is _____ year

Jail confinement for _____ days/months.

The conviction is reportable to the Secretary of State under MCL257.732 or 281.1040.

The defendant's drivers license number is _____

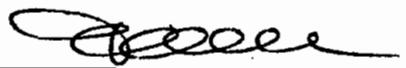
RECOMMENDATION Restitution of \$5000
for victim w S (parents
Mr & Mrs J B)

HIV testing was ordered on _____

The defendant was represented by ATTORNEY Robert Kramer BAR NO _____

and is to be given credit for 1 days served in JAIL.

SAID CREDIT TO BE APPLIED TO MINIMUM AND MAXIMUM SENTENCE.


Judge

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
BUREAU OF HEALTH PROFESSIONS
BOARD OF OSTEOPATHIC MEDICINE & SURGERY
DISCIPLINARY SUBCOMMITTEE

In the Matter of

ROBERT MARTIN STANG, D.O.
_____ /

Complaint No. 51-04-93677
CONSENT ORDER AND STIPULATION

CONSENT ORDER

An Administrative Complaint was filed with the Disciplinary Subcommittee of the Board of Osteopathic Medicine & Surgery on September 2, 2004, charging Robert Martin Stang, D.O. (Respondent) with having violated section 16221(a) and (b)(vi) of the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq.*

Based on the Administrative Complaint and after consultation with the Chairperson of the Board of Osteopathic Medicine & Surgery, the Department summarily suspended Respondent's licence to practice medicine by Order dated September 9, 2004.

The parties have stipulated that the Disciplinary Subcommittee may enter this Consent Order. The parties have also stipulated that, in addition to finding violations of section 16221(a) and (b)(i) as alleged in the Administrative Complaint, the Disciplinary Subcommittee may find a violation of section 16221(b)(vii) of the Public Health Code. The Disciplinary Subcommittee has reviewed the Stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding Complaint. Therefore, the Disciplinary Subcommittee finds that the allegations of fact contained in the Complaint are true and that Respondent has violated section 16221(a), (b)(vi) and (b)(vii) of the Public Health Code.

Accordingly, IT IS ORDERED:

The Order of Summary Suspension previously issued is DISSOLVED.

Respondent's license is SUSPENDED for a period of three years.

Respondent is FINED \$2,500.00 to be paid if and when Respondent's license is reinstated. Payment shall be made by check, money order or cashier's check made payable to the State of Michigan (with complaint number 51-04-93677 clearly indicated on the check or money order) within 90 days after the effective date of reinstatement of Respondent's license. The timely payment of the fine shall be Respondent's responsibility.

Respondent shall direct any communications to the Department that are required by the terms of this Order, except the payment of fines, to: Sanction Monitoring Unit, Bureau of Health Professions, Department of Community Health, P.O. Box 30670, Lansing, Michigan 48909. Respondent shall mail any fine required by the terms of this order to: Sanction Monitoring, Bureau of Health Professions, Department of Community Health, P.O. Box 30185, Lansing, Michigan 48909.

If Respondent petitions for reinstatement of his license, the petition shall be in accordance with sections 16245 and 16247 of the Public Health Code and 1996 AACRS, R 338.1635. Under these provisions, Respondent must demonstrate the following by clear and convincing evidence: (1) good moral character; (2) the ability to practice the profession with reasonable skill and safety; (3) satisfaction of the guidelines on reinstatement adopted by the Department; and (4) that it is in the public interest for the license to be reinstated.

Respondent may not file a petition for reinstatement sooner than ninety days prior to the end of the suspension period.

If Respondent violates any term or condition set forth in this order, Respondent will be in violation of 1996 AACRS, R 338.1632, and section 16221(h) of the Public Health Code.

This Order shall be effective on the date signed by the Chairperson of the Disciplinary Subcommittee or the Disciplinary Subcommittee's authorized representative, as set forth below.

Signed on 2-3-05, 2004.

MICHIGAN BOARD OF OSTEOPATHIC
MEDICINE & SURGERY

By Edward Benson
Chairperson, Disciplinary Subcommittee

STIPULATION

The parties stipulate as follows:

1. The facts alleged in the Complaint are true and constitute a violation of the Public Health Code.
2. Respondent understands and intends that, by signing this stipulation, he is waiving the right under the Public Health Code, rules promulgated under the Public Health Code, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 *et seq*, to require the Department to prove the charges set forth in the complaint by presentation of evidence and legal authority, and to present a defense to the charges before the Disciplinary

STATE OF MICHIGAN - INGHAM COUNTY
We certify that the foregoing is a true
copy of the original on file in the office of
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Subcommittee or its authorized representative. Should the Disciplinary Subcommittee reject the proposed consent order, the parties reserve the right to proceed to hearing.

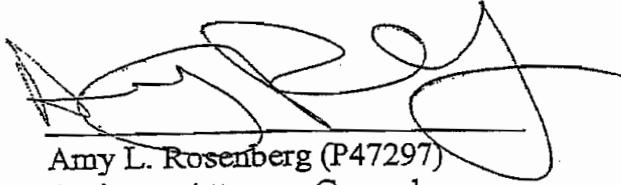
3. Respondent was criminally prosecuted based on some of the same facts as contained in the Administrative Complaint. On October 14, 2004, Respondent pleaded guilty to two counts of Fourth Degree Criminal Sexual Conduct (a misdemeanor offense under section 520e of the Michigan Penal Code, MCL 750.520e) in *People v Stang*, Wayne County Circuit Court File No. 04-005752-01. The Department of Community Health, Bureau of Health Professions, will not file a separate administrative complaint based on this conviction. Instead, the parties agree that the Disciplinary Subcommittee shall find Respondent in violation of section 16221(b)(vii) of the Public Health Code, which authorizes discipline for the conviction of a criminal offense under sections 520a to 520l of the Michigan Penal Code.

4. The Disciplinary Subcommittee may enter the above Consent Order, which Board conferee Frank Winters, D.O. supports. The Board conferee, the Department's representative, or the undersigned Assistant Attorney General are free to discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.

[SIGNATURES ON PAGE 5]

STATE OF MICHIGAN - INGHAM COUNTY
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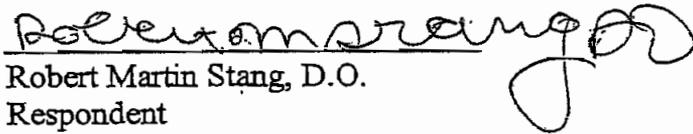
AGREED TO BY:



Amy L. Rosenberg (P47297)
Assistant Attorney General
Attorney for Complainant

Dated: 11/18/04

AGREED TO BY:


Robert Martin Stang, D.O.
Respondent

Dated: 11-5-07



David J. Kramer (P46342)
Attorney for Respondent

Dated: 11-5-04

State of Michigan)

County of Oakland)

On 11-5-04, 2004, I observed Robert Martin Stang, D.O. sign this stipulation.

MICHELE L. NELSON
Notary Public, Wayne County, MI
My Commission Expires Sep 28, 2005


Notary Public, Wayne County acting in Oak
State of Michigan
My commission expires: 9-28-05

STATE OF MICHIGAN - INGHAM COUNTY
We certify that the foregoing is a true copy of the original or file in the office of the Department of Community Health Bureau of Health Professions.

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
BUREAU OF HEALTH PROFESSIONS
BOARD OF OSTEOPATHIC MEDICINE & SURGERY
DISCIPLINARY SUBCOMMITTEE

In the Matter of

ROBERT MARTIN STANG, D.O.
_____ /

Complaint No. 51-04-93677

ORDER OF SUMMARY SUSPENSION

An administrative complaint has been issued against Respondent under the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq*, promulgated rules, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 *et seq*.

After consideration of the documentation filed in this case, and consultation with the Chairperson of the Board of Osteopathic Medicine & Surgery, the Department concludes that the public health, safety and welfare require emergency action, as allowed by section 16233(5) of the Public Health Code and section 92(2) of the Administrative Procedures Act.

THEREFORE, IT IS ORDERED that Respondent's license to practice osteopathic medicine and surgery in the State of Michigan shall be summarily suspended commencing on the date this order is served.

Under 1996 AACRS, R 338.1610, Respondent has the right to petition for the dissolution of this order of summary suspension. Respondent may do so by filing a petition with the Department of Community Health, Administrative Tribunal, P.O. Box 30195, Lansing, Michigan 48909. Upon receipt of such a petition, the Bureau will immediately schedule a hearing before an administrative law judge, who shall grant the requested relief unless sufficient evidence is produced to support a finding that the public health, safety, or welfare requires emergency action and a continuation of the suspension order.

DEPARTMENT OF COMMUNITY
HEALTH

Dated: Sept. 9, 2004

By: Melanie Brim
Melanie Brim, Director
Bureau of Health Professions

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
BUREAU OF HEALTH PROFESSIONS
BOARD OF OSTEOPATHIC MEDICINE & SURGERY
DISCIPLINARY SUBCOMMITTEE

In the Matter of

ROBERT MARTIN STANG, D.O.

Complaint No. 51-04-93677

ADMINISTRATIVE COMPLAINT

Attorney General Michael A. Cox, through Assistant Attorneys General Amy L. Rosenberg and Michele M. Wagner-Gutkowski, on behalf of the Department of Community Health, Bureau of Health Professions (Complainant), files this complaint against Robert Martin Stang, D.O., (Respondent), alleging upon information and belief as follows:

1. The Board of Osteopathic Medicine & Surgery (Board), an administrative agency established by the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq*, is empowered to discipline licensees through its Disciplinary Subcommittee.
2. Respondent is currently licensed to practice medicine under the Public Health Code (Code).
3. Section 16221(a) of the Code authorizes the Disciplinary Subcommittee to discipline a licensee for "a violation of general duty, consisting of negligence or failure to exercise due care,...whether or not injury results, or any conduct, practice or condition which impairs, or may impair, the ability to safely and skillfully practice the health profession."

STATE OF MICHIGAN - INGHAM COUNTY
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4. Section 16221(b)(vi) of the Code authorizes the Disciplinary Subcommittee to discipline a licensee for the "lack of good moral character." "Good moral character" is defined at section 16104(5) of the Public Health Code and section 1 of 1974 PA 381, as amended, MCL 338.41 *et seq*, as "the propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner."

5. Section 16226 of the Code authorizes the Disciplinary Subcommittee to impose specific sanctions on a licensee after finding the existence of one or more of the grounds for action listed in section 16221.

6. Section 16233(5) of the Code provides for the summary suspension of a license, reading, in pertinent part, as follows:

After consultation with the chair of the appropriate board or task force or his or her designee, the department may summarily suspend a license or registration if the public health, safety, or welfare requires emergency action in accordance with section 92 of the administrative procedures act of 1969, being section 24.292 of the Michigan Compiled Laws.

7. Section 92(2) of the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.292(2), provides for the summary suspension of a license, reading, in pertinent part, as follows:

If the agency finds that the public health, safety or welfare requires emergency action and incorporates this finding in its order, summary suspension of a license may be ordered effective on the date specified in the order or on service of a certified copy of the order on the licensee, whichever is later, and effective during the proceedings. The proceedings shall be promptly commenced and determined.

STATE OF MICHIGAN - INGHAM COUNTY
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Factual Allegations

8. Respondent has a private practice in Flat Rock, Michigan, where he specializes in sports medicine. In addition, Respondent has worked as a cross country and track coach in several school districts and has served as a medical adviser to several school districts.

9. At all times relevant to this complaint, Respondent regularly engaged in inappropriate behavior with teenage boys for sexual gratification. Specifically, Respondent spanked the boys, and was spanked by them, with a wooden paddle, bare hands and a belt, both while clothed and unclothed. Respondent also rubbed his genitals against the boys' buttocks to the point of ejaculation. Several specific examples of Respondent's behavior are set forth below.

D.W. & E.W.

10. Respondent met brothers D.W. (d/o/b [REDACTED]) and E.W. (d/o/b [REDACTED]) (initials will be used to protect witness privacy) in approximately 1998 or 1999, when D.W. was in the 7th grade and E.W. was in the 6th grade. Respondent was the track coach at D.W.'s middle school. D.W. needed a sports physical in order to participate in the track team, and Respondent informed him that he could perform the physical. D.W. and E.W. both went to Respondent's office for sports physicals. Respondent continued to treat both D.W. and E.W. for various ailments throughout the next several years.

11. Respondent spent a lot of time with D.W. and E.W., taking them to sporting events, restaurants, movies, and shopping. Respondent bought clothing and other presents for the boys. The boys spent a lot of time at Respondent's home, and they spent the night at his

home on numerous occasions. Respondent also had D.W. and E.W. do odd jobs, such as copying files, at his office.

12. Respondent spanked D.W. and E.W., and had them spank him, on numerous occasions. The spankings were done with a wooden paddle, bare hands and a belt. Some spankings were done when Respondent and the boys were fully clothed, some when they were just wearing underwear, and some on their bare buttocks. These spankings took place in Respondent's home and at his office. Respondent would routinely pay the D.W. and E.W. for their participation in this activity.

13. Respondent also asked the boys to recommend other friends who might be willing to participate in this activity and who would remain "tight lipped" about it. D.W. is aware of numerous other boys that Respondent recruited for this paddling activity. Respondent characterized the group of boys who participated in this activity as a "club" or "fraternity," and he characterized the spankings as an "initiation."

14. Respondent told D.W. that he engaged in the spanking activity to "get a buzz" and to "become aroused."

15. Respondent eventually began rubbing his genitals against D.W.'s and E.W.'s buttocks to the point that he would ejaculate. Respondent also paid D.W. and E.W. for this activity.

16. D.W.'s final visit at Respondent's home was on his 18th birthday, on January 25, 2004. On this date, Respondent paid D.W. \$120.00 and asked D.W. to "dry hump" him. D.W. refused to do so, but did allow Respondent to "dry hump" him.

J.A.

17. J.A. (d/o/b [REDACTED]) was introduced to Respondent by D.W. and E.W. J.A. participated in spanking activity with Respondent on several occasions when was about 13 or 14 years old.

18. On the occasions in which J.A. participated, other boys also participated. J.A. and the other boys would paddle each other with a wooden paddle in Respondent's presence, then Respondent would paddle the boys and they would paddle him. The boys would expose their bare buttocks for these paddlings.

T.R.1

19. T.R.1 (d/o/b [REDACTED]) was in the 9th grade, and was 14 years old, when he met Respondent. T.R. was on the cross country team that Respondent coached. On one occasion, Respondent invited the freshmen on the cross country team over to his home for an "initiation."

20. During this "initiation," T.R.1 was paired with another boy, who paddled T.R.1 with a wooden paddle. Respondent then paddled each of the boys, and they all paddled him.

T.R.2

21. Respondent first met T.R.2 (d/o/b 03/30/88) in 2000 or 2001, when T.R.2 was approximately 12 or 13 years old and he came to Respondent's office for a sports physical.

STATE OF MICHIGAN - INGHAM COUNTY
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T.R.2 subsequently continued to treat with Respondent on a regular basis for various medical issues.

22. At nearly every medical appointment, Respondent would have "cuddle time" with T.R.2. Respondent would ask T.R.2 to sit on his knee, he would put his arm around T.R.2, and he would pull him close to his chest. T.R.2 was clothed at the time. Respondent would instruct T.R.2 not to tell anyone about their "cuddle time."

23. T.R.2 and his brother also joined the cross country team that Respondent coached. T.R.2 observed Respondent "cuddling" with other boys on the cross country team.

24. T.R.2 occasionally cleaned Respondent's home and office for payment, and worked at Respondent's office, performing eye checks, taking weights, and taking blood pressures.

25. Respondent bought T.R.2 and his brother expensive running shoes, and paid all expenses for T.R.2 and his brother to attend a sports camp that Respondent ran in Ohio in the summer of 2001. Respondent also offered to take T.R.2 and his brother to a medical conference in San Diego if they did well in school.

26. On one occasion, T.R.2 and other boys from the cross country team attended a "hazing" party at Respondent's home. All of the boys present were paddled by Respondent with a wooden paddle; the boys also paddled each other.

27. T.R.2 spent the night at Respondent's home on several occasions; the last occasion on which he slept over at Respondent's home was December 27, 2002. On that date,

Respondent had T.R.2 spank him, while he lay across T.R.2's lap, in three different phases. At first Respondent was fully clothed, and he had T.R.2 spank him 100 times with his bare hand, 30 times with a belt, and 25 times with a paddle. Then Respondent removed his pants, kept on his boxer shorts, and had T.R.2 repeat the sequence. Finally, Respondent removed his boxer shorts and had T.R.2 repeat the sequence on his bare buttocks. While there was a towel between Respondent's body and T.R.2's lap during the final phase of paddling, T.R.2 felt that Respondent's penis was erect. After the final paddling, Respondent went into the bathroom, where he stayed for 10 to 15 minutes. After emerging from the bathroom, Respondent told T.R.2, "you can't tell anyone about this – it's our little secret."

A.P. and R.P.

28. Twin brothers A.P. and R.P. (d/o/b [REDACTED]) first began treating with Respondent in 2002, when they were 11 to 12 years old. Respondent treated A.P. and R.P. for general illnesses and performed their sports physicals.

29. Respondent also developed a social relationship with A.P. and R.P. Respondent had them perform odd jobs, such as cleaning his garage, and he would take them out to dinner on occasion.

30. In the summer of 2003, Respondent invited A.P. and R.P. to attend the sports camp that he ran in Ohio. Respondent agreed to pay the boys' expenses for this camp. In the early summer of 2003, prior to attending the sports camp, Respondent took A.P. and R.P. to New Jersey to solicit others to attend the camp.

STATE OF MICHIGAN - INGHAM COUNTY
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31. The sports camp took place in late June and early July of 2003. During the camp, A.P. and R.P. shared a hotel room with two other boys and Respondent. One night, Respondent and the other two boys told A.P. and R.P. that they were going to initiate them into the camp. The other two boys placed A.P. and R.P. on the bed. While A.P. and R.P. were fully clothed and laying on their stomachs, Respondent spanked their buttocks with his belt.

COUNT I

Respondent's conduct, as set forth above, constitutes a violation of general duty, consisting of negligence or failure to exercise due care, and/or conduct, a practice or a condition that impairs, or may impair, the ability to safely and skillfully practice the health profession, in violation of section 16221(a) of the Public Health Code.

COUNT II

Respondent's conduct, as set forth above, evidences a lack of good moral character, in violation of section 16221(b)(vi) of the Public Health Code.

THEREFORE, Complainant requests that a hearing be scheduled pursuant to the Administrative Procedures Act, the Public Health Code, and administrative rules promulgated under the Public Health Code, to determine whether disciplinary action should be taken against Respondent.

FURTHER, Complainant requests that pending the hearing and final determination Respondent's license to practice medicine in the State of Michigan be summarily suspended pursuant to section 92 of the Administrative Procedures Act and section 16233(5) of the Public Health Code for the reason that, based upon the allegations set forth above, to permit Respondent

STATE OF MICHIGAN - INGHAM COUNTY
Health Code for the reason that, based upon the allegations set forth above, to permit Respondent
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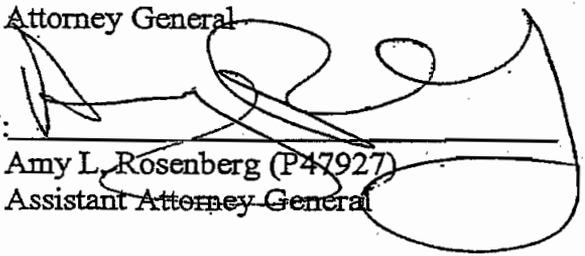
to continue to practice the profession constitutes a danger to the public health, safety and welfare requiring emergency action.

Under section 16231(7) of the Public Health Code, Respondent has 30 days from receipt of this complaint to submit a written response to the allegations contained in it. The written response shall be submitted to the Bureau of Health Professions, Department of Community Health, P.O. Box 30670, Lansing, Michigan, 48909, with a copy to the undersigned assistant attorneys general. Under section 16231(8) of the Public Health Code, failure to submit a written response within 30 days shall be treated as an admission of the allegations contained in the complaint and shall result in transmittal of the complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

Respectfully submitted,

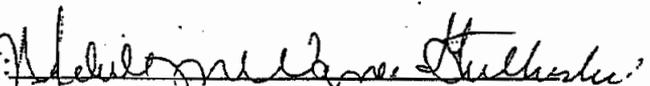
MICHAEL A. COX
Attorney General

BY:


Amy L. Rosenberg (P47927)
Assistant Attorney General

and

BY:


Michele M. Wagner-Gutkowski (P44654)
Assistant Attorney General
Health Professionals Division
Department of Attorney General
2nd Floor, G. Mennen Williams Building
P.O. Box 30754
Lansing, MI 48909

Telephone: (517) 373-1146

Fax: (517) 241-1997

Dated: September 2, 2004
sem.casesahr04.stang do p ac

STATE OF MICHIGAN - INGHAM COUNTY
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Bureau of Health Professions.