

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :
CESAR H. ROJAS VILLEGAS, M.D. :
AKA CESAR ROJAS, M.D. :

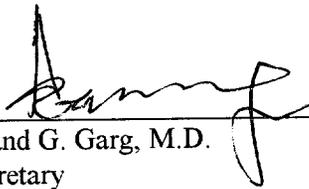
ENTRY OF ORDER

On May 14, 2001, Cesar H. Rojas Villegas, M.D., aka Cesar Rojas, 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. Rojas Villegas' 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. 35-050243 authorizing Cesar H. Rojas Villegas, M.D., aka Cesar Rojas, M.D., to practice medicine be permanently REVOKED, effective May 24, 2001.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 24th day of May, 2001, and the original thereof shall be kept with said Journal.

(SEAL)



Anand G. Garg, M.D.
Secretary

05/24/01

Date

OHIO STATE MEDICAL BOARD

MAY 16 2001

**STATE OF OHIO
THE STATE MEDICAL BOARD**

**PERMANENT SURRENDER OF CERTIFICATE
TO PRACTICE MEDICINE AND SURGERY**

I, CESAR H. ROJAS VILLEGAS, MD, AKA CESAR ROJAS, 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, CESAR H. ROJAS VILLEGAS, MD, AKA CESAR ROJAS, M.D, do hereby voluntarily, knowingly, and intelligently surrender my certificate to practice medicine and surgery, No. 35-050243, 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 I am no longer permitted to practice medicine and surgery in any form or manner in the State of Ohio. This Permanent Surrender of Certificate to Practice Medicine and Surgery shall be effective upon the last date of signature below.

I agree that I shall be ineligible for, and shall not apply for, reinstatement of certificate to practice medicine and surgery No. 35-050243 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. 35-050243, 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, CESAR H. ROJAS VILLEGAS, MD, AKA CESAR ROJAS, 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.

OHIO STATE MEDICAL BOARD

MAY 16 2001

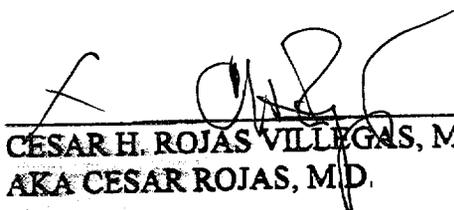
This document shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code.

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

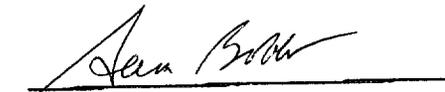
I stipulate and agree that I am taking the action described herein in lieu of formal disciplinary proceedings pursuant to Sections 4731.22(B)(3) and (B)(9), Ohio Revised Code, to wit: Section 2925.03 Trafficking in Drugs, Ohio Revised Code, based upon my March 16, 2001, plea of guilty to four (4) fourth degree felony counts of the above Trafficking in Drugs, and the judicial finding of guilt, in Case No. CR 402386, Cuyahoga County Court of Common Pleas, Cleveland, Ohio.

Copies of the Information, Journal Entry of Plea of Guilty and Judicial Finding of Guilt, and Transcript of Proceedings, Arraignment and Plea Hearing, are attached hereto and incorporated herein.

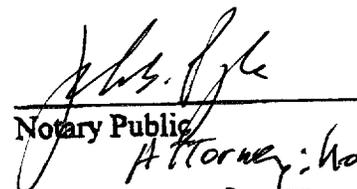
Signed this 14 day of May 2001.


CESAR H. ROJAS VILLEGAS, MD.
AKA CESAR ROJAS, M.D.


Witness


Witness

Sworn to and subscribed before me this 14 day of May 2001.


Notary Public

Attorney; no expiration
etc.

SEAL

(This form must be either witnessed OR notarized)

Permanent Surrender
Cesar H. Rojas Villegas, M.D.
AKA Cesar Rojas, M.D.
Page 3

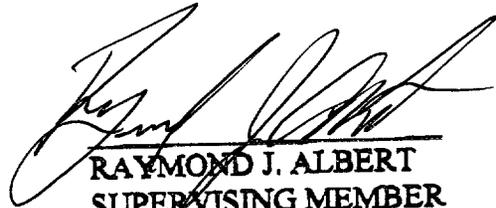
OHIO STATE MEDICAL BOARD

MAY 16 2001

Accepted by the State Medical Board of Ohio:



ANAND G. GARG, M.D.
SECRETARY



RAYMOND J. ALBERT
SUPERVISING MEMBER

5/24/01

DATE

5/24/01

DATE

THE STATE OF OHIO
 VS.
 CESAR ROJAS

INFORMATION

TRAFFICKIG IN DRUGS
 R.C.2925.03

DATE OF OFFENSE	THE TERM OF	CASE NO.	COUNT
October 20 2000	JANUARY OF 2001	402386	3

CUYAHOGA COUNTY)
) SS.

The affiant, William D. Mason, Prosecuting Attorney of Cuyahoga County, State of Ohio, or his designee, being properly sworn, deposes, says and presents information that the above named Defendant, on or about the date of the offense set forth above, in the County of Cuyahoga, did unlawfully, sell or offer to sell a controlled substance, to wit: Norco, Schedule III, 1-5x bulk (F-4), contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

Charles J. Bauernschmidt
 Assistant Prosecuting Attorney

STATE OF OHIO)
) SS.
 CUYAHOGA COUNTY)

William D. Mason, being duly sworn, says that he is the duly appointed Prosecutor for Cuyahoga County, State of Ohio, William D. Mason or his designee Chuck Bauernschmidt, says that he makes this affidavit on behalf of the State of Ohio as such Prosecuting Attorney, and that the facts set forth in support of the foregoing information are true as he verily believes.

Charles J. Bauernschmidt
 Assistant Prosecuting Attorney

SWORN TO AND SUBSCRIBED BEFORE ME, a Notary Public and in my presence, the said Chuck Bauernschmidt this 15th day of March 2001.

[Signature]
 NOTARY PUBLIC

MICHAEL R. DOBROWSKI
 NOTARY PUBLIC, STATE OF OHIO
 Recorded in Cuyahoga County
 My Comm. Expires Feb. 27, 2002

RECEIVED FOR FILING
MAR 19 2001

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO
CRIMINAL DIVISION

GERALD E. FUERST, CLERK
BY _____ DEP.

STATE OF OHIO,

CASE NO. CR 402386

CEK 3/19/01

Plaintiff

vs.

WAIVER OF INDICTMENT WITH COUNSEL
(R.C. 2941.021)

CESAR ROJAS

Defendant

I, Cesar Rojas the above named defendant, accused of violation of Section 2925.03 of the Revised Code of the State of Ohio, to-wit: Trafficking in drugs X4 a criminal offense which is not punishable by death or life imprisonment, having been advised by the Court of the nature of the charge against me and of my rights under the Constitution, and being represented by counsel, hereby waive in writing and in open court prosecution by indictment and request and consent that the charge proceed by information instead of by indictment.

[Signature]
Defendant
[Signature]
Attorney for Defendant
[Signature]
Judge

William D. Mason
Prosecuting Attorney

By *[Signature]*
Assistant Prosecuting Attorney

THE STATE OF OHIO }
Cuyahoga County } SS. I. GERALD E. FUERST, CLERK OF
THE COURT OF COMMON PLEAS
WITHIN AND FOR SAID COUNTY.
HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY
TAKEN AND COPIED FROM THE ORIGINAL *Waiver cd 402386*
NOW ON FILE IN MY OFFICE.
WITNESS MY HAND AND SEAL OF SAID COURT THIS *26*
DAY OF *April* A.D. *2001*
GERALD E. FUERST, Clerk
By *[Signature]* Deputy



STATE OF OHIO,
CUYAHOGA COUNTY

SS.

IN THE COURT OF COMMON PLEAS

JANUARY TERM, 2001
16 2001

STATE OF OHIO
VS.

PLAINTIFF

TO-WIT: MARCH
NO. CR 402386

DEFENDANT

INDICTMENT TRAFFICKING IN DRUGS

CESAR ROJAS

JOURNAL ENTRY

DEFENDANT IN COURT WITH COUNSEL JOHN PYLE. PROSECUTING ATTORNEY EDWARD FITZGERALD PRESENT. DEFENDANT WAS ADVISED OF ALL CONSTITUTIONAL RIGHTS AND PENALTIES.

DEFENDANT RETRACTS FORMER PLEA OF NOT GUILTY AND ENTERS A PLEA OF GUILTY TO TRAFFICKING IN DRUGS RC 2925.03 F4 SB2 AS CHARGED IN COUNTS ONE, TWO, THREE, AND FOUR.

COURT FINDS THE DEFENDANT GUILTY.

THE DEFENDANT IS REFERRED TO THE COUNTY PROBATION DEPARTMENT FOR A PRE-SENTENCE INVESTIGATION AND REPORT.

SENTENCING SET FOR MAY 14, 2001 AT 9:00 A. M.
ORIGINAL BOND CONTINUED.

THE STATE OF OHIO }
Cuyahoga County } SS. I. GERALD E. FUERST, CLERK OF
THE COURT OF COMMON PLEAS
WITHIN AND FOR SAID COUNTY.

HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY
TAKEN AND COPIED FROM THE ORIGINAL *Criminal*
Journal Entry # 402386

NOW ON FILE IN MY OFFICE.
WITNESS MY HAND AND SEAL OF SAID COURT THIS *26*
DAY OF *April* A.D. 20 *01*

GERALD E. FUERST, Clerk
By *Cheryl A. Kish* Deputy

FILED

[Signature]
MAR 21 2001

GERALD E. FUERST
CLERK OF COURTS
CUYAHOGA COUNTY, OHIO

03-16-2001
PLEA DXM 03/19/01 10:36

JUDGE *[Signature]*
RICHARD J MCMONAGLE

COPIES SENT TO:

Sheriff _____

Other _____

Defendant _____

APR 27 2001

1 THE STATE OF OHIO,)
) SS: R. J. McMONAGLE, J.
 2 COUNTY OF CUYAHOGA.)

3 IN THE COURT OF COMMON PLEAS

4 CRIMINAL DIVISION

5 THE STATE OF OHIO,)
)
 6 Plaintiff,)
)
 7 vs.) Case No. CR-402386
)
 8 CESAR ROJAS,)
)
 9 Defendant.)

10 - - - - -

11 TRANSCRIPT OF PROCEEDINGS

12 ARRAIGNMENT AND PLEA HEARING - MARCH 16, 2001

13 - - - - -

16 APPEARANCES:

17 William D. Mason, Esquire, Prosecuting
 18 Attorney, by Edward Fitzgerald, Assistant
 19 County Prosecutor,
 on behalf of the Plaintiff;

20 John Pyle, Esquire,
 on behalf of the Defendant.

21
 22
 23
 24 Richard N. Hamski
 Official Court Reporter
 25 Cuyahoga County, Ohio

APR 2, 2001

1 THE STATE OF OHIO,)
 2 COUNTY OF CUYAHOGA.) SS: R. J. McMONAGLE, J.

3 IN THE COURT OF COMMON PLEAS

4 CRIMINAL DIVISION

5 THE STATE OF OHIO,)
 6 Plaintiff,)
 7 vs.) Case No. CR-402386
 8 CESAR ROJAS,)
 9 Defendant.)

10 - - - -
 11 TRANSCRIPT OF PROCEEDINGS
 12 - - - -

13 BE IT REMEMBERED, that at the January,
 14 A.D. 2001 term of said Court, to-wit,
 15 commencing on Friday, March 16, 2001,
 16 this cause came on to be heard before the
 17 Honorable Richard J. McMonagle, in Courtroom
 18 No. 16D, Courts Tower, Justice Center,
 19 Cleveland, Ohio, upon the indictment filed
 20 heretofore.

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OHIO STATE MEDICAL BOARD

APR 27 2001

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FRIDAY MORNING SESSION, MARCH 16, 2001

THE COURT: We are here on Case 402386, the State versus Cesar Rojas.

Now, Mr. Rojas, you are entitled to have your case presented to a Grand Jury, and the Grand Jury may weigh whatever is presented to them and decide. They can bring back an indictment. On the other hand, they also may be able to arrive at some conclusion that there should be no indictment. In that case, of course, your matter would be forever forgotten.

However, it is my understanding that you are going to waive this presentation to the Grand Jury and plead guilty here to what we call an information.

Is that correct?

THE DEFENDANT: Yes.

THE COURT: You have signed this waiver of indictment?

THE DEFENDANT: Yes.

THE COURT: You have read

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this?

THE DEFENDANT: Yes.

THE COURT: And Mr. Pyle, Mr. Fitzgerald. I have got my signature on it, also.

Now, we have to arraign you and then we will proceed with the plea.

Waive the reading, notice, plead not guilty?

THE DEFENDANT: Yes, your Honor.

THE COURT: Personal bond \$1,000.

Mr. Fitzgerald.

MR. FITZGERALD: Yes, your Honor.

Your Honor, I have had extensive conversations with defense counsel. It is my understanding there is going to be a forthcoming plea of guilty to the four counts listed in the indictment by information. They are all felonies of the fourth degree. They are all counts of trafficking in drugs, pursuant to Revised Code Section 2925.03. They carry with

OHIO STATE MEDICAL BOARD

APR 27 2001

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1 to make sure. The \$60,000 would reflect a
2 payment of mandatory fines and the balance
3 would represent forfeiture. So whatever
4 the fines are for fourth degrees.

5 MR. FITZGERALD: Well, the
6 fines would be up to \$5,000 on four
7 counts. But it is a forfeiture. We are
8 wording it as a forfeiture, not as a fine.
9 Because it would be only up to \$20,000. I
10 don't care if it is worded the \$40,000 is
11 fine and \$20,000 is a forfeiture.

12 THE COURT: Well, it is not a
13 mandatory \$5,000 fine in each count.

14 MR. PYLE: I just don't want
15 to be looking at \$60,000 plus.

16 THE COURT: Right. So you
17 are not having any input or demand on
18 fines with regard to this?

19 MR. FITZGERALD: Not at all.
20 As a matter of fact, we are not
21 contemplating that there would be any
22 fines in addition to the agreed \$60,000
23 forfeiture.

24 MR. PYLE: And, too, I
25 understood it was a condition of the plea

OHIO STATE MEDICAL BOARD

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agreement that the State would offer no opposition to community control sanctions being imposed.

MR. FITZGERALD: That's correct, your Honor.

THE COURT: All right. Fair enough.

Mr. Rojas, Dr. Rojas, do you understand you are giving up some of your Constitutional rights by pleading guilty here?

THE DEFENDANT: Yes.

THE COURT: Are you under the influence of any medication or drugs at this time?

THE DEFENDANT: No.

THE COURT: Are you on probation or parole?

THE DEFENDANT: No.

THE COURT: You have heard everything your attorney and the prosecutor have said.

Do you understand why we are here?

THE DEFENDANT: Yes.

THE COURT: Do you understand

OHIO STATE JUDICIAL BOARD

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that under the law you have a right to have a trial by a judge without a jury or with a jury if you want one?

Do you understand that?

THE DEFENDANT: Yes.

THE COURT: You have a right to be represented by a lawyer, be confronted by the witnesses who accuse you. You have a right to have your lawyer cross-examine those witnesses.

Do you understand that?

THE DEFENDANT: Yes.

THE COURT: You have a right to have subpoena process for obtaining witnesses on your own behalf, and you have a right to require the State to prove your guilt beyond a reasonable doubt at a trial. You can also produce witnesses on your own behalf at any trial, if you so desire.

You have all of these rights. Do you understand them?

THE DEFENDANT: Yes.

THE COURT: Furthermore, if you wished a trial, you can take the

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witness stand if you want to, or if you don't care to take the witness stand to testify against yourself, you don't have to and the State cannot comment on your failure to take the witness stand.

You are giving up all those rights, correct?

THE DEFENDANT: Yes.

THE COURT: Has anyone, including your attorney, the prosecutor or the Court, made any promises or threats to you to induce you to enter into this plea?

THE DEFENDANT: No.

THE COURT: All right. Now, the charge under the information that you are going to plead guilty to is four counts of trafficking in drugs. And those are felonies of the fourth degree.

There is a presumption for community control, which means probation. But if for some unforeseen reason something comes to my attention, whether it is the severity of the crime, the circumstances, physical harm to anybody, you could receive on each count anywhere

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between six and 18 months in a state penal institution. Any one of those months can be picked out. It can be a fine up to but not exceeding \$5,000 in each count.

Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: All right. And,

furthermore, should you be sentenced to prison they have what they call a period of post release control, which I will note your objection to, Mr. Pyle, but which -- it would be almost like parole, which would be up to three years.

Do you understand that?

THE DEFENDANT: Yes.

THE COURT: Now, are you

satisfied with your counsel here, Mr. Pyle?

THE DEFENDANT: Yes.

THE COURT: Is there anything

about this case or these proceedings that you don't understand, you want me to explain to you more fully?

THE DEFENDANT: No, sir.

THE COURT: How do you plead,

OHIO STATE MEDICINE BOARD

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then, to this charge that on or about July 29, 1997 that you wrote a prescription for individuals who were not entitled to them, and you split the prescriptions for your own use? Sometimes you received services and value for these unlawful prescriptions of vicodin, a Schedule III drug. Are you guilty of that?

THE DEFENDANT: Yes, sir.

THE COURT: And also the same count -- same sort of offense on July 29 of the year 2000.

THE DEFENDANT: Yes.

THE COURT: And the same offense on -- that was Narco, that drug, in the year 2000, right?

THE DEFENDANT: Yes.

THE COURT: And October 20, 2000, Narco again, you did the same thing?

THE DEFENDANT: Yes.

THE COURT: And finally October 24 of the year 2000, vicodin.

THE DEFENDANT: Yes.

THE COURT: Are you guilty of all these charges?

OHIO STATE MEDICAL BOARD

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THE DEFENDANT: Yes.

THE COURT: How do you plead,
guilty or not guilty?

THE DEFENDANT: Yes. Guilty.

THE COURT: This plea is
voluntarily made and of your own free
will?

THE DEFENDANT: Yes.

THE COURT: You have to
understand, also, that one of the
conditions that the prosecution and I am
going to consider is the fact that you
will have to sacrifice your license to
practice medicine. There are no
conditions on that.

Do you understand?

THE DEFENDANT: Yes.

THE COURT: What does that
mean, no conditions?

MR. FITZGERALD: That means
he doesn't undertake any appeal of it
after he surrenders it.

THE COURT: So it is
permanent?

MR. FITZGERALD: It is

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permanent revocation.

THE COURT: Permanent
revocation of your license. There will be
no appeals of that, no action for
reinstatement, things like that.

Do you understand?

THE DEFENDANT: Yes, sir.

THE COURT: And also you are
going to forfeit an amount of \$60,000.
All right.

THE DEFENDANT: Yes.

THE COURT: And I can
represent to you that if everything is as
we have talked about regarding the
pre-sentence report, that that would be
the full amount that you will have to pay.
No fines.

Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: I will accept the
plea. I will refer you for a pre-sentence
investigation. He has to be processed
through.

MR. PYLE: I understand.

THE COURT: When you get out

APR 2, 2001

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today, Mr. Pyle will tell you about it,
you will have to go to the probation
department on the seventh floor of this
building, and they take some information
and tell you when to come back.

MR. PYLE: Thank you, Judge.

MR. FITZGERALD: Thank you
very much, your Honor.

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(Proceedings adjourned.)

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C E R T I F I C A T E

I, Richard N. Hamski, Official Court Reporter for the Court of Common Pleas, Cuyahoga County, Ohio, do hereby certify that as such reporter I took down in stenotype all of the proceedings had in said Court of Common Pleas in the above-entitled cause; that I have transcribed my said stenotype notes into typewritten form, as appears in the foregoing Transcript of Proceedings; that said transcript is a complete record of the proceedings had in the trial of said cause and constitutes a true and correct Transcript of Proceedings had therein.


Richard N. Hamski
Official Court Reporter
Cuyahoga County, Ohio



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

May 9, 2001

Cesar H. Rojas Villegas, M.D.
AKA Cesar Rojas, M.D.
470 Medway Road
Highland Heights, Ohio 44143

Dear Doctor Rojas Villegas:

In accordance with Sections 2929.24 and/or 3719.12, Ohio Revised Code, the Office of the Prosecuting Attorney of Cuyahoga County, Ohio reported that on or about March 16, 2001, in the Cuyahoga County Court of Common Pleas, Cleveland, Ohio, you pleaded guilty to four (4) of felony counts of Trafficking in Drugs, in violation of Section 2925.03, 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 March 16, 2001, in the Court of Common Pleas for Cuyahoga County, Cleveland, Ohio, you pleaded guilty to, and were found guilty of, four (4) felony counts of Trafficking in Drugs, in violation of Section 2925.03, Ohio Revised Code.

You admitted to the Court in the hearing in which you pleaded guilty that, on the dates listed below, you unlawfully sold the Schedule III controlled substances listed by writing prescriptions for individuals who were not entitled to them. Portions of the prescriptions were returned for your own use. Sometimes you received services and value for these unlawful prescriptions.

Mailed 5-9-01

<u>Count</u>	<u>Date</u>	<u>Substance</u>
1	7/27/97	Vicodin
2	7/29/00	Norco
3	10/20/00	Norco
4	10/24/00	Vicodin

Copies of the Information (four [4] counts), Waiver of Indictment with Counsel with Journal Entry, Consent to Proceed by Information Journal Entry, transcript of the Arraignment and Plea Hearing, and Journal Entry for the Plea of Guilty and the Judicial Finding of Guilt, are attached hereto and incorporated herein.

Your guilty plea and/or the judicial finding of guilt to the four (4) felony counts of Trafficking in Drugs, as alleged in paragraph one (1) above, individually and /or collectively, constitute “[s]elling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, or a judicial finding of guilt of, a violation of any federal or state law regulating the possession, distribution, or use of any drug,” as those clauses are used in Section 4731.22(B)(3), Ohio Revised Code.

Further, your guilty plea and/or the judicial finding of guilt to the four (4) felony counts of Trafficking in Drugs, as alleged in paragraph one (1) above, individually and collectively, constitute “[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.

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

Cesar H. Rojas Villegas, M.D.

Page 3

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/jag
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5140 0531
RETURN RECEIPT REQUESTED

2709 Franklin Boulevard, 4th Floor
Cleveland, Ohio 44143

CERTIFIED MAIL # 7000 0600 0024 5140 0524
RETURN RECEIPT REQUESTED

John S. Pyle, Esq.
Gold, Schwartz & Co.
526 Superior Avenue, N.E., Suite 1500
Cleveland, Ohio 44114-1498

CERTIFIED MAIL # 7000 0600 0024 5140 0517
RETURN RECEIPT REQUESTED

RECEIVED FOR FILING
MAR 19 2001

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO
CRIMINAL DIVISION

GERALD E. FUERST, CLERK
BY _____ DEP.

STATE OF OHIO,

CASE NO. CR 402386

CEK 3/19/01

Plaintiff

vs.

WAIVER OF INDICTMENT WITH COUNSEL
(R.C. 2941.021)

CESAR ROJAS

Defendant

I, Cesar Rojas the above named defendant, accused of violation of Section 2925.03 of the Revised Code of the State of Ohio, to-wit: Trafficking in drugs X4 a criminal offense which is not punishable by death or life imprisonment, having been advised by the Court of the nature of the charge against me and of my rights under the Constitution, and being represented by counsel, hereby waive in writing and in open court prosecution by indictment and request and consent that the charge proceed by information instead of by indictment.

[Signature]
Defendant
[Signature]
Attorney for Defendant
[Signature]
Judge

William D. Mason
Prosecuting Attorney

By *[Signature]*
Assistant Prosecuting Attorney

THE STATE OF OHIO }
Cuyahoga County } SS. I. GERALD E. FUERST, CLERK OF
THE COURT OF COMMON PLEAS
WITHIN AND FOR SAID COUNTY.
HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY
TAKEN AND COPIED FROM THE ORIGINAL *Criminal*
Waiver CR 402386
NOW ON FILE IN MY OFFICE.
WITNESS MY HAND AND SEAL OF SAID COURT THIS *21*
DAY OF *April* A.D. *2001*
GERALD E. FUERST, Clerk
By *[Signature]* Deputy



STATE OF OHIO,
CUYAHOGA COUNTY

SS.

IN THE COURT OF COMMON PLEAS

JANUARY TERM, 2001
19 2001

STATE OF OHIO
VS.

PLAINTIFF

TO-WIT: MARCH
NO. CR 402386

DEFENDANT

INDICTMENT TRAFFICKING IN DRUGS

CESAR ROJAS

JOURNAL ENTRY

WAIVER OF INDICTMENT WITH COUNSEL. RECIEVED FOR FILING ON 03/19/01.

THE STATE OF OHIO }
Cuyahoga County } SS. I. GERALD E. FUERST, CLERK OF
THE COURT OF COMMON PLEAS
WITHIN AND FOR SAID COUNTY.

HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY
TAKEN AND COPIED FROM THE ORIGINAL Criminal
Journal Entry 402386

NOW ON FILE IN MY OFFICE.
WITNESS MY HAND AND SEAL OF SAID COURT THIS 26
DAY OF April A.D. 20 01

GERALD E. FUERST, Clerk
By Cheryl A. Keith Deputy

FILED

MAR 21 2001

GERALD E. FUERST
CLERK OF COURTS
CUYAHOGA COUNTY, OHIO

03-19-2001
MISC CEK 03/19/01 14:21

JUDGE

[Signature]
RICHARD J MCMONAGLE

COPIES SENT TO:

Sheriff _____

Other _____

Defendant _____

402386019118920010316120720046ARGND2



STATE OF OHIO,
CUYAHOGA COUNTY

SS.

IN THE COURT OF COMMON PLEAS

JANUARY TERM, 2001
16 2001

STATE OF OHIO
VS.

PLAINTIFF

TO-WIT: MARCH
NO. CR 402386

DEFENDANT

INDICTMENT TRAFFICKING IN DRUGS

CESAR ROJAS

JOURNAL ENTRY

DEFENDANT FULLY ADVISED IN OPEN COURT OF HIS/HER CONSTITUTIONAL RIGHTS.
UNDER O.R.C. 2941.021, UPON BEING INFORMED OF THE NATURE OF THE CHARGE
AGAINST HIM/HER, IN OPEN COURT WITH COUNSEL PRESENT, IN WRITING,
DEFENDANT WAIVES PRESENTMENT TO THE GRAND JURY AND CONSENTS THAT THE
CHARGE PROCEED BY INFORMATION.
READING OF INFORMATION WAIVED
TWENTY-FOUR HOUR SERVICE WAIVED.
DEFENDANT DECLARED INDIGENT.
COURT ASSIGNED JOHN S PYLE AS COUNSEL.
DEFN PLEAD NOT GUILTY TO INFORMATION.
JUDGE RICHARD J MCMONAGLE ASSIGNED TO CASE.
BOND SET AT 1,000 DOLLARS. BOND TYPE: PERSONAL BOND

THE STATE OF OHIO }
Cuyahoga County } SS. I. GERALD E. FUERST, CLERK OF
THE COURT OF COMMON PLEAS
WITHIN AND FOR SAID COUNTY.

HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY
TAKEN AND COPIED FROM THE ORIGINAL Criminal
Journal Entry CR 402386

NOW ON FILE IN MY OFFICE.

WITNESS MY HAND AND SEAL OF SAID COURT THIS 26
DAY OF April A.D. 20 01

GERALD E. FUERST, Clerk

By Cheryl A. Kirk Deputy



03-16-2001
ARGN CEK 03/16/01 12:07

JUDGE [Signature]
RICHARD J MCMONAGLE

COPIES SENT TO:

814 Sheriff _____ Other _____
 Defendant _____

APR 27 2001

1 THE STATE OF OHIO,)
) SS: R. J. McMONAGLE, J.
 2 COUNTY OF CUYAHOGA.)

3 IN THE COURT OF COMMON PLEAS

4 CRIMINAL DIVISION

5 THE STATE OF OHIO,)
)
 6 Plaintiff,)
)
 7 vs.) Case No. CR-402386
)
 8 CESAR ROJAS,)
)
 9 Defendant.)

10 - - - - -

11 TRANSCRIPT OF PROCEEDINGS

12 ARRAIGNMENT AND PLEA HEARING - MARCH 16, 2001

13 - - - - -

16 APPEARANCES:

17 William D. Mason, Esquire, Prosecuting
 18 Attorney, by Edward Fitzgerald, Assistant
 19 County Prosecutor,
 on behalf of the Plaintiff;

20 John Pyle, Esquire,
 on behalf of the Defendant.

21
 22
 23
 24 Richard N. Hamski
 Official Court Reporter
 25 Cuyahoga County, Ohio

APR 2, 2001

1 THE STATE OF OHIO,)
)
 2 COUNTY OF CUYAHOGA.) SS: R. J. McMONAGLE, J.

3 IN THE COURT OF COMMON PLEAS
 4 CRIMINAL DIVISION

5 THE STATE OF OHIO,)
)
 6 Plaintiff,)
)
 7 vs.) Case No. CR-402386
)
 8 CESAR ROJAS,)
)
 9 Defendant.)

10 - - - -
 11 TRANSCRIPT OF PROCEEDINGS
 12 - - - -

13 BE IT REMEMBERED, that at the January,
 14 A.D. 2001 term of said Court, to-wit,
 15 commencing on Friday, March 16, 2001,
 16 this cause came on to be heard before the
 17 Honorable Richard J. McMonagle, in Courtroom
 18 No. 16D, Courts Tower, Justice Center,
 19 Cleveland, Ohio, upon the indictment filed
 20 heretofore.
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OHIO STATE MEDICAL BOARD

APR 27 2001

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FRIDAY MORNING SESSION, MARCH 16, 2001

THE COURT: We are here on
Case 402386, the State versus Cesar Rojas.

Now, Mr. Rojas, you are entitled
to have your case presented to a Grand
Jury, and the Grand Jury may weigh
whatever is presented to them and decide.
They can bring back an indictment. On the
other hand, they also may be able to
arrive at some conclusion that there
should be no indictment. In that case, of
course, your matter would be forever
forgotten.

However, it is my understanding
that you are going to waive this
presentation to the Grand Jury and plead
guilty here to what we call an
information.

Is that correct?

THE DEFENDANT: Yes.

THE COURT: You have signed
this waiver of indictment?

THE DEFENDANT: Yes.

THE COURT: You have read

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this?

THE DEFENDANT: Yes.

THE COURT: And Mr. Pyle, Mr. Fitzgerald. I have got my signature on it, also.

Now, we have to arraign you and then we will proceed with the plea.

Waive the reading, notice, plead not guilty?

THE DEFENDANT: Yes, your Honor.

THE COURT: Personal bond \$1,000.

Mr. Fitzgerald.

MR. FITZGERALD: Yes, your Honor.

Your Honor, I have had extensive conversations with defense counsel. It is my understanding there is going to be a forthcoming plea of guilty to the four counts listed in the indictment by information. They are all felonies of the fourth degree. They are all counts of trafficking in drugs, pursuant to Revised Code Section 2925.03. They carry with

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them a possible fine of up to \$5,000, a possible term of imprisonment of anywhere from six to 18 months, although they are offenses for which community control sanctions are available.

There are also two other conditions, your Honor, which the State has made contingent.

This plea is contingent upon, the first is that the defendant, Dr. Rojas, has agreed to, prior to sentencing, to surrender his license to practice medicine. And that surrender is done without any conditions or any appeals.

The second is that there will be an agreed forfeiture in the amount of \$60,000.

No other promises or inducements have been made by the State, your Honor, to gain these anticipated guilty pleas to the counts listed in the indictment.

THE COURT: Is this correct, Mr. Pyle?

MR. PYLE: Your Honor, I think we are in agreement but I just want

APR 27 2001

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1 to make sure. The \$60,000 would reflect a
2 payment of mandatory fines and the balance
3 would represent forfeiture. So whatever
4 the fines are for fourth degrees.

5 MR. FITZGERALD: Well, the
6 fines would be up to \$5,000 on four
7 counts. But it is a forfeiture. We are
8 wording it as a forfeiture, not as a fine.
9 Because it would be only up to \$20,000. I
10 don't care if it is worded the \$40,000 is
11 fine and \$20,000 is a forfeiture.

12 THE COURT: Well, it is not a
13 mandatory \$5,000 fine in each count.

14 MR. PYLE: I just don't want
15 to be looking at \$60,000 plus.

16 THE COURT: Right. So you
17 are not having any input or demand on
18 fines with regard to this?

19 MR. FITZGERALD: Not at all.
20 As a matter of fact, we are not
21 contemplating that there would be any
22 fines in addition to the agreed \$60,000
23 forfeiture.

24 MR. PYLE: And, too, I
25 understood it was a condition of the plea

OHIO STATE MEDICAL BOARD

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agreement that the State would offer no opposition to community control sanctions being imposed.

MR. FITZGERALD: That's correct, your Honor.

THE COURT: All right. Fair enough.

Mr. Rojas, Dr. Rojas, do you understand you are giving up some of your Constitutional rights by pleading guilty here?

THE DEFENDANT: Yes.

THE COURT: Are you under the influence of any medication or drugs at this time?

THE DEFENDANT: No.

THE COURT: Are you on probation or parole?

THE DEFENDANT: No.

THE COURT: You have heard everything your attorney and the prosecutor have said.

Do you understand why we are here?

THE DEFENDANT: Yes.

THE COURT: Do you understand

OHIO STATE JUDICIAL BOARD

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that under the law you have a right to have a trial by a judge without a jury or with a jury if you want one?

Do you understand that?

THE DEFENDANT: Yes.

THE COURT: You have a right to be represented by a lawyer, be confronted by the witnesses who accuse you. You have a right to have your lawyer cross-examine those witnesses.

Do you understand that?

THE DEFENDANT: Yes.

THE COURT: You have a right to have subpoena process for obtaining witnesses on your own behalf, and you have a right to require the State to prove your guilt beyond a reasonable doubt at a trial. You can also produce witnesses on your own behalf at any trial, if you so desire.

You have all of these rights. Do you understand them?

THE DEFENDANT: Yes.

THE COURT: Furthermore, if you wished a trial, you can take the

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witness stand if you want to, or if you don't care to take the witness stand to testify against yourself, you don't have to and the State cannot comment on your failure to take the witness stand.

You are giving up all those rights, correct?

THE DEFENDANT: Yes.

THE COURT: Has anyone, including your attorney, the prosecutor or the Court, made any promises or threats to you to induce you to enter into this plea?

THE DEFENDANT: No.

THE COURT: All right. Now, the charge under the information that you are going to plead guilty to is four counts of trafficking in drugs. And those are felonies of the fourth degree.

There is a presumption for community control, which means probation. But if for some unforeseen reason something comes to my attention, whether it is the severity of the crime, the circumstances, physical harm to anybody, you could receive on each count anywhere

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between six and 18 months in a state penal institution. Any one of those months can be picked out. It can be a fine up to but not exceeding \$5,000 in each count.

Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: All right. And, furthermore, should you be sentenced to prison they have what they call a period of post release control, which I will note your objection to, Mr. Pyle, but which -- it would be almost like parole, which would be up to three years.

Do you understand that?

THE DEFENDANT: Yes.

THE COURT: Now, are you satisfied with your counsel here, Mr. Pyle?

THE DEFENDANT: Yes.

THE COURT: Is there anything about this case or these proceedings that you don't understand, you want me to explain to you more fully?

THE DEFENDANT: No, sir.

THE COURT: How do you plead,

OHIO STATE MEDICAL BOARD

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then, to this charge that on or about July 29, 1997 that you wrote a prescription for individuals who were not entitled to them, and you split the prescriptions for your own use? Sometimes you received services and value for these unlawful prescriptions of vicodin, a Schedule III drug. Are you guilty of that?

THE DEFENDANT: Yes, sir.

THE COURT: And also the same count -- same sort of offense on July 29 of the year 2000.

THE DEFENDANT: Yes.

THE COURT: And the same offense on -- that was Narco, that drug, in the year 2000, right?

THE DEFENDANT: Yes.

THE COURT: And October 20, 2000, Narco again, you did the same thing?

THE DEFENDANT: Yes.

THE COURT: And finally October 24 of the year 2000, vicodin.

THE DEFENDANT: Yes.

THE COURT: Are you guilty of all these charges?

OHIO STATE MEDICAL BOARD

APR 27 2001

1 THE DEFENDANT: Yes.

2 THE COURT: How do you plead,

3 guilty or not guilty?

4 THE DEFENDANT: Yes. Guilty.

5 THE COURT: This plea is

6 voluntarily made and of your own free

7 will?

8 THE DEFENDANT: Yes.

9 THE COURT: You have to

10 understand, also, that one of the

11 conditions that the prosecution and I am

12 going to consider is the fact that you

13 will have to sacrifice your license to

14 practice medicine. There are no

15 conditions on that.

16 Do you understand?

17 THE DEFENDANT: Yes.

18 THE COURT: What does that

19 mean, no conditions?

20 MR. FITZGERALD: That means

21 he doesn't undertake any appeal of it

22 after he surrenders it.

23 THE COURT: So it is

24 permanent?

25 MR. FITZGERALD: It is

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permanent revocation.

THE COURT: Permanent
revocation of your license. There will be
no appeals of that, no action for
reinstatement, things like that.

Do you understand?

THE DEFENDANT: Yes, sir.

THE COURT: And also you are
going to forfeit an amount of \$60,000.
All right.

THE DEFENDANT: Yes.

THE COURT: And I can
represent to you that if everything is as
we have talked about regarding the
pre-sentence report, that that would be
the full amount that you will have to pay.
No fines.

Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: I will accept the
plea. I will refer you for a pre-sentence
investigation. He has to be processed
through.

MR. PYLE: I understand.

THE COURT: When you get out

APR 2, 2001

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today, Mr. Pyle will tell you about it, you will have to go to the probation department on the seventh floor of this building, and they take some information and tell you when to come back.

MR. PYLE: Thank you, Judge.

MR. FITZGERALD: Thank you very much, your Honor.

- - - - -

(Proceedings adjourned.)

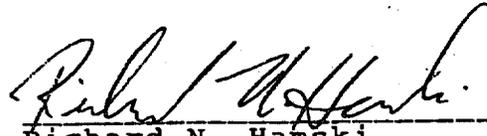
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APR 27 2001

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C E R T I F I C A T E

I, Richard N. Hamski, Official Court Reporter for the Court of Common Pleas, Cuyahoga County, Ohio, do hereby certify that as such reporter I took down in stenotype all of the proceedings had in said Court of Common Pleas in the above-entitled cause; that I have transcribed my said stenotype notes into typewritten form, as appears in the foregoing Transcript of Proceedings; that said transcript is a complete record of the proceedings had in the trial of said cause and constitutes a true and correct Transcript of Proceedings had therein.



Richard N. Hamski
Official Court Reporter
Cuyahoga County, Ohio



STATE OF OHIO,
CUYAHOGA COUNTY

SS. IN THE COURT OF COMMON PLEAS

JANUARY TERM, 2001
16 2001

STATE OF OHIO
VS.

PLAINTIFF

TO-WIT: MARCH
NO. CR 402386

DEFENDANT

INDICTMENT TRAFFICKING IN DRUGS

CESAR ROJAS

JOURNAL ENTRY

DEFENDANT IN COURT WITH COUNSEL JOHN PYLE. PROSECUTING ATTORNEY EDWARD FITZGERALD PRESENT. DEFENDANT WAS ADVISED OF ALL CONSTITUTIONAL RIGHTS AND PENALTIES.

DEFENDANT RETRACTS FORMER PLEA OF NOT GUILTY AND ENTERS A PLEA OF GUILTY TO TRAFFICKING IN DRUGS RC 2925.03 F4 SB2 AS CHARGED IN COUNTS ONE, TWO, THREE, AND FOUR.

COURT FINDS THE DEFENDANT GUILTY.

THE DEFENDANT IS REFERRED TO THE COUNTY PROBATION DEPARTMENT FOR A PRE-SENTENCE INVESTIGATION AND REPORT.

SENTENCING SET FOR MAY 14, 2001 AT 9:00 A. M.

ORIGINAL BOND CONTINUED.

THE STATE OF OHIO }
Cuyahoga County } SS. I. GERALD E. FUERST, CLERK OF
THE COURT OF COMMON PLEAS
WITHIN AND FOR SAID COUNTY.

HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY
TAKEN AND COPIED FROM THE ORIGINAL Criminal
Journal Entry CR 402386

NOW ON FILE IN MY OFFICE.
WITNESS MY HAND AND SEAL OF SAID COURT THIS 21
DAY OF April A.D. 20 01

GERALD E. FUERST, Clerk
By Cheryl A. Kieh Deputy

FILED

[Signature]
MAR 21 2001

GERALD E. FUERST
CLERK OF COURTS
CUYAHOGA COUNTY, OHIO

03-16-2001
PLEA DXM 03/19/01 10:36

JUDGE [Signature]
RICHARD J MCMONAGLE

COPIES SENT TO:

Sheriff _____ Other _____

830 Defendant _____