

CONSENT AGREEMENT
BETWEEN
V. PAUL BANNING, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO

THIS CONSENT AGREEMENT IS entered into by and between V. PAUL BANNING, M.D., and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapters 4730. and 4731. of the Ohio Revised Code.

V. PAUL BANNING, M.D., enters into this Agreement being fully aware of his rights, including his right to be advised by counsel.

This Agreement is entered into on the basis of the following statements, admissions and understandings:

WHEREAS V. PAUL BANNING, M.D., admits to his conviction in U.S. District Court for federal income tax evasion.

WHEREAS, in lieu of a formal adjudication hearing at this time, V. PAUL BANNING, M.D., and the BOARD have agreed to enter into this CONSENT AGREEMENT which the parties have resolved to be in their mutual best interests.

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, V. PAUL BANNING, M.D., and THE STATE MEDICAL BOARD OF OHIO hereby CONSENT and AGREE that a license to practice medicine and surgery in Ohio be issued to V. PAUL BANNING with the following conditions and limitations:

- A. That V. PAUL BANNING, M.D., agrees to a five (5) year period of probation, said term to commence upon the effective date of this agreement.
- B. That V. PAUL BANNING, M.D., shall work under a monitoring physician acceptable to the BOARD for a period of five (5) years, said period to commence upon the effective date of this agreement.
- C. That V. PAUL BANNING, M.D., shall submit annually to the BOARD, a report from an independent certified public accountant consisting of a financial statement and tax return for that particular year, for a period of five (5) years.

If, in the discretion of the Secretary of THE STATE MEDICAL BOARD OF OHIO, V. PAUL BANNING, M.D., appears to have violated or breached any terms or conditions of this Agreement, THE STATE MEDICAL BOARD OF OHIO reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Agreement.

Upon consent of both parties, the terms and conditions of this Agreement may be modified or terminated in writing.

IT IS AGREED AND UNDERSTOOD by and between the parties that this Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code.

V. Paul Banning M.D.
V. PAUL BANNING, M.D.

7-18-84
(DATE)

William W. Owens
OWENS, MARTIN & GENTZEL, CO., P.C.A.
WILLIAM W. OWENS

7/18/84
(DATE)

Joseph P. Yut
JOSEPH P. YUT, M.D., Secretary
State Medical Board of Ohio

7-18-84
(DATE)

Will W. Johnston
WILLIAM W. JOHNSTON, ESQ.
SUPERVISING MEMBER

18 July 84
(DATE)

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 510
65 South Front Street
Columbus, Ohio 43215

May 9, 1984

Vernon P. Banning, M.D.
117 W. Vine
P.O. Box 400
Martinsville, IL 62442

Dear Doctor Banning:

In accordance with Chapter 119. of the Ohio Revised Code, and under authority of Section 4731.22, Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio proposes to deny your application for licensure to practice medicine and surgery in the State of Ohio for one or more of the following reasons:

1. As a result of a jury verdict rendered on March 15, 1979, you were found guilty of wilfully and knowingly attempting to evade and defeat income tax lawfully due and owing the United States of America for the year 1975 by filing a false and fraudulent return, a violation of Title 26, Section 7201, United States Code. Judgment was entered on the above-mentioned jury verdict on April 26, 1979 in U.S. District Court, Central District of Illinois. Conviction on the aforementioned charge of income tax evasion is a felony.

A copy of said Judgment Entry filed April 26, 1979, is attached hereto and incorporated herein.

Under the authority of Section 4731.22(B)(9), Ohio Revised Code, felony conviction constitutes grounds for denial of an application to practice medicine and surgery in Ohio.

Further, your acts as set out above, fail to meet the requirements of Section 4731.08, Ohio Revised Code, of proof of "good moral character".

In accordance with Chapter 119., Ohio Revised Code, you are hereby advised that you have a right to a hearing in this matter. If you wish to request such a hearing, this request must be made within thirty (30) days of the time of mailing of this notice.

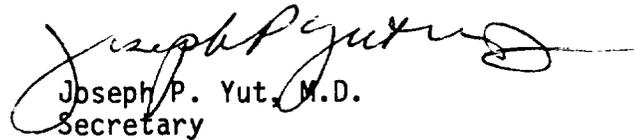
You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

May 9, 1984

In the event there is no request for such hearing made within thirty (30) days of the time of mailing of this notice, the State Medical Board of Ohio may, in your absence and upon consideration of this matter, determine whether or not to limit, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your certificate to practice medicine and surgery in the State of Ohio.

A copy of Section 4731.22(B)(9), Ohio Revised Code is enclosed for your reference.

Very truly yours,



Joseph P. Yut, M.D.
Secretary

JPY:jmb

Enclosure:

CERTIFIED MAIL #P34 9335475
RETURN RECEIPT REQUESTED

DEFENDANT

APR 25 1979 CENTRAL DISTRICT OF ILLINOIS

DR. V. PAUL BANNING

ROBERT J. KAUFFMAN, Clerk U.S. DISTRICT COURT

62
CKET NO.

78-00048

JUDGMENT AND PROBATION/COMMITMENT ORDER

COUNSEL

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH DAY YEAR
April 26, 1979

WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL

HARLAN HELLEB and DAVID WILSON
(Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea,

NOLO CONTENDERE,

NOT GUILTY

FINDING & JUDGMENT

There being a ~~guilty~~ verdict of

NOT GUILTY. Defendant is discharged

GUILTY, by Jury on March 15, 1979

Defendant has been convicted as charged of the offense(s) of income tax evasion, in violation of Title 26, Section 7201, United States Code, as charged in Count 1 of the Indictment.

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of two (2) years, on the condition that the defendant spend the first thirty (30) days in a jail-type institution; that execution of the remainder of sentence is suspended and the defendant placed on probation to the Chief Probation Officer of this Court for the balance of said sentence.

It is a condition of probation that the defendant pay a fine in the amount of ten thousand dollars, (\$10,000.00).

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

U.S. District Judge

J. WALDO ACKERMAN

U.S. Magistrate

Date April 26, 1979

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 DR. V. PAUL BANNING,)
)
 Defendant.)

09 APR 1984
CRIMINAL NO. 78-00048-D
Title 28
United States Code
Section 7201

I N D I C T M E N T

EXHIBIT NUMBER 1
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ILLINOIS

OCT 25 1978

THE GRAND JURY CHARGES:

FILED

M

COUNT I

That on or about the 14th day of April, 1976, in the Eastern District of Illinois, V. PAUL BANNING, a resident of Marshall, Illinois, who during the calendar year 1975 was married, did wilfully and knowingly attempt to evade and defeat a large part of the income tax due and owing by him and his wife to the United States of America, for the calendar year 1975, by preparing and causing to be prepared, by signing and causing to be signed, and by mailing and causing to be mailed, in the Eastern District of Illinois a false and fraudulent income tax return on behalf of himself and his said wife, which was filed with the Internal Revenue Service, wherein it was stated that their taxable income for said calendar year was the sum of \$18,487.00 and that the amount of tax due and owing thereon was the sum of \$4,920.00, whereas, as he then and there well knew, their joint taxable income for the said calendar year was the sum of \$59,010.00, upon which said taxable income there was owing to the United States of America an income tax of \$20,477.00.

In violation of Section 7201, Internal Revenue Code;
26 U.S.C., Section 7201.

A TRUE BILL.

Stanley G. Shumway
FOREMAN OF THE GRAND JURY

Robert L. Burgess, Jr.
JAMES R. BURGESS, JR.
United States Attorney

DECEMBER 1984

BOND: \$10,000 - 10% Deposit