

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

:

:

MICHAEL ANDREW DICELLO, M.D.

:

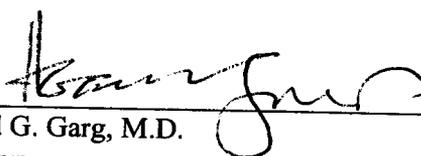
ENTRY OF ORDER

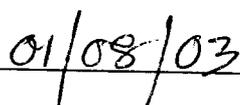
On December 20, 2002, Michael Andrew DiCello, M.D. executed a Voluntary Surrender of his Certificate to practice medicine and surgery in the State of Ohio with a consent to revocation, which document is attached hereto and fully incorporated herein.

In consideration of the foregoing and of Dr. DiCello'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. 35-031517 authorizing Michael Andrew DiCello, M.D., to practice medicine be permanently REVOKED, effective December 31, 2002.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 31st day of December 2002, and the original thereof shall be kept with said Journal.

(SEAL)


Anand G. Garg, M.D.
Secretary


Date

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

I, MICHAEL ANDREW DICELLO, JR., MD., 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, MICHAEL ANDREW DICELLO, JR., MD., do hereby voluntarily, knowingly, and intelligently surrender my certificate to practice medicine and surgery, No. 35-031517, 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. 35-031517 or issuance of any other certificate pursuant to Chapters 4730., 4731., 4760. or 4762., 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.

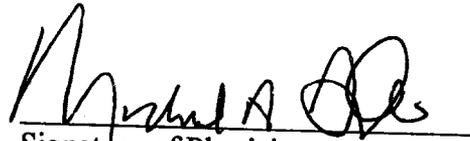
I hereby authorize the State Medical Board of Ohio to enter upon its Journal an Order permanently revoking my certificate to practice medicine and surgery, No. 35-031517, in conjunction with which I expressly waive the provision of Section 4731.22(B), Ohio Revised Code, requiring that six (6) Board Members 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 permanently revoking my certificate to practice medicine and surgery.

I, MICHAEL ANDREW DICELLO, JR., MD., hereby release the Board, its members, employees, agents, officers and representatives 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, and may be reported to appropriate organizations, data banks, and governmental bodies. I, MICHAEL ANDREW DICELLO, JR., MD., agree to provide my social security number to the Board and hereby authorize the Board to utilize that number in conjunction with that reporting.

I stipulate and agree that I am taking the action described herein in lieu of further formal proceedings in accordance with R.C. Chapter 199. and R.C. Section 4731.22 for the matters described in the Notice of Immediate Suspension and Opportunity for Hearing dated November 13, 2002. I further admit the legal and factual allegations in said Notice, which is attached hereto as Exhibit A and incorporated herein by this reference.

Signed this 20 day of December, .


Signature of Physician

Witness

Witness

Sworn to and subscribed before me this 20th day of December 2002 .

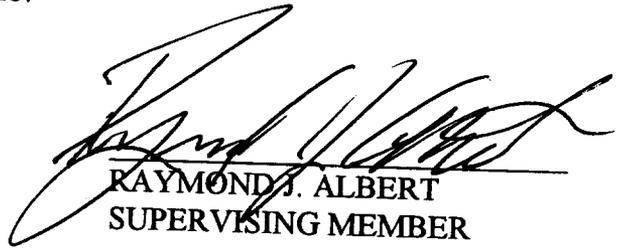

Notary Public

SEAL (This form must be either witnessed OR notarized)

KATHY L. CUMMINGS
Notary Public, State of Ohio
My Commission Expires Jan. 18, 2008
(Recorded in Lake County)

Accepted by the State Medical Board of Ohio:


ANAND G. GARG, M.D. *17AD*
SECRETARY


RAYMOND J. ALBERT
SUPERVISING MEMBER

12/31/02
DATE

12/27/02
DATE



State Medical Board of Ohio

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

NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING

November 13, 2002

Michael Andrew DiCello, Jr., M.D.
9023 Elm Street
Mentor, OH 44060

Dear Doctor DiCello:

In accordance with Sections 2929.24 and/or 3719.12, Ohio Revised Code, the Office of the Prosecuting Attorney of Lake County, Ohio, reported that on or about October 25, 2002, in the Court of Common Pleas for Lake County, Ohio, you were found guilty of four felony counts of Illegal Processing of Drug Documents, in violation of Section 2925.23(B)(1), Ohio Revised Code.

Therefore, pursuant to Section 3719.121(C), Ohio Revised Code, you are hereby notified that your license to practice medicine and surgery in the State of Ohio is immediately suspended. Continued practice after this suspension shall be considered practicing medicine without a certificate in violation of Section 4731.41, Ohio Revised Code.

Furthermore, 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, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

- (1) On or about October 25, 2002, in the Court of Common Pleas of Lake County, Ohio, you were found guilty, following a trial by jury, of four felony counts of Illegal Processing of Drug Documents, in violation of Section 2925.23(B)(1), Ohio Revised Code. Copies of the Indictment and Judgment Entry are attached hereto and incorporated herein.

The judicial finding of guilt, as alleged in paragraph (1) above, 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 felony,” as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

Mailed 11-14-02

Michael Andrew DiCello, M.D.

Page 2

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, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) 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 (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, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, effective March 9, 1999, 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,



Anand G. Garg, M.D.
Secretary

AGG/blt
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5140 4935
RETURN RECEIPT REQUESTED

INDICTMENT - FOUR COUNTS

FILED

STATE OF OHIO

ss.

2002 JUN -4 P 3:00 CASE NO.

02CB00291
"SECRET"

COUNTY OF LAKE

LYNNE L. MAZEIKA
LAKE CO CLERK OF COURT

STATE OF OHIO vs. MICHAEL A. DICELLO

Of the April term in the year two thousand and two:

THE JURORS OF THE LAKE COUNTY GRAND JURY of the State of Ohio on their oaths, in the name and by the authority of the State of Ohio, do find and present that:

COUNT 1

On or about the 7th day of July, 2001, in the City of Mentor, Lake County, State of Ohio, one **MICHAEL A. DICELLO** did intentionally make, utter, or sell, or knowingly possess a false or forged prescription.

The prescription being for five (5) tubex of Meperidine 100 mg., a Schedule II controlled substance.

This act, to-wit: **Illegal Processing of Drug Documents**, constitutes a Felony of the Fourth degree, contrary to and in violation of the Ohio Revised Code, Title 29 §2925.23(B)(1) and against the peace and dignity of the State of Ohio. Upon conviction of this offense, division (C) of Section 2929.13 of the Revised Code applies in determining whether to impose a prison term.

COUNT 2

On or about the 7th day of July, 2001, in the City of Mentor, Lake County, State of Ohio, one **MICHAEL A. DICELLO** did intentionally make, utter, or sell, or knowingly possess a false or forged prescription.

The prescription being for seven (7) ampules of Demerol 50 mg., a Schedule II controlled substance.

This act, to-wit: **Illegal Processing of Drug Documents**, constitutes a Felony of the Fourth degree, contrary to and in violation of the Ohio Revised Code, Title 29 §2925.23(B)(1) and against the peace and dignity of the State of Ohio. Upon conviction of this offense, division (C) of Section 2929.13 of the Revised Code applies in determining whether to impose a prison term.

COUNT 3

On or about the 7th day of July, 2001, in the City of Mentor, Lake County, State of Ohio, one **MICHAEL A. DICELLO** did intentionally make, utter, or sell, or knowingly possess a false or forged prescription.

The prescription being for twelve (12) tablets of Compazine 10 mg., a dangerous drug.

This act, to-wit: **Illegal Processing of Drug Documents**, constitutes a Felony of the Fifth degree, contrary to and in violation of the Ohio Revised Code, Title 29 §2925.23(B)(1) and against the peace and dignity of the State of Ohio. Upon conviction of this offense, division (C) of Section 2929.13 of the Revised Code applies in determining whether to impose a prison term.

COUNT 4

On or about the 7th day of July, 2001, in the City of Mentor, Lake County, State of Ohio, one **MICHAEL A. DICELLO** did intentionally make, utter, or sell, or knowingly possess a false or forged prescription.

The prescription being for ten (10) vials of Vistaril 50 mg., a dangerous drug.

This act, to-wit: **Illegal Processing of Drug Documents**, constitutes a Felony of the Fifth degree, contrary to and in violation of the Ohio Revised Code, Title 29 §2925.23(B)(1) and against the peace and dignity of the State of Ohio. Upon conviction of this offense, division (C) of Section 2929.13 of the Revised Code applies in determining whether to impose a prison term.



PROSECUTING ATTORNEY

A TRUE BILL

This Bill of Indictment found upon testimony sworn and sent before the Grand Jury at the request of the Prosecuting Attorney.



GRAND JURY-FOREPERSON/DEPUTY

PEK/jma May 21, 2002
(0056075)

I certify this to be a full, true and correct copy of the original indictment, with the endorsements thereon, now on file in my office.



DEPUTY
Lynne L. Mazeika, CLERK OF COURTS

FILED

2002 OCT 29 A 10: 11

IN THE COURT OF COMMON PLEAS
LAKE COUNTY, OHIO

LYNNE L. MAZEIKA
LAKE CO CLERK OF COURT

STATE OF OHIO)	CASE NO. 02-CR-000291
Plaintiff)	
vs.)	<u>JUDGMENT ENTRY</u>
MICHAEL A. DICELLO)	
Defendant)	JUDGE EUGENE A. LUCCI

DOCKETED

This day, to-wit: October 25, 2002, came the Lake County Prosecuting Attorney, Charles E. Coulson, by and through Paul E. Kaplan, Assistant Prosecuting Attorney, on behalf of the State of Ohio, and the defendant, Michael A. Dicello, being in Court, and represented by counsel, Casey P. O'Brien, Esquire, the defendant having heretofore entered a plea of "Not Guilty" to the charge in the Indictment, and further having been tried by a jury, the jury now returns its verdict.

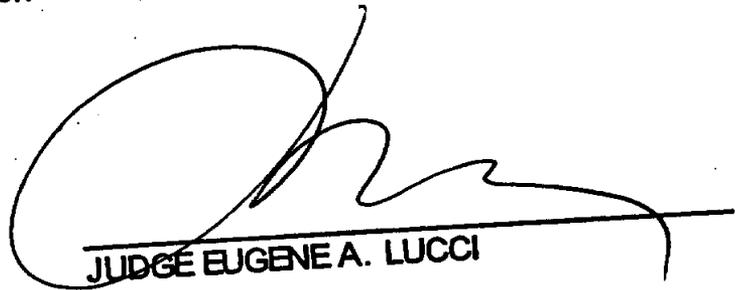
The jury finds the defendant "Guilty" of Count 1, Illegal Processing of Drug Documents, a felony of the fourth degree, in violation of Section 2925.23(B)(1) of the Ohio Revised Code; Count 2, Illegal Processing of Drug Documents, a felony of the fourth degree, in violation of Section 2925.23(B)(1) of the Ohio Revised Code; Count 3, Illegal Processing of Drug Documents, a felony of the fifth degree, in violation of Section 2925.23(B)(1) of the Ohio Revised Code; and Count 4, Illegal Processing of Drug Documents, a felony of the fifth degree, in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

The Court hereby deferred sentencing until a later date to be set by the Court and referred the matter to the Adult Probation Department of the Court of Common

Pleas for a pre-sentence investigation and report and a drug and alcohol evaluation.

Bond is continued.

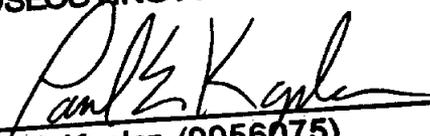
IT IS SO ORDERED.



JUDGE EUGENE A. LUCCI

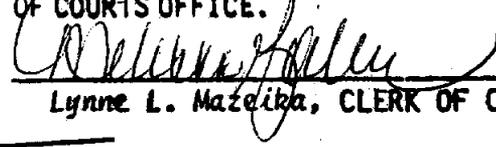
APPROVED:

CHARLES E. COULSON (0008667)
PROSECUTING ATTORNEY



Paul E. Kaplan (0056075)
ASSISTANT PROSECUTING ATTORNEY

I CERTIFY THIS TO BE A TRUE COPY OF THE
RECORDS ON FILE IN THE LAKE COUNTY CLERK-
OF COURTS OFFICE.



DEPUTY
Lynne L. Mazdiba, CLERK OF COURTS

PEK/san

B100