



State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

August 12, 2009

Perry Robinson, M.D.
125 South SR7 #104-146
Wellington, FL 33414

RE: 09-CRF-062

Dear Dr. Robinson:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on August 12, 2009.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal must be taken to the Franklin County Court of Common Pleas.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of an original Notice of Appeal with the State Medical Board of Ohio and a copy with the Franklin County Court of Common Pleas. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT:baj
Enclosures

CERTIFIED MAIL RECEIPT NO. 91 7108 2133 3934 3683 6637
RETURN RECEIPT REQUESTED

Kenneth F. Seminatore, Esq.
The Superior Building, Suite 1715
815 Superior Ave.
Cleveland, OH 44114

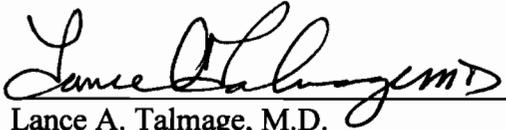
CERTIFIED MAIL RECEIPT NO. 91 7108 2133 3934 3683 6644
RETURN RECEIPT REQUESTED

Mailed 8-13-09

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry approved by the State Medical Board, meeting in regular session on August 12, 2009, constitutes a true and complete copy of the Findings, Order and Journal Entry in the Matter of Perry Robinson, M.D., Case Number 09-CRF-062, as it appears in the Journal of the State Medical Board of Ohio.

This Certification is made by the authority of the State Medical Board of Ohio in its behalf.


Lance A. Talmage, M.D.
Secretary

(SEAL)

August 12, 2009

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

CASE NO. 09-CRF-062

PERRY WILLIAM ROBINSON, M.D.

*

FINDINGS, ORDER AND JOURNAL ENTRY

By letter dated May 13, 2009, notice was given to Perry William Robinson, M.D., that the State Medical Board intended to consider disciplinary action regarding his license to practice medicine and surgery in the state of Ohio, and that he was entitled to a hearing if such hearing was requested within thirty (30) days of the mailing of said notice. In accordance with Section 119.07, Ohio Revised Code, said notice was sent via certified mail, return receipt requested, on May 14, 2009, to the address of record of Dr. Robinson, that being 6278 N. Federal Highway #334, Fort Lauderdale, Florida 33308.

A signed certified mail receipt was returned to the Medical Board documenting proper service of the notice. However, no hearing request has been received from Dr. Robinson and more than thirty (30) days have now elapsed since the mailing of the notice.

WHEREFORE, having reviewed the affidavit of Kay Rieve, Administrative Officer, the affidavit of Barbara Jacobs, Public Services Administrator, and the notice of opportunity for hearing issued on May 13, 2009, all of which are attached hereto and incorporated herein, the Board hereby finds that:

1. On February 4, 2009, the Board issued an Order to Perry William Robinson, M.D., via certified mail, return receipt request, ordering Dr. Robinson to submit to a psychiatric examination with Stephen Noffsinger, M.D., on Wednesday, March 18, 2009.
2. On February 26, 2009, and March 6, 2009, Dr. Robinson asserted that Dr. Noffsinger was not an acceptable evaluator and requested that a different evaluator be assigned to perform the examination.
3. The Board declined to appoint a different evaluator and rescheduled the examination for April 15, 2009.
4. The Board received written notice from Dr. Noffsinger that Dr. Robinson failed to appear for the examination scheduled for April 15, 2009.
5. Dr. Robinson has failed to provide any documentation that his failure to appear for the examination scheduled for April 15, 2009, was due to circumstances beyond his control.

Based upon the above findings, the Board concludes as a matter of law that:

Dr. Robinson is impaired in his ability to practice in accordance with accepted and prevailing standards of care by reason of mental illness or physical illness, including but not limited to physical deterioration that adversely affects cognitive, motor, or perceptive skills, as that clause is used in Section 4731.22(B)(19), Ohio Revised Code.

Accordingly, it is hereby ORDERED that:

- A. **SUSPENSION OF CERTIFICATE:** The certificate of Perry William Robinson, M.D., to practice medicine and surgery in the state of Ohio shall be **SUSPENDED** for an indefinite period of time.
- B. **CONDITIONS FOR REINSTATEMENT:** Dr. Robinson shall not apply in the future for reinstatement or restoration of his certificate to practice medicine and surgery in the state of Ohio, or for any other certificate issued by the Board, until all of the following conditions are met.
 1. **Application:** Dr. Robinson shall submit an application, accompanied by appropriate fees.
 2. **Demonstration of Ability to Practice:** Dr. Robinson shall demonstrate to the satisfaction of the Board that he can practice in compliance with acceptable and prevailing standards of care under the provisions of his certificate. Such demonstration shall include but shall not be limited to the following:
 - (a) **Psychiatric Assessment:** Prior to submitting his application for reinstatement or restoration, Dr. Robinson shall submit to the Board for its prior approval the name and curriculum vitae of a psychiatrist of Dr. Robinson's choice.

Upon approval by the Board, Dr. Robinson shall obtain from the approved psychiatrist an assessment of Dr. Robinson's current psychiatric status. The assessment shall take place no more than sixty days prior to the submission of Dr. Robinson's application for reinstatement, unless otherwise approved by the Board. Prior to the initial assessment, Dr. Robinson shall furnish the approved psychiatrist copies of the Board's Order, a copy of the May 13, 2009, Notice of Opportunity for Hearing with attachments, and any other documentation which the Board may deem appropriate or helpful to that psychiatrist.

Upon completion of the initial assessment, Dr. Robinson shall cause a written report to be submitted to the Board from the approved psychiatrist. The written report shall include:

- (i) A detailed report of the evaluation of Dr. Robinson's current psychiatric status and condition;
- (ii) A detailed plan of recommended psychiatric treatment, if any, based upon the psychiatrist's informed assessment of Dr. Robinson's current needs;
- (iii) A statement regarding any recommended limitations upon his practice, and
- (iv) Any reports upon which the treatment recommendation is based, including reports of physical examination and psychological or other testing.

(b) **Additional Evidence of Fitness To Resume Practice:** In the event that Dr. Robinson has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222 of the Revised Code to require additional evidence of his fitness to resume practice.

C. **PROBATION:** Upon reinstatement or restoration, Dr. Robinson's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:

1. **Obey the Law:** Dr. Robinson shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery or other licensed practice in Ohio.
2. **Continue Psychiatric Treatment:** If the psychiatrist approved by the Board prior to Dr. Robinson's reinstatement or restoration recommended that Dr. Robinson undergo psychiatric treatment, Dr. Robinson shall continue in psychiatric treatment until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require reports from the approved treating psychiatrist. The psychiatric reports shall contain information describing Dr. Robinson's current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Robinson's compliance with the treatment plan; Dr. Robinson's psychiatric status; Dr. Robinson's progress in treatment; and results of any laboratory studies that have been conducted since the prior report. Dr. Robinson shall ensure that the reports are forwarded to the Board on a quarterly basis and are

received in the Board's offices no later than the due date for Dr. Robinson's quarterly declaration.

In addition, Dr. Robinson shall ensure that his treating psychiatrist immediately notifies the Board of Dr. Robinson's failure to comply with his psychiatric treatment plan and/or any determination that Dr. Robinson is unable to practice due to his psychiatric disorder.

In the event that the designated psychiatrist becomes unable or unwilling to serve in this capacity, Dr. Robinson must immediately so notify the Board in writing and make arrangements acceptable to the Board for another psychiatrist as soon as practicable. Dr. Robinson shall further ensure that the previously designated psychiatrist also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

3. **Personal Appearances:** Dr. Robinson shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which Dr. Robinson's certificate is reinstated or restored. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
4. **Quarterly Declarations:** Dr. Robinson shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which Dr. Robinson's certificate is reinstated or restored. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
5. **Provision of Blood or Urine for Screening without Prior Notice:** Dr. Robinson shall submit blood and/or urine specimens for analysis without prior notice at such times as the Board may request, at Dr. Robinson's expense.
6. **Releases:** Dr. Robinson shall provide continuing authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Robinson's psychiatric condition and/or related conditions, or for purposes of complying with this Order, whether such treatment or evaluations occurred before or after the reinstatement or restoration of Dr. Robinson's certificate to practice medicine and surgery or other certificate. The above-mentioned evaluative reports, summaries, and records are considered medical records for

purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute.

Dr. Robinson shall also provide the Board written consent permitting any treatment provider from whom Dr. Robinson obtains treatment to notify the Board in the event he fails to agree to or comply with any treatment contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Order.

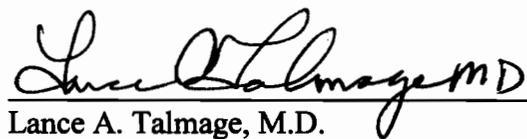
7. **Absence from Ohio:** Dr. Robinson shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed.
 8. **Tolling of Probationary Period while Out of Compliance:** In the event Dr. Robinson is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.
- D. **Required Reporting to Employers and Hospitals:** Within thirty days of the effective date of this Order, Dr. Robinson shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services (including but not limited to third party payors) or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Robinson shall promptly provide a copy of this Order to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments. Further, Dr. Robinson shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Order to the person or entity to whom a copy of the Order was emailed.
- E. **Required Reporting to Other State Licensing Authorities:** Within thirty days of the effective date of this Order, Dr. Robinson shall provide a copy of this Order to the proper licensing authority of any state or jurisdiction in which he currently holds

any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate. Dr. Robinson shall further provide a copy of this Order at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement of any professional license. Further, Dr. Robinson shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Order to the person or entity to whom a copy of the Order was emailed.

- F. **Change of Address:** Dr. Robinson shall notify the Board in writing of any change of principal practice address or residence address within thirty days of such change.
- G. **Termination Of Probation:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Robinson's certificate will be fully restored.

This Order shall become effective IMMEDIATELY.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 12th day of August 2009, and the original thereof shall be kept with said Journal.


Lance A. Talmage, M.D.

Secretary

(SEAL)

August 12, 2009

Date

AFFIDAVIT

The State of Ohio
Franklin County, S.S.

I, Kay L. Rieve, being duly cautioned and sworn, do hereby depose and say that:

- 1) I am employed by the State Medical Board of Ohio (hereinafter, "The Board")
- 2) I serve the Board in the position of Administrative Officer.
- 3) In such position I am the responsible custodian of all licensure records maintained by the Board pursuant to Chapter 4731, Ohio Revised Code.
- 4) I have this day carefully examined the licensing records of the Board pertaining to Perry William Robinson, M.D.
- 5) At the time that the Board issued a Notice of Opportunity for Hearing to Dr. Robinson on May 13, 2009, Dr. Robinson's address of record was:

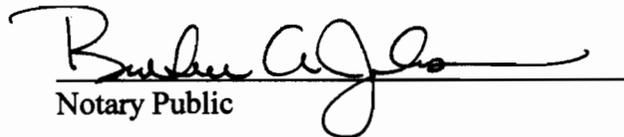
6278 N. Federal Highway
#334
Fort Lauderdale, Florida 33308

- 6) Further, Affiant Sayeth Naught.

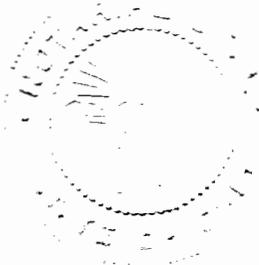


Kay L. Rieve
Administrative Officer

Sworn to and signed before me, Barbara A. Jacobs, Notary Public, this
24th day of July, 2009.



Notary Public



**BARBARA ANN JACOBS, ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
My commission expires on expiration date.
Section 147.03 R.C.**

AFFIDAVIT

The State of Ohio
Franklin County, SS

I, Barbara A. Jacobs, being duly cautioned and sworn, do hereby depose and state that the following is true based upon my first-hand knowledge:

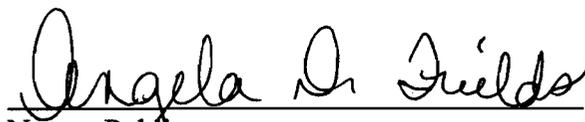
- 1) I am employed by the State Medical Board of Ohio (hereinafter, "The Board").
- 2) I serve the Board in the position of Public Services Administrator.
- 3) In the course of my regular duties, I am responsible for seeing that all procedural requirements of Chapter 119., Ohio Revised Code, regarding service of any notice issued by the Board are met.
- 4) According to the Board's records, the Board issued a Notice of Opportunity for Hearing to Perry Robinson, M.D., on May 13, 2009. Such notice was mailed by certified mail, return receipt requested, to Dr. Robinson's address of record, that being 6278 N. Federal Highway #334, Fort Lauderdale, Florida 33308.
- 5) A signed certified mail receipt was received by the Board, documenting service of the notice upon Dr. Robinson. Attached hereto and incorporated herein is a true and accurate copy of the May 13, 2009, Notice of Opportunity for Hearing, with the certified mail receipts.
- 6) As of the date of this affidavit, the Board has not received a request for hearing from Dr. Robinson.
- 7) Further, Affiant Sayeth Naught.


Barbara A. Jacobs
Public Services Administrator

Sworn to and signed before me, Angela D. Fields, Notary Public, this 24th day of June, 2009.



ANGELA D. FIELDS
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 05/14/11


Notary Public

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127



Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

May 13, 2009

Case number: 09-CRF- *062*

Perry Robinson, M.D.
6278 N. Federal Highway #334
Fort Lauderdale, FL 33308

Dear Dr. Robinson:

Due to your failure to submit to a psychiatric examination on April 15, 2009 as ordered by the State Medical Board of Ohio [Board] and your failure to notify the Board of any circumstances beyond your control preventing you from submitting to said examination, pursuant to Section 4731.22(B)(19), Ohio Revised Code, a legal presumption has been established that you have admitted the factual and legal allegations demonstrating an inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills, as alleged against you in the Board's letters sent to you by certified mail and dated February 4, 2009 [February 4, 2009 certified letter], and March 4, 2009 [March 4, 2009 certified letter], so ordering you to submit to such examination.

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the Board intends, for one or more of the following reasons, to determine whether your failure to submit to the aforementioned examination was due to circumstances beyond your control, which would rebut the legal presumption of an inability to practice and merit rescheduling the examination as directed by the Board, or conversely, whether your failure to submit to the aforementioned examination was due to circumstances within your control, which would render the legal presumption of an inability to practice conclusive and result in the Board further determining whether to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand you or place you on probation based upon your legally admitted inability to practice:

- (1) By letter dated February 4, 2009, the Board notified you of its determination that it had reason to believe that you are in violation of Section 4731.22(B)(19), Ohio Revised Code, and ordered you to undergo a psychiatric examination to determine if you are in violation of Section 4731.22(B)(19), Ohio Revised Code. The Board's

Mailed 5.14.09

determination was based upon one or more of the reasons outlined in such letter, which included your long-term treatment for Major Depressive Disorder, Recurrent, and Seasonal Affective Disorder, for which you have received disability benefits.

- (2) The February 4, 2009 certified letter from the Board further notified you that, pursuant to Section 4731.22(B)(19), Ohio Revised Code, you were ordered to submit to an examination. The examination was scheduled to take place with Stephen Noffsinger, M.D., on Wednesday, March 18, 2009, at 9:00 a.m.

The February 4, 2009 certified letter from the Board further notified you that failure of an individual to submit to an examination as directed constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control. Finally, the letter notified you that if you failed to submit to the examination, and such failure was not due to circumstances beyond your control, the Board would be authorized to enter a default and final order without the taking of testimony or presentation of evidence.

- (3) You were duly notified of the examination order and its scheduled date. The certified letter return receipt is signed and dated February 7, 2009.
- (4) On or about February 26, 2009, and March 6, 2009, you sent, via facsimile and certified mail, letters to the Board explaining that you would not be attending the evaluation because you believed that Dr. Noffsinger's evaluation of you would present a conflict of interest, and that, in your opinion, Dr. Noffsinger was not a suitable evaluator because his "background and current interest apparently are focused on the criminally insane, and child murderers." You requested that your allegation be considered circumstances beyond your control, and requested that a "more suitable" examiner be assigned. You were advised that the Board would not assign a new examiner, and that in order to give you time to comply with the exam order, you would be granted one continuance. Your evaluation was rescheduled with Dr. Noffsinger for Wednesday, April 15, 2009, at 12:30 p.m.
- (5) By certified letter dated March 4, 2009, the Board notified you that your examination was rescheduled to take place with Dr. Noffsinger on Wednesday, April 15, 2009, at 12:30 p.m.
- (6) You were duly notified of the re-scheduled examination date. The certified letter return receipt is signed and dated March 9, 2009.
- (7) By letter dated April 20, 2009, Dr. Noffsinger notified the Board that you failed to forward advance payment for the examination and therefore the examination was cancelled. Although you asserted that you would not appear for the examination that the Board scheduled for you due to your belief that Dr. Noffsinger was not a

suitable evaluator, at no time did you establish that your failure to appear and/or your failure to forward advance payment was due to any circumstances beyond your control. Accordingly, pursuant to Section 4731.22(B)(19), Ohio Revised Code, and in consideration of the affidavits of Angela McNair, Enforcement Attorney, and Debra L. Jones, CME & Renewal Officer, copies of which are attached hereto and fully incorporated herein, the Board hereby FINDS that you have admitted the truth of the allegations demonstrating an inability to practice as set forth in the February 4, 2009 certified letter and the March 4, 2009 certified letter from the Board. The Board FINDS that pursuant to Section 4731.22(B)(19), Ohio Revised Code, your failure to appear for the examination ordered by the Board as directed constitutes an “[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills,” as that clause is used in Section 4731.22(B)(19), Ohio Revised Code.

Section 4731.22(B)(19), Ohio Revised Code, provides that any individual who applies for or receives a certificate to practice accepts the privilege of practicing in this state, and by doing so, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so by the Board in writing; and that the expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination ordered by the Board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual’s control, and a default and final order may be entered without the taking of testimony or presentation of evidence.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (7) above, individually and/or collectively, constitute “[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills,” as that clause is used in Section 4731.22(B)(19), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, and Chapter 4731., Ohio Revised Code, you are hereby advised that you are entitled to a hearing concerning whether your failure to submit to the examination as directed was due to circumstances beyond your control. 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 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 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 you or place you on probation.

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



Lance A. Talmage, M.D.
Secretary

LAT/AMM/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3125 4403
RETURN RECEIPT REQUESTED

cc: Kenneth F. Seminatore, Esq.
The Superior Building, Suite 1715
815 Superior Avenue
Cleveland, OH 44114

CERTIFIED MAIL #91 7108 2133 3936 3125 4397
RETURN RECEIPT REQUESTED

AFFIDAVIT

The State of Ohio
Franklin County, SS

I, Angela McNair, being duly cautioned and sworn, do hereby depose and state that the following is true based upon my first-hand knowledge:

- 1) I am employed by the State Medical Board of Ohio [Board].
- 2) I serve the Board in the position of Enforcement Attorney.
- 3) In the course of my regular duties, I am responsible for coordinating the investigation of complaints against applicants and licensees under the jurisdiction of the Board and assembling the evidence necessary to prove potential violations of the Medical Practices Act of Ohio, Chapters 4730., 4731., 4760., 4762., 4774., and 4776., Ohio Revised Code.
- 4) I coordinated the investigation of the complaint filed against Perry W. Robinson, M.D., which resulted in the issuance of an order from the Board that Dr. Robinson submit to an evaluation pursuant to Section 4731.22(B)(19), Ohio Revised Code.
- 5) On February 4, 2009, a letter was sent via certified mail, return receipt requested, to Dr. Robinson at the following address: 6278 N. Federal Highway, #334, Fort Lauderdale, FL 333089. A copy of said letter, by which Dr. Robinson was ordered to submit to psychiatric examination with Stephen Noffsinger, M.D., at University Hospitals of Cleveland, Walker Building, Room 725, 10524 Euclid Avenue, Cleveland, Ohio 44106, on Wednesday, March 18, 2009, at 9:00 a.m., is attached hereto and fully incorporated herein.
- 6) On February 9, 2009, the Board received electronic notice of a certified mail return receipt showing that the certified letter to Dr. Robinson had been delivered to the address set forth in paragraph 5 above. A copy of said electronic certified mail return receipt is attached hereto and fully incorporated herein.
- 7) On or about February 26, 2009, and March 6, 2009, I received letters from Dr. Robinson via facsimile and certified mail, wherein he advised that he would not be appearing for the evaluation scheduled with Dr. Noffsinger. Copies of the February 26, 2009, and March 6, 2009, letters are attached hereto and fully incorporated herein.
- 8) On or about March 4, 2009, a letter was sent via certified mail, return receipt requested, to Dr. Robinson indicating that his evaluation had been rescheduled to Wednesday, April 15, 2009, at 12:30 p.m. The letter advised that all other terms

and conditions of the February 4, 2009 certified letter remained in full force and effect.

- 9) On March 16, 2009, the Board received electronic notice of a certified mail return receipt showing that the certified letter to Dr. Robinson had been delivered to the address set forth in paragraph 5 above. A copy of said electronic certified mail return receipt is attached hereto and fully incorporated herein.
- 10) In a letter dated April 20, 2009, I received written confirmation that Dr. Robinson did not forward advance payment to Dr. Noffsinger by the date specified in the March 4, 2009 certified letter. Dr. Noffsinger advised that due to Dr. Robinson's failure to forward payment, he cancelled the evaluation scheduled for Wednesday, April 15, 2009, at 12:30 p.m., pursuant to the terms of the February 4, 2009 certified letter. A copy of the letter from Dr. Noffsinger is attached hereto.

Further Affiant Sayeth Naught.



David P. Katko
Agency at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.



Angela McNair, Enforcement Attorney

Sworn to and signed before me, David P. Katko, Notary Public, this 27th
day of April, 2009.



Notary Public

State Medical Board of Ohio

30 E. Broad Street, Columbus, OH 43215-6127



Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

February 4, 2009

Personal and Confidential

Perry Robinson, M.D.
6278 N. Federal Highway #334
Fort Lauderdale, FL 33308

Dear Doctor Robinson:

The State Medical Board of Ohio [Board] has determined that it has reason to believe that you are in violation of Section 4731.22(B)(19), Ohio Revised Code, to wit: "[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptible skills."

This determination is based upon one or more of the following reasons:

- (1) After completing your medical education, you worked as a physician in northeast Ohio from in or about 1982 until in or about the Spring of 1992. During approximately 1982, you reported that you began experiencing symptoms of yearly winter seasonal depression. In or about the Spring of 1992, you decided to move to Florida to, among other things, escape the winters in northeast Ohio, and take a break from clinical practice. In or about 1994, you returned to clinical practice. During the winter of 1998, your depression worsened over a period of five months to the point where your supervisor addressed problems with your work performance, including staff complaints, slowness in your evaluation of patients, and clinical errors. You admitted to your supervisor that you were depressed and agreed to seek professional help. Several days later you called in to work broken down and crying that you could not go into work that evening because you were so depressed you could not concentrate or cope with the stress.

You were evaluated in early June of 1998, at which time you were diagnosed with Major Depressive Disorder [MDD], Recurrent and Seasonal Affective Disorder. You were immediately prescribed Prozac 20 mg daily and began weekly psychotherapy sessions. A month later, your Prozac was increased to 40 mg daily, as you had persistent anxiety, depression, problems sleeping and anhedonia.

During the remainder of 1998, you reportedly complained of poor concentration, difficulty completing tasks, low energy and motivation, tiredness and irritability. The bank began foreclosure proceedings on your home and you filed Chapter 7 bankruptcy. Additionally, you reported that your marriage continued to deteriorate and you met with a divorce attorney. Your medication regime now included Ambien, Buspar, Serzone, Klonopin, Testosterone and Zocor.

In or during May 1999, it is reported that your treating psychiatrist felt that stress from your bankruptcy and divorce, as well as tests results indicating that you have a biochemical abnormality, were all contributing to your lack of response to treatment. Effexor XR was added to your daily medication regimen. By the end of 1999, your divorce was finalized and you moved to Fort Lauderdale. You complained of increased depression and anxiety associated with moving, crying spells, worsening rumination and difficulty concentrating, as well as worry caused by your disability carrier withholding benefits. Your medication regime now included Ambien, Buspar, Effexor, Serzone, Klonopin, Testosterone, Zocor and light therapy.

In or during May 2000, you exhibited increased anxiety and anger and indicated that you were "anxious that [the disability insurance companies] were going to follow you again or hire thugs to kill you so they don't have to pay you." Upon examination by your psychiatrist, he reportedly found you to be acutely psychotic and ordered an injection of Trilafon, as well as doses of Ativan and Cogentin. Additionally, you were started on Zyprexa.

On or about November 8, 2000, and November 9, 2000, you were subjected to an Independent Medical Examination (IME) through your disability insurance carrier. The reviewer concluded that you should be exposed to work in a hospital setting before you ever return to work in an ER setting, that your cognitive and emotional state do not preclude part-time work in a hospital at this point, however she would not like to see you return to an ER setting at this time. The reviewer further pointed out that with the recommended treatments and adequate motivational level, your prognosis was favorable to eventually return to your prior duties. The reviewer determined your diagnoses to be Dysthymic Disorder, Adjustment Disorder with Anxiety, and possible Avoidant Personality Disorder with Depressive Personality Features.

You were very distressed by the IME and its potential impact on the determination of your future disability benefits. Your medication regimen at this point was Ambien, Buspar, Effexor, Serzone, Klonopin, Testosterone, Testoderm, Zocor, Zyprexa and light therapy.

On or about March 15, 2001, your IME by another disability carrier was completed. The examiner's impression was that you are suffering from Dysthymic Disorder and Personality Disorder, Not Otherwise Specified, and that you appeared able to benefit from additional training in the medical field, possibly leading to a resumption of duties in a medically related specialty. The evaluator further opined that based upon your ability to manage approximately ten hours of intensive psychological testing, your ability to maintain medical licenses, and your high level of superior performances on cognitive testing, it is likely that you would be able to perform some level of activity related to your previous employment in medicine."

In or about January 2002, you were approved for Social Security Disability benefits. You reported experiencing severe low back pain and right sciatica, and an MRI showed lumbar degenerative disease and a herniated disk.

In July 2002, your second Disability carrier scheduled another IME to take place on July 7 and 15, 2002. Over the next few months you continued to ruminate that the insurance companies were conspiring against you and possibly manipulating test results for their own purpose. At the end of 2002, your medication regimen was Ambien, Buspar, Effexor, Naprosyn, Serzone, Klonopin, Testosterone, Testoderm, Vicodin, Welchol, Zocor, Zyprexa, and light therapy from fall to spring.

In April, 2004, you saw a radiologist about the MRI of your back, who said you would likely need surgery at some point because of the severe stenosis. You planned a consult with a neurosurgeon, and you reportedly ruminated about the possible need for back surgery. In June, because your antidepressant Serzone was taken off the market because of increasing reports of liver injury, you were weaned off the medication. You also began physical therapy for your back pain.

In September 2004, there had been two hurricanes, during which you felt locked in all the time. You subsequently had impact glass windows installed to avoid feeling shut in during future hurricanes. Christmas came and went, and you reported that, as usual, you felt more depressed due to remembering your mother's death. Your medication regimen was Ambien, Buspar, Effexor, HCTZ, Naprosyn, Klonopin, Lipitor, Lisinopril, Questran, Testosterone, Testoderm, Vicodin, Wellbutrin, Zyprexa, and light therapy from fall to spring.

You reported that your back pain continued to get worse and became so severe that you could not walk farther than 50 yards without sitting down. The

following month, you started attending Physical Therapy, and your ruminative thinking decreased considerably.

You had another IME in or about February 2007. You found the examiner to be very challenging, critical, and disbelieving of everything you said, and you reported feeling that he verbally abused and belittled you throughout the interview. You reported becoming very worried about the outcome of the IME, and you were afraid the insurance company would again try to cut off your benefits.

The results of the IME showed that the examiner opined that you were simply a malingerer and that you could go back to work in an ER setting at any time because your Ohio Medical License was still active.

You continued to cope with the loss of a relationship with a woman you dated in 2006. For the next several months you continued to ruminate about the IME, feared losing your benefits, and remained anxious, depressed and negative. You waited anxiously and worried what the insurance company's answer to your response would entail.

Your next IME was scheduled for August 2008, which reportedly caused you to feel helpless and hopeless while ruminating about the situation. You engaged in settlement negotiations with the insurance company with the agreement that the IME would be delayed until afterwards. The IME was subsequently rescheduled for November 11, 2008.

By the authority vested in the State Medical Board of Ohio by Section 4731.22(B)(19), Ohio Revised Code, you are ordered to submit to an examination. This examination will take place at University Hospitals of Cleveland, Walker Building, Room 725, 10524 Euclid Avenue, Cleveland, Ohio 44106. You are to report to Stephen Noffsinger, M.D., on Wednesday, March 18, 2009, at 9:00 a.m., for a psychiatric evaluation. Should you need driving directions and/or a map to the facility, please contact Dr. Noffsinger's administrative assistant, Joyce Parker, at (216) 844-8749.

Pursuant to Section 4731.22(B)(19), Ohio Revised Code, you are responsible for the expense of this evaluation. The total estimated cost of this evaluation is \$3,500.00. You must mail payment, in the form of a certified check or money order in this amount made payable to Stephen Noffsinger, M.D., for delivery on or before March 2, 2009, to Stephen Noffsinger, M.D., Mail Stop - WLK 5080, University Hospitals of Cleveland, Walker Building - Room 725, 10524 Euclid Avenue, Cleveland, Ohio 44106. Failure to mail advance payment via a certified check or money order in the amount specified to the examiner by March 2, 2009, will result in the examination being

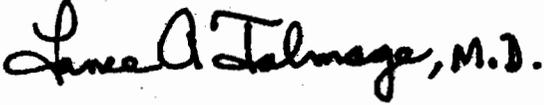
B19 Examination
Perry Robinson, M.D.
Page 5

cancelled, and will be deemed by the Board to be a failure to submit to the examination as directed due to circumstances within your control.

Please be advised that failure to submit to this examination as directed constitutes an admission of the allegations against you unless the failure is due to circumstances beyond your control, and that a default and final order may thereupon be entered without the taking of testimony or presentation of evidence.

Copies of the applicable statute sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/AMM/fib
Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3068 5024
RETURN RECEIPT REQUESTED

cc: Kenneth F. Seminatore, Esq.
The Superior Building, Suite 1715
815 Superior Avenue
Cleveland, OH 44114

CERTIFIED MAIL #91 7108 2133 3936 3068 5017
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Date Produced: 02/09/2009

STATE MEDICAL BOARD OF OHIO

The following is the delivery information for Certified Mail™ Item number 7108 2133 3936 3068 5024. Our records indicate that this item was delivered on 02/07/2009 at 10:52 a.m. in FORT LAUDERDALE, FL, 33308. The scanned image of the recipient information is provided below.

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Sincerely,

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Customer Reference Number: 4225901 1801971 [REDACTED]

February 26, 2009

State Medical Board of Ohio
Attn: Lance A. Talmage MD, Secretary
30 East Broad Street, 3rd Floor
Columbus, OH 43215-6127

Dear Dr. Talmage,

By Fax and Certified Mail

I am writing to inform you that upon the advice of my attorney I will not be attending the interview with Dr. Noffsinger scheduled for March 18.

We have recently become aware of information revealing that Dr. Noffsinger is in a clear conflict of interest situation with regards to reviewing my case, based on his previous (and possibly ongoing) consulting relationship with my insurance company's administrator, Disability Management Services. I will send a more detailed letter next week, but I felt it would be best to advise you of this prior to the March 2nd deadline for paying him to secure the date or forfeiting my right to representation.

I am requesting that this be considered as "circumstances beyond my control" and that this not be held against me. Please do not take any further action regarding my license status until this is more fully investigated and resolved, and a suitable examiner can be assigned.

Sincerely,



Perry Robinson MD

cc: Kenneth F. Seminatore
Angela McNair, Enforcement Attorney

OHIO STATE MEDICAL BOARD

MAR - 6 2009

March 6, 2009

State Medical Board of Ohio
Attn: Lance A. Talmage MD, Secretary
30 East Broad Street, 3rd Floor
Columbus, OH 43215-6127

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Dear Dr. Talmage,

By Fax and Certified Mail

I am writing to provide additional information about my formal complaint regarding my previously scheduled March 18 interview with Dr. Stephen Noffsinger, as mandated to me in your letter of February 4.

I have recently become aware of the fact that Dr. Noffsinger worked as a paid IME Examiner and defense consultant hired by Disability Management Services (DMS) during a recent court case, David Jay vs. Massachusetts Casualty Insurance Company (MC) and DMS, Starke County Court of Common Pleas, case # 2004CV00843. The two defendants in this case are the same two companies that are deeply involved throughout my case. I suspect that Dr. Noffsinger has worked for DMS on other occasions as well. This establishes a clear conflict of interest, and it is therefore obvious that Dr. Noffsinger's entire evaluation of me would be biased for the benefit of DMS/MC.

The Jay case was decided by jury in favor of Mr. Jay (supporting his right to ongoing disability benefits) last year. Moreover, the jury found MC and DMS guilty of bad faith and systematic fraudulent business practices and malice, and also awarded compensatory and punitive damages totaling more than \$6 million dollars. As an aside, DMS has also been adjudicated guilty of bad faith in other similar cases.

I have therefore declined to participate in the interview with Dr. Noffsinger for obvious reasons and I am requesting that this not be held against me.

There are other issues I must formally raise:

1. My attorney sent the Board a letter (copy attached) on April 30, 2008 requesting that the Board ascertain beforehand that any reviewer involved with my case in fact had no conflicting ties to the Disability Insurance industry. In a response letter of November 5, 2008 (copy attached), Attorney McNair said she would try to screen the reviewer but this could not be guaranteed, nor would an affidavit documenting no conflict of interest be required of the examiner. I acquiesced and placed my faith in the Board to select a well known and honest physician to evaluate my case. Please explain to me why the Board could not safeguard my interests and ensure a fair evaluation that

would not aggravate my circumstances by simply asking a few questions or having an affidavit signed by the examiner. If Dr. Noffsinger was asked any questions about this at all, it is apparent that he flat out lied in his response, or the Board did not care.

2. I am further formally questioning under Statute 4731.22(F)(2) exactly how this case was assigned to Dr. Noffsinger in the first place and by whom; whether or not the person responsible for the selection of Dr. Noffsinger has any ties to Disability Management Services; and whether or not any attempt to screen Dr. Noffsinger for a conflict of interest was made, and if so by whom, and what his responses were.
3. The Board needs to ask Dr. Noffsinger why he did not voluntarily recuse himself immediately with this obvious conflict of interest, once he reviewed my records and saw the in depth involvement of his employer. My guess is it is simply because he thought I would not find out anything about his previous and/or current ties to DMS.
4. Why was this case not assigned to a psychiatrist near Columbus where the Board meets? There must be qualified psychiatrists known and acceptable to the Board available through the Ohio State University, who could interact with the Board directly on a local basis.
5. Please order Dr. Noffsinger to turn over any and all notes or preliminary reports he made about my case immediately and directly to the Board at this time, return any records of mine he was given, and please provide a copy of the same to my attorney.
6. Dr. Noffsingers background and current interest apparently are focused on the criminally insane, and child murderers. I did not see anything in his background indicating that he deals with Major Depression patients at all. Why was my case not assigned to a psychiatrist with more experience in managing depression?

My conclusion at this time is that Dr. Noffsinger (and perhaps other as yet unidentified Board members/employees) planned to "do DMS a favor" and bias the Board's investigation against me (i.e. by agreeing with and reinforcing Dr. Samuel's allegations of malingering) for future personal financial gain with DMS.

I am therefore also formally requesting under Ohio Statute 4731.22(F)(1) that Dr. Noffsinger himself (and any other responsible parties) be fully investigated under Ohio Statute 4731.22(B)(18) for this unethical act and possible other similar episodes of unethical conduct as a physician, and that any appropriate disciplinary actions be taken.

In order to ease any concerns the Board may have about my license still being active and being a potential legal liability, I am hereby offering to voluntarily temporarily surrender

OHIO STATE MEDICAL BOARD

MAR - 6 2009

RECEIVED

my license to practice in Ohio until such time as my case can be evaluated fully and fairly.

I would like to request that the next reviewer be a double-Board-Certified physician in both Psychiatry and Emergency Medicine. It is my opinion that this is the only type of individual who is truly qualified to understand and evaluate my case and make the appropriate recommendations, as typical psychiatrists have little experience with full time Emergency Room practice requirements and functional requirements. Such a physician could be identified and recommended by the American College of Emergency Physicians (ACEP), and should clearly be required to sign an affidavit beforehand confirming he or she has no insurance industry ties or previous ties to me to prevent a reoccurrence of this unfortunate situation. I do not think this is an unreasonable request since my license is on the line and I have to pay the bill.

Please respond in writing to me and my attorney Mr. Kenneth F. Seminatore as quickly as possible. Also please include the case number that will be assigned to my complaint about Dr. Noffsinger as requested in the paragraphs above.

Sincerely,



Perry Robinson MD

cc: Kenneth F. Seminatore
Angela McNair, Enforcement Attorney
Disability Management Services, Inc.
Ohio and California State Departments of Insurance

OHIO STATE MEDICAL BOARD

MAR - 5 2009

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State Medical Board of Ohio

30 E. Broad Street, Columbus, OH 43215-6127



Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

March 4, 2009

Personal and Confidential

Perry Robinson, M.D.
6278 N. Federal Highway #334
Fort Lauderdale, FL 33308

Dear Doctor Robinson:

This correspondence is being directed to you in follow up to the certified letter dated February 4, 2009, which is fully incorporated herein by reference, through which the State Medical Board of Ohio ordered you to submit to a psychiatric examination by Stephen Noffsinger, M.D., at University Hospitals of Cleveland, Walker Building, Room 725, 10524 Euclid Avenue, Cleveland, Ohio 44106, on Wednesday, March 18, 2009, at 9:00 a.m., pursuant to the Board's authority under Section 4731.22(B)(19), Ohio Revised Code.

Although you have requested that the aforementioned evaluator be changed, please be advised that the Board is under no legal obligation to negotiate the terms or conditions of any Board-ordered psychiatric evaluation. Nonetheless, in the spirit of cooperation, the Board has agreed to reschedule your examination to a later date due to the time constraints associated with pre-payment. Accordingly, by the authority vested in the Board pursuant to Section 4731.22(B)(19), Ohio Revised Code, you are ordered to submit to the psychiatric examination that has been rescheduled with Dr. Noffsinger to Wednesday, April 15, 2009, at 12:30 p.m., with payment due in advance by Tuesday, March 31, 2009. Further, please be advised that all other terms and conditions of the February 4, 2009 certified letter remain in full force and effect.

Should you have any questions concerning this matter, please contact Angela McNair, Enforcement Attorney, at (614) 752-4834.

Very truly yours,

Lance A. Talmage, M.D.
Secretary

LAT/AMM/fib

CERTIFIED MAIL # 91 7108 2133 3936 3083 5979
RETURN RECEIPT REQUESTED

cc: Kenneth F. Seminatore, Esq.
The Superior Building, Suite 1715
815 Superior Avenue
Cleveland, OH 44114

CERTIFIED MAIL # 91 7108 2133 3936 3083 5962
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Date Produced: 03/16/2009

STATE MEDICAL BOARD OF OHIO

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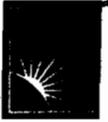
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**CASE WESTERN RESERVE
UNIVERSITY**

SCHOOL OF MEDICINE

Stephen G. Noffsinger, M.D.
Associate Professor of Psychiatry
University Hospitals of Cleveland
W. O. Walker Center, Room 7134
10524 Euclid Avenue
Cleveland, Ohio 44106
Phone 216.844.8749
Fax 330.650.9034

April 20, 2009

Angela McNair, Esq.
Enforcement Attorney
State Medical Board of Ohio
30 E. Broad Street, 3rd Floor
Columbus, OH 43215-6126

Re: **Perry Robinson, M.D.**

2009 APR 23 P 1:25

STATE MEDICAL BOARD
OF OHIO

Dear Ms. McNair:

Thank you for referring Perry Robinson, M.D. for a psychiatric examination ordered by the State Medical Board of Ohio. The examination was originally set for 3/18/09 and then rescheduled for 4/15/09. As we discussed on 4/13/09, I did not receive payment for the examination from Dr. Robinson and therefore the examination scheduled for 4/15/09 was cancelled.

Please call me with any questions or if you wish to reschedule this evaluation for a future date.

Best wishes,

Stephen Noffsinger, M.D.

AFFIDAVIT

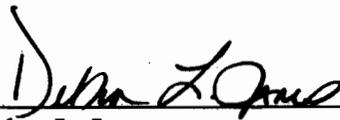
The State of Ohio
Franklin County, SS

I, Debra L. Jones, being duly cautioned and sworn, do hereby depose and state that the following is true based upon my first-hand knowledge:

- 1) I am employed by the State Medical Board of Ohio [Board].
- 2) I serve the Board in the position of Continuing Medical Education and Renewal Officer.
- 3) In such position, I am the responsible custodian of all public licensee records maintained by the Board pertaining to individuals who have received certificates issued pursuant to Chapter 4731., Ohio Revised Code.
- 4) I have this day carefully examined the records of the Board pertaining to Perry W. Robinson, M.D.
- 5) Based on such examination, I have found the last known address of record of Perry W. Robinson, M.D., to be:

6278 N. Federal Highway, #334
Ft. Lauderdale, FL 33308

- 6) Further, Affiant Sayeth Naught.



Debra L. Jones
Continuing Medical Education and
Renewal Officer

Sworn to and signed before me, Angela M. McNair, Notary Public, this 27th
day of April, 2009.



Notary Public



Angela M. McNair
Attorney at Law
Notary Public, State of Ohio
My Commission Expires No. 147,08 D.C.



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- Delivered, May 18, 2009, 11:41 am, FORT LAUDERDALE, FL 33308
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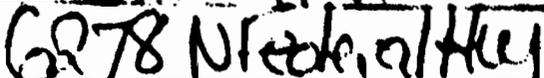
Jackie Moore:

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Signature of Recipient: 
Brian Hill

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Address of Recipient: 

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Class: First-Class Mail®

Service(s): Return Receipt Electronic

Status: Electronic Shipping Info Received

The U.S. Postal Service was electronically notified by the shipper on May 14, 2009 to expect your package for mailing. This does not indicate receipt by the USPS or the actual mailing date. Delivery status information will be provided if / when available. No further information is available for this item.

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