

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

September 12, 1986

Norman J. Sacks, M.D.  
3450 W. Central Avenue  
Toledo, Ohio 43606

Dear Doctor Sacks:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Lauren Lubow, Esq., Hearing Examiner, Medical Board; a certified copy of the Motions by the State Medical Board, meeting in regular session on September 11, 1986, amending said Report and Recommendation as the Findings and Order of the State Medical Board.

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

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

THE STATE MEDICAL BOARD OF OHIO



Henry G. Cramblett, M.D.  
Secretary

HGC:em

Enclosures

CERTIFIED MAIL NO. P 569 361 867  
RETURN RECEIPT REQUESTED

cc: William J. Brown, Esq.

CERTIFIED MAIL NO. P 569 361 868  
RETURN RECEIPT REQUESTED

cc: WILLIAM M. CONNELLY, FSQ.

CERTIFIED MAIL NO. P 569 361 869  
RETURN RECEIPT REQUESTED

STATE OF OHIO  
THE STATE MEDICAL BOARD

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; attached copy of the Report and Recommendation of Lauren Lubow, Esq., Hearing Examiner, State Medical Board of Ohio; and the attached copy of the Motions by the State Medical Board, meeting in regular session on September 11, 1986, amending said Report and Recommendation as the Findings and Order of the State Medical Board, constitutes a true and complete copy of the Findings and Order of the State Medical Board in the matter of Norman J. Sacks, M.D., as it appears in the Journal of the State Medical Board of Ohio.

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

(SEAL)



Henry G. Cramblett  
Secretary

9  
9/12/86

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF           \*  
                                  \*  
NORMAN J. SACKS, M.D.     \*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the \_\_\_\_\_ 11th \_\_\_\_\_ day of \_\_\_\_\_ September, 1986 \_\_\_\_\_.

Upon the Report and Recommendation of Lauren Lubow, Esq., Hearing Examiner, in this matter designated pursuant to R.C. 119.09, a true copy of which is attached hereto and incorporated herein, which Report and Recommendation was amended by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board for the 11th day of September, 1986.

It is hereby ORDERED:

That the license of Norman J. Sacks, M.D., to practice medicine and surgery in the State of Ohio be revoked. Such REVOCATION IS STAYED, and Dr. Sacks is hereby placed on probation for a period of five years, provided he complies with the following terms and conditions:

1. Dr. Sacks shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
2. Dr. Sacks shall submit quarterly declarations under penalty of perjury stating whether there has been compliance with all the conditions of probation.
3. In the event that Dr. Sacks should leave Ohio for three consecutive months to reside or to practice outside the State, Dr. Sacks must notify the State Medical Board of the dates of departure or return. Periods of time spent outside of Ohio will not apply to the reduction of this probationary term.
4. If Dr. Sacks violates probation in any respect, the Board, after giving him notice and an opportunity to be heard, may set aside the stay order and impose the revocation of Dr. Sacks' license.

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Norman J. Sacks, M.D.

Entry of Order

5. Upon successful completion or probation, Dr. Sacks' medical license shall be fully restored.

This Order is effective immediately.

(SEAL)



Henry G. Cramblett, M.D.  
Secretary

9/12/86

Date

STATE OF OHIO  
THE STATE MEDICAL BOARD

REPORT AND RECOMMENDATION  
IN THE MATTER OF NORMAN SACKS, M.D.

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The matter of Norman Sacks, M.D., came before me, Lauren Lubow, Esq., Hearing Examiner for the State Medical Board of Ohio, on February 3, 1986.

INTRODUCTION AND SUMMARY OF EVIDENCE

1. The State Medical Board notified Dr. Sacks by letter of October 11, 1985, of its proposal to take disciplinary action against his license to practice medicine and surgery in the State of Ohio on the basis of a July 30, 1985 conviction in the United States District Court on two counts of filing fraudulent income tax returns in violation of Title 26, U.S.C., Section 7201. The State alleged that Dr. Sacks' conviction constituted a violation of Section 4731.22(B)(9), Ohio Revised Code, which permits the Board to take disciplinary action if a licensee has been convicted of a felony, whether or not committed in the course of practice.
2. Dr. Sacks was present at the February 3, 1986 hearing and was represented by William J. Brown, Esq., and William M. Connelly, Esq.
3. Mary Joseph Maxwell, Assistant Attorney General, appeared on behalf of the State.
4. Following opening statements by both parties, the State identified the following stipulated exhibits:
  - A. State's Exhibit #1, the October 11, 1985 letter to Dr. Sacks from the State Medical Board giving Dr. Sacks notice of his opportunity for a hearing and outlining the allegation against him.
  - B. State's Exhibit #2, a letter dated November 1, 1985 from William Connelly, Esq., filed with the Medical Board on November 4, 1985, requesting a hearing on behalf of Dr. Sacks.

- C. State's Exhibit #3, a letter dated November 14, 1985, from the State Medical Board to Mr. Connelly initially setting Dr. Sacks' hearing for November 18, 1985, and continuing the hearing pursuant to Section 119.09, Ohio Revised Code.
  - D. State's Exhibit #4, a letter dated November 25, 1985, from the State Medical Board to Mr. Connelly scheduling Dr. Sacks' adjudication hearing for December 19, 1985.
  - E. State's Exhibit #5, an Entry signed by this Hearing Examiner on December 12, 1985, continuing the hearing until January 15, 1986.
  - F. State's Exhibit #6, an Entry dated January 9, 1986, continuing the hearing until February 3, 1986.
  - G. State's Exhibit #7, a copy of the minutes and proceedings in the United States District Court, Northern District of Ohio, dated March 25, 1985, and indicating that Dr. Sacks had been arraigned and that a plea had been entered.
  - H. State's Exhibit #8, a copy of the criminal docket from the U.S. District Court setting sentencing for Dr. Sacks.
  - I. State's Exhibit #9, a copy of the Plea Agreement filed in U.S. District Court on March 25, 1985.
  - J. State's Exhibit #10, a copy of the Judgment and Probation Commitment Order dated July 30, 1985.
5. Respondent proceeded with his case by presenting, via videotape, the depositions of four witnesses testifying on his behalf. The first witness, U.S. District Judge Nicholas J. Walinski, testified:
- A. That Dr. Sacks had appeared before him on two counts of tax evasion, was convicted on both counts, and was sentenced.
  - B. That he had suspended Dr. Sacks' sentence and given him only a token confinement to allow him to continue practicing medicine and to pay his back taxes.
  - C. That it would be a "disaster" to remove Dr. Sacks' talents from the people of the community, and that in his opinion Dr. Sacks had been punished enough.

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F. That he has no familiarity nor personal relationship with Dr. Sacks, other than in connection with this case.

6. After being duly sworn, Carroll Lamar Ashley, President of Riverside Hospital, Toledo, Ohio, testified:

A. That Dr. Sacks is one of Riverside Hospital's key admitters; is a very competent physician; has a very low morbidity/mortality rate; and provides an extremely valuable service to his patients, the hospital, and the community.

B. That it would be a "tragedy" if Dr. Sacks' license were suspended or revoked.

C. That he has known Dr. Sacks for thirteen years in a primarily professional realm, although he does have some social contact with him.

7. After being duly sworn, Rulx Ganthier, M.D., testified:

A. That he has known Dr. Sacks for seventeen years and has referred many patients to him.

B. That in his opinion, Dr. Sacks is the most skillful ophthalmologist in the area performing cataract surgery.

C. That suspending or revoking Dr. Sacks' license would have a detrimental impact on the community.

D. That he knows Dr. Sacks both professionally and socially.

After being duly sworn, Cathe Garvin, R.N., testified:

A. That when her grandmother was a patient of Dr. Sacks' he would give her financial support (lunch and travel money), as well as emotional support.

B. That it would be a "tragic" loss to the community should Dr. Sacks license be suspended or revoked.

C. That she has known Dr. Sacks for twelve years in the professional realm only.

9. After being duly sworn, Dr. Norman Sacks proceeded to testify, as follows:

A. That he had been investigated by the Internal Revenue

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Service, had been charged with two counts of tax evasion, and had pleaded no contest to both counts.

- B. That his primary area of concentration as a physician is cataract surgery.
  - C. That statistics indicate his success rate in performing cataract surgery is above that which is reported in most journals.
10. The following exhibits were identified and admitted to the record on behalf of the Respondent:
- A. Respondent's Exhibits A and B, two brochures explaining the type of surgery performed by Dr. Sacks.
  - B. Respondent's Exhibit C, the videotape containing the depositions of Respondent's witnesses.
11. In her closing remarks, Ms. Maxwell contended that the conviction of a felony, whether or not committed in the course of practice, is a statutory basis for the Board to take disciplinary action against Dr. Sacks. She stated that the Board has not questioned Dr. Sacks' competence or his expertise, and advised that evidence offered to that effect should only be considered for purposes of mitigation.
12. In his closing statement on behalf of the Respondent, Mr. Connelly did not contest that Dr. Sacks was in violation of Section 4731.22(B)(9); however, he argued that the sentence received from the Federal District Court was substantial punishment in and of itself. He asked that the Board consider the mitigating circumstances and all the ramifications of a reprimand.

#### FINDINGS OF FACT

On or about July 30, 1985, Norman J. Sacks, M.D., was convicted in the United States District Court, Toledo, Ohio, of two counts of filing fraudulent income tax returns, in violation of Title 26, United States Code, Section 7201. Each said count constitutes a felony.

This fact is established by State's Exhibit #10. 86 JUN 28 PM 5:15

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CONCLUSIONS

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In the recent past, this Board has dealt harshly with convicted felons, more often than not by revoking the practitioner's license. But imposition of disciplinary action, particularly of such an extreme degree, requires more than just a cursory look at established facts. The Board, in adopting its guidelines, specified that such should be the case; that the guidelines should not be "cast in stone" and applied by rote without deliberation or analysis. Rather, distinctions should and have been made on the basis of underlying facts and mitigating circumstances.

The result is that the Board, in its quest to maintain consistency, has not rendered its disciplinary guidelines meaningless by applying them blindly. That does not mean that each conviction case is retried, or that the findings of a judge or jury are disregarded. What it does indicate is that factors unique to each case are taken into consideration - factors like the harm or potential harm a criminal act may inflict on others, and the threat that act poses to public protection.

Dr. Norman Sacks' felony conviction gives this Board grounds to take disciplinary action against his medical license on the basis of Section 4731.22(B)(9), Ohio Revised Code. Dr. Sacks' crime, however, does not involve illegal prescribing or sexual misconduct. It does not stem from excessive dispensing or malpractice. Dr. Sacks' felony conviction is based upon his failure to properly report his income to the Federal government -- illegal and unforgiveable, to be sure, but, in the opinion of this hearing officer, not sufficient grounds for taking a highly skilled and respected physician out of practice permanently.

As a result of his omissions, the Federal Court required Dr. Sacks to serve a 60 day confinement, pay \$20,000 in fines, and reimburse the government nearly \$1,000,000 in back taxes and penalties. The Federal Court's judgement against Dr. Sacks clearly does not absolve the Medical Board of its disciplinary responsibilities toward the public and its licensee. However, it does go a long way toward imposing a sanction suited to the nature of the crime.

Norman Sacks is now a convicted felon. By his own admission, and by decree of a federal judge, he is also a lousy businessman. This Board must not excuse him or condone his actions by merely issuing a reprimand and permitting the doctor to continue his practice unhindered by culpability. Yet, by all accounts, Dr. Sacks is a compassionate physician who has already learned a difficult lesson, and whose criminal actions never threatened the high quality of his patient care.

PROPOSED ORDER

It is hereby ORDERED that the license of Norman Sacks, M.D., to practice medicine and surgery in the State of Ohio be revoked. Such revocation is stayed, and Dr. Sacks' license is hereby suspended for three years, to be followed by a probationary period of two years, under the following terms and conditions:

1. Dr. Sacks shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
2. Dr. Sacks shall submit quarterly declarations under penalty of perjury stating whether there has been compliance with all the conditions of suspension and probation.
3. In the event that Dr. Sacks should leave Ohio for three continuous months to reside or to practice outside the State, Dr. Sacks must notify the State Medical Board in writing of the dates of departure or return. Periods of time spent outside the State of Ohio will not apply to the reduction of this probationary term.
4. If Dr. Sacks violates any conditions of probation, whether during suspension or probation, the Board, after giving him notice and the opportunity to be heard, may set aside the stay order and impose the revocation of Dr. Sacks' license.
5. Upon successful completion of probation, Dr. Sacks' license will be fully restored.

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Lauren Lubow, Esq.  
Hearing Examiner  
State Medical Board of Ohio

EXCERPT FROM THE MINUTES OF SEPTEMBER 11, 1986

REPORT AND RECOMMENDATION IN THE MATTER OF NORMAN SACKS, M.D.

Dr. Rauch asked if each member of the Board had received, read, and considered the hearing record, the proposed findings and order, and any objections filed to the proposed findings and order in the matter of Norman Sacks, M.D. A roll call was taken:

ROLL CALL:	Dr. Cramblett	- aye
	Dr. Lancione	- aye
	Dr. Barnes	- aye
	Dr. Buchan	- aye
	Ms. Rolfes	- aye
	Dr. Rothman	- aye
	Dr. O'Day	- aye
	Dr. Stephens	- aye
	Dr. Rauch	- aye

Mr. Johnston at this time stated that he was absenting himself from the room due to a conflict of interest, and excused himself from the meeting.

Dr. Rauch advised that there is a motion before the Board from Dr. Sacks' attorney, William J. Brown, to table this matter, as well as a second motion to present new evidence to the hearing examiner.

DR. BARNES MOVED TO ACCEPT THE MOTION TO TABLE.

DR. STEPHENS MOVED TO DENY THE MOTION TO TABLE.

Dr. Cramblett stated that the matter before the Board at this time is a request by the attorney that the Board table the matter. He stated that the Board must take action to approve or deny that request.

DR. STEPHENS WITHDREW HIS MOTION.

DR. BARNES MOVED TO APPROVE MR. BROWN'S REQUEST TO TABLE THE MATTER AND REFER IT BACK TO THE HEARING EXAMINER. DR. ROTHMAN SECONDED THE MOTION.

Dr. Barnes stated that it is important for the Board to bend over backwards to be sure that all evidence is heard. He stated that the Board would be open to criticism if it did not accept new evidence.

Mr. Culley stated that this is a judgment call on the part of the Board. He stated that Mr. Brown has represented that he wishes to present new evidence to the Board, and he personally has no knowledge as to what this evidence would be. He stated

that the Board might wish to consider how this additional information is relevant to the felony conviction, which is the issue the Board must consider.

Dr. Rothman stated that in his motion, Mr. Brown stated that the evidence to be presented concerns the amount of tax liability involved. He stated that this might help the Board decide the size of the felony.

Dr. Stephens stated that he doesn't feel the tax liability has any bearing in this matter. He stated that Dr. Sacks was convicted of a felony, and that is the thing that must be considered by the Board since that is the basis for the Board's charges.

Dr. Barnes disagreed, stating that Dr. Sacks might be convicted of tax evasion in the amount of \$10.00 or \$1,000,000.00. He stated that the amount might make a difference in his mind as to how the Board should treat this case.

Dr. Buchan stated that the matter has been through the courts and there has been plenty of time to present the entire case before it came to the Board. He asked how much more material could be gathered. He added that a physician can always find another piece of evidence given enough time. If the Board reopens this case, it could be three or four months before it is brought back to the Board.

Mr. Culley stated that perhaps the Board could ask Mr. Brown what relevance he intends by adding this information. Dr. Rothman did so.

Mr. Brown stated that in the hearing examiner's report, the findings mention a tax liability of \$1,000,000.00. Since the hearing there has been a random audit before the I.R.S. which will show that the tax liability is much less than what was first expected. This audit report was received in the last two weeks. Mr. Brown stated that before the Board makes a decision on this matter, it should know all of the facts. He stated that this information was not known when the case went before the judge. There was a violation, and a nolo contendere plea. The question is in how much of a violation.

Dr. Barnes asked what would be involved in reopening the matter. He stated that in this case, Dr. Sacks didn't do anything to hurt a patient, but committed a non-violent felony. He stated that the size of the tax liability would make a difference to him.

Dr. Rothman asked if Dr. Barnes' motion also remands the matter back to the hearing officer. Dr. Barnes stated that the Board doesn't have to do that. He stated that the Board could take the evidence or it could be remanded back to Ms. Lubow.

Dr. Cramblett stated that there would need to be a hearing in order to allow the Assistant Attorney General to properly respond and cross-examine witnesses. He stated that anything done to circumvent this would be unfair.

Dr. Barnes stated that the Board has to be absolutely fair to everyone. A roll call vote was taken on Dr. Barnes' motion to table:

ROLL CALL VOTE:                      Dr. Cramblett                      - abstain

Dr. Lancione	- nay
Dr. Barnes	- aye
Dr. Buchan	- nay
Ms. Rolfes	- nay
Dr. Rothman	- aye
Dr. O'Day	- aye
Dr. Stephens	- nay

The motion failed.

Dr. Rauch advised that Mr. Brown has made a motion to put before the Board a letter from The Honorable Nicholas Walinski, the federal judge who heard the case against Dr. Sacks.

DR. O'DAY MOVED THAT MR. BROWN BE PERMITTED TO PRESENT JUDGE WALINSKI'S LETTER TO THE BOARD. DR. BARNES SECONDED THE MOTION.

Dr. Stephens spoke against the motion, stating that the Board could probably receive this kind of letter in many cases, and he feels it is undue influential involvement.

Dr. Buchan asked if a judge or jury heard this case.

Dr. Rothman stated that a judge heard the case.

Mr. Brown stated that he has been practicing law for 20 years and never before saw a federal judge enter into these types of proceedings. He stated that the felony case was heard solely by the judge.

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

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Lancione	- aye
	Dr. Barnes	- aye
	Dr. Buchan	- aye
	Ms. Rolfes	- aye
	Dr. Rothman	- aye
	Dr. O'Day	- aye
	Dr. Stephens	- nay

The motion carried.

At this time Judge Walinski's letter was distributed to and read by the Board Members.

Also, at this time, Dr. Rauch referred to objections filed by Mr. Brown which were contained in the table file. The Board took time to read these objections.

Dr. Barnes asked if Dr. Sacks is a felon. Mr. Culley stated that he feels that Mr. Brown would agree that Dr. Sacks has been convicted of a felony and is therefore a felon.

Ms. Rolfes stated that she is concerned that the Board hasn't been given reasons why Dr. Sacks pled no contest.

Mr. Bumgarner stated that if the Board feels it doesn't have sufficient evidence to make a decision in this matter at this time, the appropriate thing to do would be to remand the matter back to the hearing officer. He stated that the Board must make its decision on the information contained in the record if it doesn't wish to reopen the matter.

Dr. Rauch stated that no matter what the Board would find concerning a "no contest" plea, the matter remains that Dr. Sacks was convicted of a felony.

Ms. Rolfes stated that there is discretion in the guidelines.

Dr. Rauch asked if all members had read the objections. They indicated that they had.

Mr. Culley stated that he would for the record object to Item Number 2 contained in the objections, which contains evidence not in the hearing record.

Ms. Lubow read the Proposed Order of her report and recommendation in the above matter, the original of which shall be maintained in the exhibits section of this Journal.

MS. ROLFES MOVED TO APPROVE THE FINDINGS OF FACT AND CONCLUSIONS IN THE MATTER OF NORMAN SACKS, M.D. DR. ROTHMAN SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Lancione	- aye
	Dr. Barnes	- aye
	Dr. Buchan	- aye
	Ms. Rolfes	- aye
	Dr. Rothman	- aye
	Dr. O'Day	- aye
	Dr. Stephens	- aye

The motion carried.

MS. ROLFES MOVED TO APPROVE AND CONFIRM THE PROPOSED ORDER IN THE MATTER OF NORMAN SACKS, M.D. DR. STEPHENS SECONDED THE MOTION.

DR. O'DAY MOVED TO AMEND THE PROPOSED ORDER TO READ AS FOLLOWS:

IT IS HEREBY ORDERED THAT THE LICENSE OF NORMAN SACKS, M.D. TO PRACTICE MEDICINE AND SURGERY IN THE STATE OF OHIO BE REVOKED. SUCH REVOCATION IS STAYED, AND DR. SACKS IS HEREBY PLACED ON PROBATION FOR A PERIOD OF FIVE YEARS, PROVIDED HE COMPLIES WITH THE FOLLOWING TERMS AND CONDITIONS:

1. DR. SACKS SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND

ALL RULES GOVERNING THE PRACTICE OF MEDICINE IN OHIO.

2. DR. SACKS SHALL SUBMIT QUARTERLY DECLARATIONS UNDER PENALTY OF PERJURY STATING WHETHER THERE HAS BEEN COMPLIANCE WITH ALL THE CONDITIONS OF PROBATION.
3. IN THE EVENT THAT DR. SACKS SHOULD LEAVE OHIO FOR THREE CONSECUTIVE MONTHS TO RESIDE OR TO PRACTICE OUTSIDE THE STATE, DR. SACKS MUST NOTIFY THE STATE MEDICAL BOARD OF THE DATES OF DEPARTURE OR RETURN. PERIODS OF TIME SPENT OUTSIDE OF OHIO WILL NOT APPLY TO THE REDUCTION OF THIS PROBATIONARY TERM.
4. IF DR. SACKS VIOLATES PROBATION IN ANY RESPECT, THE BOARD, AFTER GIVING HIM NOTICE AND AN OPPORTUNITY TO BE HEARD, MAY SET ASIDE THE STAY ORDER AND IMPOSE THE REVOCATION OF DR. SACKS' LICENSE.
5. UPON SUCCESSFUL COMPLETION OF PROBATION, DR. SACKS' MEDICAL LICENSE SHALL BE FULLY RESTORED.

THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY UPON APPROVAL BY THE STATE MEDICAL BOARD OF OHIO.

DR. BARNES SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Lancione	- aye
	Dr. Barnes	- aye
	Dr. Buchan	- aye
	Ms. Rolfes	- nay
	Dr. Rothman	- aye
	Dr. O'Day	- aye
	Dr. Stephens	- nay
	Dr. Rauch	- aye

The motion carried.

A roll call vote was taken on Ms. Rolfes' motion as amended:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Lancione	- aye
	Dr. Barnes	- aye
	Dr. Buchan	- aye
	Ms. Rolfes	- nay
	Dr. Rothman	- aye
	Dr. O'Day	- aye
	Dr. Stephens	- nay
	Dr. Rauch	- aye

The motion carried.

OF REC TO 11-10-85

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

October 11, 1985

Norman J. Sacks, M. D.  
3450 West Central Avenue  
Toledo, Ohio 43606

Dear Doctor Sacks:

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

On or about July 30, 1985, you were convicted in the United States District Court, Toledo, Ohio, of two (2) counts of filing fraudulent income tax returns, in violation of Title 26, United States Code, Section 7201. Each said count constitutes a felony.

Pursuant to Section 4731.22(B)(9), Ohio Revised Code, conviction of a felony constitutes grounds to limit, revoke, or suspend a certificate, refuse to register or refuse to reinstate an applicant, or reprimand or place on probation the holder of a certificate.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, that request must be made within thirty (30) days of the time of mailing of this notice.

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

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

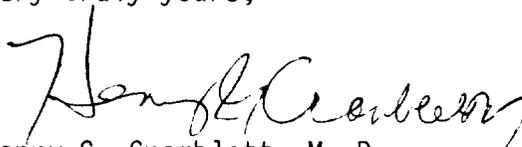
STATE OF OHIO  
THE STATE MEDICAL BOARD

Page Two  
Norman J. Sacks, M. D.

October 11, 1985

A copy of the referenced statute is enclosed.

Very truly yours,

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

Henry G. Cramblett, M. D.  
Secretary

HGC:caa

enclosure

CERTIFIED MAIL NO. P 569 361 828  
RETURN RECEIPT REQUESTED