

BEFORE THE STATE MEDICAL BOARD OF OHIO

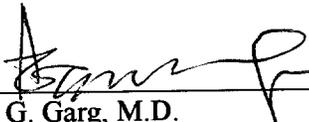
IN THE MATTER OF :
:
LENIN RIVERA, M.D. :

ENTRY OF ORDER

On February 15, 2001, Lenin Rivera, M.D. executed a Voluntary Surrender of his Certificate to practice medicine and surgery in the State of Ohio with a consent to revocation, which document is attached hereto and fully incorporated herein.

In consideration of the foregoing and of Dr. Rivera's express waiver of the provision of Section 4731.22(B), Ohio Revised Code, requiring that six (6) Board members vote to revoke said certificate, it is hereby ORDERED that Certificate No. 35-030466 authorizing Lenin Rivera, M.D., to practice medicine be permanently REVOKED, effective March 12, 2001.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 12th day of March, 2001, and the original thereof shall be kept with said Journal.



Anand G. Garg, M.D.
Secretary

(SEAL)

04/10/01

Date

OHIO STATE MEDICAL BOARD

FEB 27 2001

OHIO STATE MEDICAL BOARD

FEB 27 2001

**STATE OF OHIO
THE STATE MEDICAL BOARD
SURRENDER OF CERTIFICATE
TO PRACTICE MEDICINE AND SURGERY**

I, LENIN RIVERA, 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, LENIN RIVERA, M.D., do hereby voluntarily, knowingly, and intelligently surrender my certificate to practice medicine and surgery, No. 35-030466, to the State Medical Board of Ohio, thereby relinquishing all rights to practice medicine and surgery in Ohio.

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

I agree that I shall be ineligible for, and shall not apply for, reinstatement of certificate to practice medicine and surgery No. 35-030466 or issuance of any other certificate pursuant to Chapters 4730. or 4731., Ohio Revised Code, on or after the date of signing this Surrender of Certificate to Practice Medicine and Surgery. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

I hereby authorize the State Medical Board of Ohio to enter upon its Journal an Order permanently revoking my certificate to practice medicine and surgery, No. 35-030466, 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, LENIN RIVERA, M.D., hereby release the State Medical Board of Ohio, its members, employees, agents and officers, jointly and severally, from any and all liability arising from the within matter.

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

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

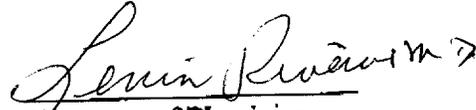
Surrender
LENIN RIVERA
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OHIO STATE MEDICAL BOARD

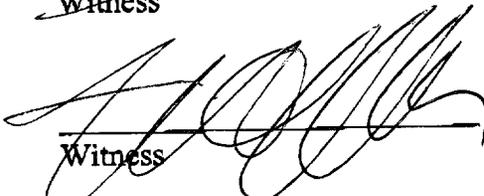
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I stipulate and agree that I am taking the action described herein in lieu of formal disciplinary proceedings pursuant to Sections 4731.22 (B)(3) and (B)(9), Ohio Revised Code, as described in the attached bill of information, to which I pled guilty to one felony count of Section 2923.02, Ohio Revised Code, Attempt, to wit: Section 2925.03, Ohio Revised Code, Trafficking in drugs.

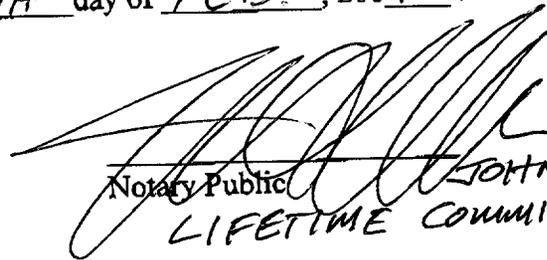
Signed this 15 day of Feb, 2001.


Signature of Physician


Witness

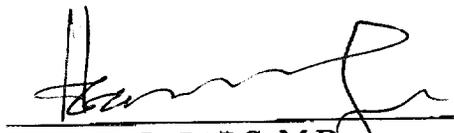

Witness

Sworn to and subscribed before me this 15th day of FEB, 2001.


Notary Public JOHN S. SHAFER
LIFETIME COMMISSION

SEAL (This form must be either witnessed OR notarized)

Accepted by the State Medical Board of Ohio:


ANAND G. GARG, M.D.
SECRETARY


RAYMOND J. ALBERT
SUPERVISING MEMBER

03/12/01
DATE

3/12/01
DATE

FEB 27 2001

IN THE COURT OF COMMON PLEAS OF WILLIAMS COUNTY, OHIO

State of Ohio,

Case No. 01 CR

Plaintiff,

INFORMATION

vs.

Lenin Rivera,

Defendant.

Craig L. Roth, Prosecuting Attorney of Williams County, Ohio, says by way of Information that:

Lenin Rivera, 76, 705 East Church Street, Pioneer, Oh 43570, at Williams County, Ohio, , on or about the 27th day of October, 2000, the 28th day of November 2000, and the 12th day of January, 2001 did violate Ohio Revised Code §2923.02(A), Attempted Aggravated Trafficking In Drugs, a felony of the fourth degree, in that he

did knowingly engage in conduct that if successful, would constitute or result in the offense of Aggravated Trafficking in Drugs, Ohio Revised Code section 2925.03(A)(C)(1)(c), to wit; knowingly sell or offer to sell a controlled substance, to wit; Percocet, a Schedule II controlled Substance, in an amount that exceeds the bulk amount, but is less than five (5) times the bulk amount, by attempting to write prescriptions not in the bona fide treatment of patients

all against the peace and dignity of the State of Ohio.

Craig L. Roth
Prosecuting Attorney

By: / /

STATE OF OHIO)
) SS:
COUNTY OF WILLIAMS)

I, the undersigned, Clerk of the Court of Common Pleas in and for said County, do hereby certify that the foregoing is a full, true and correct copy of the original Information, with the endorsements thereon, now on file in my office.

WITNESS my hand and the seal of said Court, at Bryan, Ohio, this 15th day of February, 2001.

SHARON MILLER, CLERK

By: _____
Deputy

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WILLIAMS COUNTY OHIO

IN THE COURT OF COMMON PLEAS OF WILLIAMS COUNTY, OHIO

State of Ohio,

Case No. 01 CR 021

Plaintiff,

JOURNAL ENTRY ACCEPTING GUILTY
PLEA & SENTENCING JOURNAL
ENTRY

vs.

Lenin Rivera,

Defendant.

On this 15th day of February, 2001, defendant Lenin Rivera appeared in open Court with counsel, John S. Shaffer, for arraignment. Present for the state was Craig L. Roth, Williams County Prosecutor.

The defendant then entered a guilty plea to the Bill of Information.

The Court explained §2923.02(A) and §2925.03(A)(C)(1)(c) of the Ohio Revised Code to the defendant as alleged in the Bill of Information and further advised the defendant that the offense of Attempted Aggravated Trafficking In Drugs is a felony of the fourth degree punishable by a definite sentence of six (6), seven (7), eight (8), nine (9), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17) or eighteen (18) months imprisonment, and a fine of \$5,000.00.

Additionally, the court explained that because defendant is pleading to a drug offense the Court may revoke or suspend defendant's driver's license and must suspend it for not less than six (6) months. The Court then advised the defendant that, with respect to the possible sentence:

Any prison term stated would be a term served without good time reduction;

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After being released from prison, a defendant may have up to five (5) years of post-release control;

If a defendant violates any conditions of post-release control, the Parole Authority can return the defendant to prison for up to a maximum of nine (9) months;

Court costs, restitution and other financial sanctions, including fines, and reimbursement for costs of any sanctions, may also be imposed;

A defendant may be given community control for up to five (5) years instead of prison, but if a defendant violates any of the conditions imposed, the defendant could be given a longer period under Court control, greater restrictions, or a prison term from the basic range previously explained.

After addressing the defendant personally and inquiring of the defendant, the Court finds that the defendant understands the nature of the charge(s) and the maximum penalty(ies) involved.

Further, the Court addressed the defendant personally and inquired whether defendant understood that:

Defendant has the right to appeal within thirty (30) days and that any such appeal may be limited in scope;

The Court's judgment and sentence upon acceptance of a plea of guilty is a final judgment which terminates the proceedings;

A plea of guilty is a complete admission of guilt, and that the Court upon acceptance of a plea may proceed with judgment and sentence;

At a trial, the defendant would have the right to remain silent and under no circumstances could defendant be compelled by the prosecution to testify and that by entering a plea of guilty there would be no trial;

By entering the plea of guilty, defendant would be waiving the right to a trial by jury or to a trial to the Court, to confront witnesses against defendant, to have compulsory process for obtaining witnesses in defendant's favor (power of subpoena) and the right to have the State prove guilt beyond a reasonable doubt at a trial;

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If defendant is not a citizen of the United States, conviction of the offense to which defendant is pleading guilty may have the consequence of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States;

To each of the above inquiries, the defendant gave an affirmative answer.

WHEREUPON, the Court finds that the defendant understands these rights and has voluntarily waived said rights and entered and made a voluntary and informed GUILTY PLEA and the Court accepts said plea and hereby finds the defendant GUILTY of the following:

a violation of Ohio Revised Code §2923.02(A) and §2925.03(A)(C)(1)(c), Attempted Aggravated Trafficking In Drugs, a felony of the fourth degree.

Thereupon, with the consent of the defendant the Court moved directly on to sentencing.

The defendant was then afforded all rights pursuant to Criminal Rule 32. The Court considered the record, oral statements, any victim impact statement, and the pre-sentence report prepared, as well as the principles and purposes of sentencing under Ohio Revised Code §2929.11, and has balanced the seriousness and recidivism factors, as provided in Ohio Revised Code §2929.12. The Court finds that the defendant has been convicted of the following:

a violation of Ohio Revised Code §2923.02(A) and §2925.03(A)(C)(1)(c), Attempted Aggravated Trafficking In Drugs, a felony of the fourth degree.

For the reasons stated and after consideration of the factors under Ohio Revised Code §2929.12, the Court finds that a community control sanction is consistent with the purposes of Ohio Revised Code §2929.11. It is therefore ORDERED that the defendant be sentenced to SIX months of community control subject to the general supervision and

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control of the Williams County Adult Probation Department and subject to the Williams County Standard Conditions of Supervision. The six (6) month period of community control shall terminate upon notification to the Court by the Prosecuting Attorney that the surrender of defendant's licenses to the State Medical Board of Ohio and the U.S. Drug Enforcement Administration has been completed.

It is further ORDERED that the defendant be fined the amount of \$5,000.00 and the defendant's driver's license is suspended for six (6) months. The Clerk of Courts shall certify a copy of this Journal Entry to the Ohio Bureau of Motor Vehicles.

The Court then advised the defendant that violation of any of this sentence may lead to a more restrictive sanction, a longer sanction, or a prison term of up to eighteen (18) months. Defendant was notified that if a prison term is imposed for violation of community control, the Parole Board may extend the prison time up to one-half ($\frac{1}{2}$) of the stated prison term in 15, 30, 60 or 90-day increments for certain violations committed while in prison. After prison release, if post-release control is imposed, for violation of post-release control conditions, the Adult Parole Authority or Parole Board could impose a more restrictive or longer control sanction or return defendant to prison for up to nine (9) months for each violation up to a maximum of one-half ($\frac{1}{2}$) of the stated prison term. If the violation is a new felony, the defendant may receive a prison term of the greater of one (1) year or the time remaining on post-release control, in addition to any other prison term imposed for the new offense.

Defendant is ORDERED to pay any restitution, all costs of prosecution, any court-appointed counsel costs, and any supervision fees permitted, pursuant to Ohio

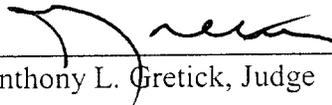
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Revised Code §2929.18(A)(4), all as determined by the Adult Probation Department of Williams County. Any bond to be returned less retainage as authorized by law.

The Clerk of this Court has received twenty thousand dollars (\$20,000.00) in U.S. currency of defendant's funds which the Clerk shall disburse or apply as follows:

- (1) Payment of all the court costs of these proceedings;
- (2) Payment of the \$5,000.00 fine which shall be distributed by the Clerk of Courts in accordance with R.C. §2925.03(F)(1) in one-third (1/3) equal shares to the Ohio State Board of Pharmacy pharmacy drug law enforcement fund, the Williams County Prosecutor's drug law enforcement trust fund, and the Village of Montpelier Police Department drug law enforcement trust fund; and
- (3) The remaining balance, and all right, title and interest of the defendant in this balance, is hereby ORDERED forfeited to the state as a civil forfeiture under R.C. §2925.43(E)(4) as said funds constitute property described in R.C. §2925.43(A)(1). In accordance with R.C. §2925.44 and §2933.43(D) this entire balance of moneys forfeited to the state shall be distributed by the Clerk of this Court in equal one-third (1/3) shares to the Ohio State Board of Pharmacy pharmacy drug law enforcement fund, the Williams County Prosecutor's drug law enforcement trust fund, and the Village of Montpelier Police Department drug law enforcement trust fund.

The Clerk shall forward a file-stamped copy of this Journal Entry to the Prosecuting Attorney, to the Attorney for the Defendant, John S. Shaffer, and to the Adult Probation Department of Williams County.

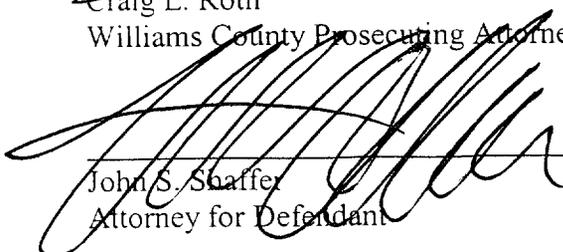


Anthony L. Gretick, Judge

APPROVED:



Craig L. Roth
Williams County Prosecuting Attorney



John S. Shaffer
Attorney for Defendant

STATE OF OHIO, WILLIAMS COUNTY,
I, the undersigned Clerk of the Courts of Williams County
Common Pleas Court for the aforesaid County and State, do
hereby certify that the foregoing is a true and correct copy of
the original Journal Entry

now on file in said Courts.

Witness my signature and official seal this 23 day of

February 20 01

Sharon Miller

CLERK OF COMMON PLEAS COURT
OF WILLIAMS COUNTY

By

Kimberly A. Herman

DEPUTY CLERK