BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :

:

PEDRO TAN YAP, M.D. :

ENTRY OF ORDER

On June 26, 2002, Pedro Tan Yap, 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. Yap'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. 35-032956 authorizing Pedro Tan Yap, M.D., to practice medicine be permanently REVOKED, effective July 24, 2002.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 24th day of July, 2002, and the original thereof shall be kept with said Journal.

Anand G. Garg, M.D. /TAD
Anand G. Garg, M.D.
Secretary

(SEAL)

July 24, 2002
Date

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

I, Pedro Tan Yap, 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, Pedro Tan Yap, M.D., do hereby voluntarily, knowingly, and intelligently surrender my certificate to practice medicine and surgery, No. 35-032956, 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. 35-032956 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. 35-032956, 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, Pedro Tan Yap, M.D., 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, Pedro Tan Yap, M.D., 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 formal disciplinary proceedings pursuant to Section 4731.22(B)(9), Ohio Revised Code, based upon my having entered pleas of guilty, in the Court of Common Pleas of Trumbull County, Ohio, to nineteen felony counts of violation of Section 2925.03, Ohio Revised Code, Aggravated Trafficking in Drugs. Copies of the court documents are attached hereto and incorporated herein.

Signed this 26th day of June, 2002.

Pedro Tan Yap, M.D.

Witness

Witness

NOTARY PUBLIC
STATE OF OHIO
CHRISTOPHER D.
BECKER
My commission does not expire ORC 147.03

Sworn to and subscribed before me this 26th day of June, 2002.

Notary Public

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

07/24/02
DATE

7/24/02
DATE

IN THE COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO

STATE OF OHIO,	)	CASE NO. 01-CR-160
	)	
Plaintiff	)	JUDGE W. WYATT McKAY
	)	
-vs-	)	
	)	FINDING ON GUILTY PLEA
PEDRO YAP,	)	TO AMENDED INDICTMENT
	)	
Defendant	)	

After being fully informed by my counsel and by the Court of the charge against me, I am making a plea voluntarily with the understanding of the nature of the charge and the consequences, including the penalty of the plea, which can be from:

<u>COUNTS 2-20</u>: Mandatory prison term of 1, 2, 3, 4, or 5 years and up to $10,000 fine on each count; $5,000.00 mandatory minimum fine. Driver's license shall be suspended for not less than six (6) months nor more than five (5) years.

Said prison term is (not) presumed necessary and is (not) mandatory.

Additionally, the Defendant expressly acknowledges and understands, that under the terms of this plea agreement and/or relevant law regarding Judicial Release, the following is applicable (check one):

____ (1) the State will not oppose a timely filed motion for judicial release;

____ (2) the State will not take a position on judicial release;

X (3) the State will oppose judicial release; or

____ (4) the Defendant is not eligible for judicial release.

July 2, 20 03

This is a true and correct copy to the original
Finding on Guilty Plea
MARGARET R. O'BRIEN, Clerk
By [illegible] Deputy

0069 865

Further, the Defendant expressly acknowledges and understands that the victim or victim's representative is neither a party to, nor bound by, the terms of this plea agreement, and the victim or the victim's representative retains the right to make a statement regarding Judicial Release or other similar modifications of sentence.

Court costs, restitution and other financial sanctions including day fine, standard fine, reimbursement for the cost of community sanctions may be imposed.

If you are now on felony probation or parole, this plea may result in revocation proceedings and any new sentence could be imposed consecutively.

In addition a period of control or supervision by the Adult Parole Authority after release from prison is ~~mandatory~~/optional in this case. The control period may be a maximum of 3 years. A violation of any post-release control rule or condition can result in a more restrictive sanction while released, an increased duration of supervision or control, up to the maximum set out above and/or re-imprisonment even though you have served an entire stated prison sentence imposed upon you by this court for all offenses set out above. Re-imprisonment can be imposed in segments of up to 9 months but cannot exceed a maximum of ½ of the total term imposed for all of the offenses set out above. If you commit another felony while subject to this period of control or supervision you may be subject to an additional prison term consisting of the maximum period of unserved time remaining on post-release control as set out above or 12 months whichever is greater. This prison term must be served consecutively to any term imposed for the new felony you are convicted of committing. If this court is not required by law to impose a prison sanction, it may impose a community control sanction or non-prison sanction upon you. If you violate the rules or conditions of such a community control sanction, the court may extend

the time for which you are subject to this sanction up to a maximum of 5 years, impose a more restrictive sanction, or imprison you for up to the maximum term allowed for the offense/offenses as set out above.

I understand that the Court upon acceptance of a plea of guilty may proceed with judgment and sentencing. I understand I have the right to a jury trial. I understand that at trial I have the right to confront and cross-examine the witnesses against me, and the right to have compulsory process for obtaining witnesses in my favor and to require the State to prove my guilt beyond a reasonable doubt at a trial at which I cannot be compelled to testify against myself. Upon conviction, I would have the further right of Appeal. However, I waive all those rights, including right to a trial by jury. I withdraw my former plea of "not guilty" and enter a plea of "guilty" to the amended indictment charging me with the crime of:

COUNTS 2-20: AGGRAVATED TRAFFICKING IN DRUGS (F3)

(ORC 2925.03(A)&(B)(1)&(C)(1)(c)

Furthermore, I am entering the plea of guilty after being fully informed by my counsel and by the Court of the elements of the charge. Those elements are:

COUNTS 2-20: The Defendant did in Trumbull County, Ohio, whose conduct was not in accordance with Chapters 3719, 4723, 4729, 4731, and 4741, did knowingly sell or offer to sell Oxycontin (Oxycodone Hydrochloride), a Schedule II controlled substance, and the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount.

Furthermore, I have been informed by the Court and understand that I am (not) eligible for probation or community control sanction or (if applicable) that my plea of guilty may result

0569 647

in an additional sentence for a parole or post release control violation, and/or probation or community control sanction violation and such sentence shall be consecutive. Further my attorney has advised me of the possible appellate rights that may be applicable conditioned on the sentence imposed. Furthermore, my counsel and I have fully discussed the facts and circumstances surrounding this case including the names of all witnesses. My attorney has investigated these facts and circumstances to the best of my knowledge and has discussed with me the making of or the necessity of pre-trial motions. I am, therefore, satisfied that I am now entering this plea with full understanding of my legal rights under the facts and circumstances as explained me by my attorney and the Court. I have further advised my counsel and this Court that I am (not) a citizen of the United States of America.

If you are not a citizen of the United States you are hereby advised that conviction of the offense to which you are pleading guilty (or no contest, when applicable) may have the consequences of deportation, exclusion from admission to the United States or denial of naturalization pursuant to the laws of the United States.

The underlying agreement upon which the plea is based is as follows:

Defendant to undergo PSI. State to Nolle Counts 1 & 21 of the indictment. State recommends five (5) years in prison. Defendant to voluntarily surrender certificate to practice medicine. State recommends that Defendant pay mandatory fines pursuant to Sections 2925.03(D)(1) & 2929.18(B)(1)&(2) of the Revised Code totaling one hundred thousand dollars ($100,000.00) ($5,000.00 on 18 counts and $10,000.00 on one count). Failure of the Defendant to pay these mandatory fines in full prior to sentencing will result

in a nullification of this plea agreement and the reinstatement of the original indictment.

ASSISTANT PROSECUTING ATTORNEY

4-23-02

ATTORNEY FOR DEFENDANT

DEFENDANT

The Court is satisfied that there is a factual basis for the plea; that the Defendant was advised of all his/her constitutional rights and that he/she understood and waived them before entering the plea. The above plea of guilty is accepted.

4/23/02

DATE

HONORABLE W. WYATT McKAY
JUDGE, COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO

IN THE COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO

STATE OF OHIO,	)	CASE NO. 01-CR-160
	)	
Plaintiff	)	JUDGE W. WYATT McKAY
	)	
-vs-	)	SENTENCE TO LORAIN CORRECTIONAL INSTITUTION
	)	
PEDRO YAP,	)	
	)	ENTRY ON SENTENCE
Defendant	)	

The Defendant herein having been indicted by the January Fourth, 2002 Term of the Grand Jury of Trumbull County, Ohio for Count 1: Engaging In A Pattern Of Corrupt Activity (F1) With Real Property Forfeiture, in violation of ORC 2923.32(A)(1)&(2) and (B)(1)&(3) and 2925.42(A)(1)(b); Counts 2-20: Aggravated Trafficking In Drugs (F3) With Forfeiture, in violation of ORC 2925.03(A)&(B)(1)&(C)(1)(c) and 2925.42(A)(1)(b); and Count 21: Tampering With Evidence (F3), in violation of ORC 2921.12(A)(2). On the 23rd day of April, 2002, the defendant having been brought into Court, and being fully advised in the premises and represented by counsel, Attorney John Pyle, on said date entered a plea of guilty to an amended indictment, Counts 2-20: Aggravated Trafficking In Drugs (F3), in violation of ORC 2925.03(A)&(B)(1)&(C)(1)(c). Said plea being accepted by the Court, and probation report having been ordered.

On June 26, 2002, the defendant's sentencing hearing was held pursuant to Ohio Revised Code Section 2929.19. The Defendant was present and represented by Attorney John Pyle and the State represented by Assistant Prosecuting Attorney Christopher D. Becker. The Defendant was afforded all rights pursuant to Criminal Rule 32. The Court has considered the record, oral statements, any victim impact statements, as well as the principles and purposes of sentencing under Ohio Revised Code Section 2929.11, and has balanced the seriousness and recidivism factors under Ohio Revised Code section 2929.12.

The Court finds that the defendant has been convicted of Counts 2-20: Aggravated Trafficking In Drugs (F3), in violation of ORC 2925.03(A)&(B)(1)&(C)(1)(c), subject to Section 2929.13 of the Ohio Revised Code, and subject to a mandatory term of incarceration

July 12, 2002
This is a true and correct copy to the original
Entry in Sentence
MARGARET R. O'BRIEN, Clerk
By Rochelle Kyle Deputy
JUL 3 3 29 PM '02

pursuant to ORC 2929.13(F). The Court makes the following findings: that the minimum term of incarceration would demean the seriousness of the defendant's conduct and will not adequately protect the public from future crime by the defendant and others.

It is therefore ORDERED, ADJUDGED, and DECREED that the defendant serve a mandatory term of three years on each count, said sentences to run concurrently with each other, and that he pay the cost of prosecution taxed in the amount of $ _____ for which execution is awarded. Further, Defendant's driver's license is suspended for a period of six (6) months and is ordered to pay $5,000.00 on each count as to Counts 2-19; and $10,000.00 on Count 20, for a total of $100,000.00 in lieu of forfeiture.

The Court has further notified the defendant that post release control is optional in this case for up to a maximum of 3 years, as well as the consequences for violating conditions of post release control imposed by the Parole Board under Revised Code section 2967.28. The defendant is ordered to serve as part of this sentence any term of post release control imposed by the Parole Board, and any prison term for violation of that post release control.

It is therefore ORDERED that the Superintendent of the LORAIN CORRECTIONAL INSTITUTION shall take note that the Defendant is granted credit for time served in the Trumbull County Jail pursuant to these charges from March 11, 2001 to March 12, 2001, and from June 26, 2002 to date.

7/1/02

DATED

HONORABLE W. WYATT McKAY
JUDGE, COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO

You are hereby notified that you have been convicted of an offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse and pursuant to Section 2923.13 of the Ohio Revised Code, you are prohibited from acquiring, having, carrying, or using any firearm or dangerous ordnance.

THE CLERK OF COURTS IS HEREBY ORDERED TO SERVE COPIES OF THIS ENTRY TO ALL COUNSEL OF RECORD

JUDGE

JUL 3 3 29 PM '02
MARGARET A. O'BRIEN
CLERK OF COURTS
TRUMBULL COUNTY