

VOLUNTARY SURRENDER OF CERTIFICATE
TO PRACTICE MEDICINE AND SURGERY

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

I, ARTHUR E CALLOWAY, M. D., do hereby voluntarily, knowingly, and intelligently surrender all rights to practice medicine under my certificate to practice medicine and surgery, No. 014832, to the Ohio State Medical Board.

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

I agree that I shall be ineligible for, and shall not apply for, reinstatement of certificate to practice medicine and surgery No. 014832, or issuance of any other certificate pursuant to Chapters 4730. and 4731., Ohio Revised Code, on or after the date of signing this Voluntary Surrender of Certificate to Practice Medicine and Surgery.

I hereby authorize the State Medical Board of Ohio to enter upon its Journal an Order revoking my certificate to practice medicine and surgery, No. 014832, in conjunction with which I expressly waive the provision of Section 4731.22(B), Ohio Revised Code, requiring that six (6) Board Members vote to revoke said certificate, and further expressly and forever waive all rights as set forth in Chapter 119., Ohio Revised Code, including but not limited to my right to counsel, right to a hearing, right to present evidence, right to cross-examine witnesses, and right to appeal the Order of the Board revoking my certificate to practice medicine and surgery.

I stipulate and agree that I am taking the action described herein in lieu of formal disciplinary proceedings pursuant to Section 4731.22(B) (2); Section 4731.22 (B) (3); and Section 4731.22(B) (9), Ohio Revised Code.

This shall become effective June 1, 1987 ~~30, 1987~~ days after the date of signing.

Signed this 1 day of June, 1987 in the ^{Home} office of DR: ARTHUR E CALLOWAY MD 3930 SCOTSFIELD DR. COLUMBUS, OHIO

Walter H. Killbuck
WITNESS

Larry A. Hubbell
WITNESS

Arthur E. Calloway
I do not want this
to be notarized
I wish to surrender
Dr. A. Calloway & C 6-33427

SEAL

Notary Public

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 1006
180 East Broad Street
Columbus, Ohio 43215

August 11, 1978

Arthur E. Calloway, M.D.
1093 E. Livingston Avenue
Columbus, OH. 43205

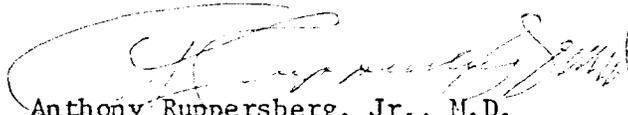
Dear Doctor Calloway:

Please find enclosed a certified copy of the Findings and Order as they have been entered in the Journal of the Ohio State Medical Board; and a certified copy of the Motion approved by the State Medical Board, meeting in regular session on August 10, 1978, approving and confirming the Findings and Order.

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

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

The State Medical Board of Ohio



Anthony Ruppertsberg, Jr., M.D.
Secretary

CERTIFIED MAIL NO. 024919
RETURN RECEIPT REQUESTED

cc: Max I. Ziskind, Esq.

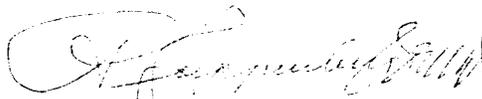
STATE OF OHIO
THE STATE MEDICAL BOARD

CERTIFICATION

DATE: August 11, 1978

I hereby certify that the attached copy of the Findings and Order of the Ohio State Medical Board, in the matter of Arthur E. Calloway, M.D., is a true and complete copy of the Findings and Order as they appear in the Journal of the State Medical Board; and that the attached copy of the Motion approved by the State Medical Board, meeting in regular session on August 10, 1978, is a true and complete copy as it appears in the Journal of the State Medical Board.

This certification is made by authority of the Ohio State Medical Board and on its behalf.



Anthony Ruppertsberg, Jr., M.D.
Secretary
The State Medical Board of Ohio

STATE OF OHIO
THE STATE MEDICAL BOARD

FINDINGS AND ORDER IN THE MATTER OF ARTHUR E. CALLOWAY, M.D.

The matter of Arthur E. Calloway, M.D., came on for hearing before me, Henry G. Cramblett, member of the State Medical Board of Ohio, on May 12, 1978.

After consideration of all the testimony and evidence presented at the hearing, and after having read and considered the transcript of the hearing and all the exhibits introduced, I make the following Findings:

1. On or about February 6, 1978, pursuant to a guilty plea, Dr. Calloway was convicted in the U.S. District Court for the Southern District of Ohio, of a violation of Title 18, United States Code, Section 371, in Case Number CR-2-77-112. Exhibits A, B, and C clearly substantiate this conviction. Further, these exhibits, along with the testimony of Dr. Calloway and his probation officer, Ronald K. Burford, substantiate the fact that the conviction was for a misdemeanor committed in the course of practice, in that Dr. Calloway did falsely certify medical information to perpetuate a fraudulent scheme to cause an Insurance Fund to pay insurance claims on individuals not eligible for benefits, and upon whom no medical services were in fact performed as certified.
2. The following testimony and exhibits were presented concerning Dr. Calloway's involvement in activities which led to this conviction:
 - a) Ronald K. Burford, U.S. Probation Officer for the Southern District of Ohio, investigated Dr. Calloway at the request of the Honorable Judge Kinneary, U.S. District Court, Columbus, Ohio. Mr. Burford's testimony was to the effect that his investigation, which included conferring with the U.S. Attorney's Office and the Federal Bureau of Investigation, revealed no evidence that Dr. Calloway personally received any monies whatsoever. Mr. Burford testified, on page 10 of the transcript:

So, in talking with my boss who is the Honorable Joseph P. Kinneary, United States District Court Judge, we agreed to the fact that Dr. Calloway did not have any involvement of taking monies whatsoever. He was in agreement to that.

On pages 13 and 14 of the transcript, Mr. Burford read a letter (also admitted and marked as Exhibit 1) from John Palmer, Assistant U.S. Attorney for the Southern District of Ohio, who prosecuted the case against Dr. Calloway, which states in part that "We have no evidence that he (Calloway) personally benefitted from any acts committed in the insurance company frauds."

Mr. Burford indicated on page 17 of the transcript that he witnessed John Palmer signing this letter.

b) Mr. Burford testified on page 15 of the transcript:

...I would like to interject another phase also. This point is coming from the Honorable Joseph P. Kinneary, who is out of town this week. I was not able to contact him before he left for the National Annual Judicial Conference. He interjected to me a long period ago, after the sentencing of Dr. Calloway, that anything he may be able to do, as far as a letter of reference or et cetera, that he would do so, and in all due time...

c) Mr. Burford's testimony also related his opinion that coercion and threats were relevant in obtaining Dr. Calloway's signature on the fraudulent claim forms.

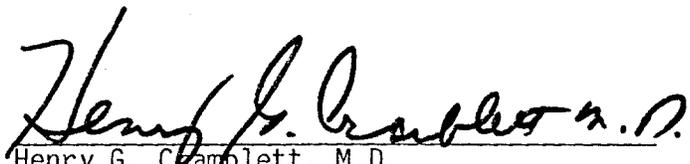
The evidence indicates that although Dr. Calloway did not personally benefit from his involvement, and although there may have been coercion in obtaining his cooperation, Dr. Calloway was nonetheless convicted of a misdemeanor committed in the course of practice. Therefore, I make the following Order:

ORDER

IT IS ORDERED that the license of Arthur E. Calloway, M.D., to practice medicine and surgery in the State of Ohio be suspended for a period of six (6) months. This order of suspension is hereby stayed for a period of two (2) years, during which period Dr. Calloway is placed on probation to the State Medical Board of Ohio upon the following terms and conditions;

- 1) Dr. Calloway personally appear before the State Medical Board of Ohio every six (6) months, pursuant to notice by the Board.
- 2) Dr. Calloway comply with all provisions of Section 4731.22, Ohio Revised Code.

4-11-78


Henry G. Chamblett, M.D.
Hearing Member
State Medical Board of Ohio

STATE OF OHIO
THE STATE MEDICAL BOARD

August 10, 1978

RE: Approval of Findings and Order
in the matter of Arthur E. Calloway, M.D.

Dr. Cover moved to approve and confirm the Findings and Order in the matter of Arthur E. Calloway, M.D., as presented by Henry G. Cramblett, M.D.
Dr. Clarke seconded the motion. A roll call vote was taken:

Dr. Cover	- aye
Dr. Gandy	- aye
Dr. Press	- aye
Dr. Clarke	- aye
Dr. Lovshin	- aye
Dr. Cramblett	- abstain
Mr. Paulo	- aye
Dr. Ruppertsberg	- abstain
Dr. Lancione	- abstain

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 1006
180 East Broad Street
Columbus, Ohio 43215

March 9, 1978

Arthur Elijah Calloway, M.D.
1093 East Livingston Avenue
Columbus, OH 43205

Dear Doctor Calloway:

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

1. On or about February 6, 1978, in the United States District Court for the Southern District of Ohio, you were convicted of a violation of Title 18 United States Code, Section 371, in Case No. CR-2-77-112.

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

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

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

Arthur Elijah Calloway, M.D.

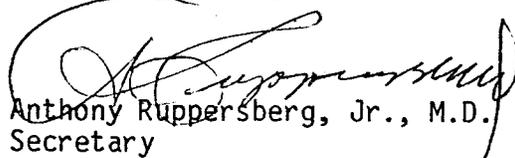
March 9, 1978

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In the event there is no request for such hearing made within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your certificate to practice medicine and surgery.

Enclosed is a copy of the Medical Practice Act for your convenience.

Very truly yours,



Anthony Ruppertsberg, Jr., M.D.
Secretary

AR:sp

Enclosure

CERTIFIED MAIL #972026
RETURN RECEIPT REQUESTED