



State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0315 • 614/466-3934 • Website: www.state.oh.us/med/

October 13, 1999

Richard E. Martin, M.D.
10339 E. Weaver Place
Englewood, CO 80111

Dear Doctor Martin:

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 October 13, 1999.

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

Such an appeal setting forth the Order appealed from the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas 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,

Anand G. Garg, M.D.
Secretary

AGG:jam
Enclosures

CERTIFIED MAIL RECEIPT NO. Z 233 896 582
RETURN RECEIPT REQUESTED

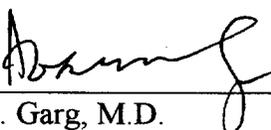
Mailed 10/14/99

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 October 13, 1999, constitute a true and complete copy of the Findings, Order and Journal Entry in the Matter of Richard E. Martin, M.D., 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.

(SEAL)



Anand G. Garg, M.D.
Secretary

OCTOBER 13, 1999
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*
*

RICHARD E. MARTIN, M.D.

*

FINDINGS, ORDER AND JOURNAL ENTRY

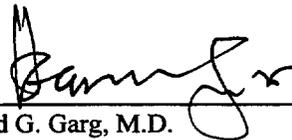
By letter dated May 12, 1999, notice was given to Richard E. Martin, M.D., that his license to practice medicine and surgery was automatically suspended by operation of law; that the State Medical Board intended to consider further disciplinary action regarding his license to practice in Ohio; and that 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 13, 1999 to the address of record of Richard M. Martin, M.D., that being 4900 Ulster Street, Building 7, #109, Denver, CO 80237. That notice was returned to the Board offices bearing a notation that a forwarding notice had expired. A second notice mailed on June 2, 1999 to 380 W. Juan Way, Castle Rock, CO 80104-9128 was also returned. On July 28, 1999, a third mailing to 10339 E. Weaver Place, Englewood, CO 80111, was sent and was subsequently successfully served.

No hearing request has been received from Dr. Martin, and more than thirty (30) days have now elapsed since the final mailing of the aforesaid notice.

WHEREFORE, for the reasons outlined in the May 12, 1999 letter of notice, which is attached hereto and incorporated herein, it is hereby ORDERED that the license of Richard E. Martin, M.D., to practice medicine and surgery in the State of Ohio be PERMANENTLY REVOKED.

This Order shall become effective IMMEDIATELY.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 13th day of OCTOBER 1999, and the original thereof shall be kept with said Journal.



Anand G. Garg, M.D.
Secretary

(SEAL)

OCTOBER 13, 1999
Date

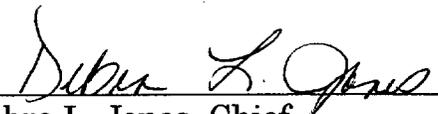
AFFIDAVIT

I, Debra Jones, being duly cautioned and sworn, do hereby depose and say:

- 1) That I am employed by the State Medical Board of Ohio (hereinafter, "The Board")
- 2) That I serve the Board in the position of Chief, Continuing Medical Education, Records, and Renewal;
- 3) That 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) That I have this day carefully examined the records of the Board pertaining to Richard E. Martin, M.D.
- 5) That based on such examination, I have found the last known address of record of Richard E. Martin, M.D., to be:

4900 S. Ulster Street
Building 7, #109
Denver, CO 80237

- 6) Further, Affiant Sayeth Naught.



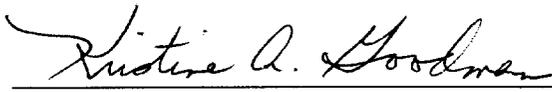
Debra L. Jones, Chief
Continuing Medical Education,
Records and Renewal

Sworn to and signed before me, Kristine A. Goodman, Notary
Public, this 16th day of September, 1999.



KRISTINE A. GOODMAN
Notary Public, State of Ohio
My Commission Expires

11/9/2002



Notary Public

CITE-3RD MAILING
 Z 233 839 329
 JAM

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Sent to	RICHARD E. MARTIN, M.D.
Street & Number	10339 E. WEAVER PLACE
Post Office, State, & ZIP Code	ENGLEWOOD, CO 80111
Postage	\$ 1.43
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	JAM
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 4.08
Postmark of Date	APR 19 1995

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

SENDER: JAM

Complete items 1 and/or 2 for additional services.
 Complete items 3, 4a, and 4b.
 Print your name and address on the reverse of this form so that we can return this card to you.
 Attach this form to the front of the mailpiece, or on the back if space does not permit.
 Write "Return Receipt Requested" on the mailpiece below the article number.
 The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):
 1. Addressee's Address
 2. Restricted Delivery

3. Article Addressed to:
 RICHARD E. MARTIN, M.D.
 10339 E. WEAVER PLACE
 ENGLEWOOD, CO 80111

4a. Article Number
 Z 233 839 329

4b. Service Type
 Registered Certified
 Express Mail Insured
 Return Receipt for Merchandise COD

7. Date of Delivery
 8-2-94

5. Received By: (Print Name)
 [Signature]

6. Signature (Addressee or Agent)
 [Signature]

8. Addressee's Address (Only if requested and fee is paid)
 CITE-3RD MAILING

Thank you for using Return Receipt Service.



State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0315 • 614/466-3934 • Website: www.state.ohio.us

NOTICE OF AUTOMATIC SUSPENSION AND OPPORTUNITY FOR HEARING

May 12, 1999

Richard E. Martin, M.D.
4900 S. Ulster Street
Building 7, #109
Denver, CO 80237

Dear Doctor Martin:

Pursuant to Section 4731.22(F), Ohio Revised Code (as in effect prior to March 9, 1999), you are hereby notified that your license to practice medicine and surgery in the State of Ohio has been automatically suspended as of April 4, 1997, by operation of law. This automatic suspension is based upon your guilty plea to one (1) felony count of Sexual assault on a child, as detailed below. Continued practice in Ohio after this suspension shall be considered practicing medicine without a certificate.

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, 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 April 4, 1997, in the Adams County District Court, 17th Judicial District of Colorado, you pleaded guilty to one (1) felony count of Sexual assault on a child, a violation of Section 18-3-405(1), Colorado Revised Statutes. The Court accepted your Consent for Entry of a Deferred Judgment and placed you on probation for four (4) years. A copy of the guilty plea and Consent for Entry of Deferred Judgment are attached hereto and incorporated herein by this reference.

The acts underlying your guilty plea were that, between December 1, 1991 and December 31, 1991, you unlawfully, knowingly and feloniously subjected a victim, not your spouse, to sexual contact when the victim was less than fifteen (15) years of age and you were at least four years older than the victim.

- (2) On or about October 8, 1998, you entered into a Stipulation and Final Agency Order with the Colorado State Board of Medical Examiners (hereinafter the "Colorado Board"). In the Stipulation and Order, you admitted that you had pleaded guilty to the crime of Sexual assault on a child as defined in § 18-3-405(1), Colorado Revised Statutes, and that you had therefore engaged in unprofessional conduct as defined in § 12-36-117(1)(f), Colorado Revised Statutes. You agreed that your Colorado license to practice medicine would be placed on probation for a period of forty-two (42) months, subject to certain monitoring

*Mailed 5/13/99
Second mailing 6/2/99
Third mailing 7/30/99*

terms as described in the Stipulation and Order. A copy of the Colorado Board Stipulation and Final Agency Order is attached hereto incorporated herein by this reference.

Your guilty plea, as alleged in paragraph (1) above, constitutes "(a) plea of guilty to, or a judicial finding of guilt of, a felony," as that clause is used in Section 4731.22 (B)(9), Ohio Revised Code (as in effect prior to March 9, 1999).

Further, the Colorado Board Stipulation and Final Agency Order, as alleged in paragraph (2) above, constitutes "[t]he limitation, revocation, or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, the imposition of probation by that authority, or the issuance of an order of censure or other reprimand by that authority for any reason, other than nonpayment of fees," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code (as in effect prior to March 9, 1999).

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 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 shall, in your absence and upon consideration of this matter, enter a final order revoking your license to practice medicine and surgery.

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Anand G. Garg, M.D.
Secretary

AGG:jag
Enclosures

CERTIFIED MAIL # Z 233 896 395
RETURN RECEIPT REQUESTED

THIRD MAILING TO:
10339 E. WEAVER PLACE
ENGLEWOOD, CO 80111
CERTIFIED MAIL NO. Z 233 839 329
RETURN RECEIPT REQUESTED

SECOND MAILING TO:
380 W JUAN WAY
CASTLE ROCK, CO 80104-9128
CERTIFIED MAIL NO. Z 233 839 278
RETURN RECEIPT REQUESTED

DISTRICT COURT, COUNTY OF ADAMS, STATE OF COLORADO
CRIMINAL ACTION NO. 96-CR-1869 Div. E

Filed in The District Court
of Adams County Colorado

CONSENT FOR ENTRY OF DEFERRED JUDGMENT

APR - 4 1997

REC'D
CLERK DIST. COURT

THE PEOPLE OF THE STATE OF COLORADO,
Plaintiff,

vs.

RICHARD MARTIN
Defendant.

Sept 26
1996

1999 APR - 2 AM 10:48
STATE MEDICAL BOARD
OF OHIO

COMES NOW, ROBERT S. GRANT, District Attorney for the Seventeenth Judicial District of the County of Adams, State of Colorado, and Michael Morrissey, Attorney for the defendant, and enter into an agreement for deferred judgment sentence for a period of four (4) years.

It is further stipulated and agreed between the defendant and the People that if the defendant completes the within conditions set forth for the entry of the plea of guilty, said plea will be allowed to be withdrawn after the period of four (4) years and this action will be dismissed with prejudice pursuant to C.R.S. §16-7-403.

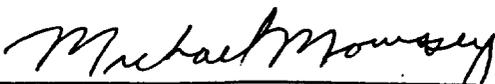
The conditions are as follows:

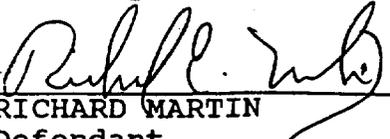
1. That the defendant not commit any offenses, except traffic, for the period of four (4) years.
2. That the defendant receive probation supervision.
3. That the defendant pay the cost of probation supervision.
4. The defendant will obtain a drug and alcohol evaluation, and he will successfully complete any treatment or counseling recommended by that evaluation. The evaluation and any treatment or counseling shall be done through a program approved for the defendant by the Probation Department.
5. The defendant shall enter into and complete a counseling and treatment program specific for sex offenders. The counseling and treatment program shall be a program approved for the defendant by the Probation Department.
6. The defendant shall pay for future counseling for the victim, [REDACTED]. The Probation Department shall determine the amount to be paid.

7. The defendant shall have no contact (in person, by telephone, or through third parties) with the victim, [REDACTED].

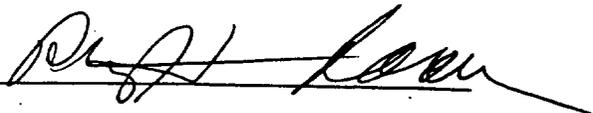
8. In the event that the District Attorney or the Probation Department has probable cause to believe that there has been a violation of any of the conditions upon which the entry of a judgment of conviction and the imposition of sentence have been deferred, the District Attorney may file a written motion with the Court requesting the entry of a judgment of conviction on the defendant's plea of guilty and requesting the imposition of sentence, or other sentencing alternative, as provided in C.R.S. 16-11-301 to 309, and C.R.S. 16-11-201 to 212. The District Attorney's motion shall set forth the time, the place, and the nature of the alleged violation of any condition upon which the entry of judgment and the imposition of sentence were deferred. The Court shall conduct an evidentiary hearing without a jury at which it shall determine whether a condition has been violated by the defendant as alleged in the motion. If the finding is in the affirmative, then the Court shall forthwith enter a judgment of conviction on the defendant's plea of guilty and the Court shall forthwith impose sentence or other sentencing alternative, as provided by C.R.S. §16-11-301 to 309, and C.R.S. §16-11-201 to 212 as though no postponement or deferral had been ordered at the time of the Court's acceptance of the defendant's guilty plea.

DONE AND SIGNED IN OPEN COURT this 4th day of April, A.D., 19 97.


MICHAEL MORRISSEY
Attorney for Defendant


RICHARD MARTIN
Defendant


JOSEPH S. PACYGA #14251
Senior Deputy


Judge

STATE MEDICAL BOARD
OF OHIO
1999 APR -2 AM 10:44

BEFORE THE STATE BOARD OF MEDICAL EXAMINERS

STATE OF COLORADO

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF THE DISCIPLINARY PROCEEDING REGARDING THE
LICENSE TO PRACTICE MEDICINE IN THE STATE OF COLORADO OF
RICHARD E. MARTIN, M.D., LICENSE NO. 26303.

Respondent.

IT IS HEREBY STIPULATED and agreed by and between Inquiry Panel A ("Panel") of the Colorado State Board of Medical Examiners ("Board") and Richard E. Martin, M.D. ("Respondent") as follows:

JURISDICTION AND CASE HISTORY

1. Respondent was licensed to practice medicine in the state of Colorado on October 11, 1984, and was issued license no. 26303 which Respondent has held continuously since that date.
2. The Panel and the Board have jurisdiction over Respondent and over the subject matter of this proceeding.
3. On or about April 4, 1997, Respondent pleaded guilty to the crime of sexual assault on a child as defined in § 18-3-405(1), C.R.S. in the District Court of Adams County. As part of his plea, Respondent was granted a deferred judgment to the offense and was placed on probation for a period of four years.
4. It is the intent of the parties and the purpose of this Stipulation and Final Agency Order to provide for a settlement of all facts disclosed by the investigation in case no. 5197013220, the investigation into Respondent's guilty plea, without the necessity of holding a formal disciplinary hearing. This Stipulation and Final Agency Order (hereinafter "the Order") constitutes the entire agreement between the parties, there are no other agreements or promises, written or oral, which modify, interpret, construe or affect this Order.
5. Respondent understands that:
 - a. Respondent has the right to be represented by an attorney and is so represented;
 - b. Respondent has the right to a formal disciplinary hearing pursuant to § 12-36-118(5), C.R.S.

c. By entering into this Order, Respondent is knowingly and voluntarily giving up the right to a hearing, admits the facts contained in this Order, and relieves the Panel of its burden of proving such facts; and

d. Respondent is knowingly and voluntarily giving up the right to present a defense by oral and documentary evidence, and to cross-examine witnesses who would testify on behalf of the Panel.

6. Respondent admits that the conduct set forth above establishes that Respondent has engaged in unprofessional conduct as defined in § 12-36-117(1)(f), C.R.S.

7. Based upon the above, the Panel is authorized by § 12-36-118(5)(g)(III), C.R.S. to order probation and such conditions upon Respondent's practice which it deems appropriate.

PROBATIONARY TERMS

8. Respondent's license to practice medicine in the state of Colorado is hereby placed on probationary status for a period of 42 months. During the probationary period, Respondent agrees to be bound by the terms and restrictions set forth in the paragraphs below.

TREATMENT MONITORING

9. Respondent shall receive such medical treatment as is determined to be appropriate by the Colorado Physician Health Program ("CPHP"). All treatment recommendations by CPHP shall constitute terms of this Order. Respondent stipulates and agrees that abstinence from alcohol and controlled substances has been and will continue to be a CPHP treatment recommendation for the duration of this Order. The Panel stipulates and agrees that Respondent has never been diagnosed and does not suffer from the disease of alcoholism, substance abuse or substance dependence. The Respondent may, in accordance with this Order, consume a controlled substance prescribed by an authorized person other than himself. CPHP shall also function as the "treatment monitor" as that term is used in this Order and CPHP shall monitor Respondent's compliance with this Order in the following manner:

a. CPHP shall test Respondent's urine to insure compliance with this Order. The parties agree that urine monitoring shall be at a frequency of twelve times a month for the first month. Thereafter urine monitoring shall be tapered as recommended by CPHP and as approved by the Panel. The Panel's approval shall not be unreasonably withheld.

b. CPHP shall submit quarterly written reports to the Panel. The reports shall briefly describe Respondent's treatment with CPHP. The reports shall also state whether Respondent is in compliance with this Order. If at any time CPHP has reasonable cause to believe that Respondent has violated the terms of this Order, is unable to practice with skill and with safety to patients or has committed unprofessional conduct as defined in § 12-36-117(1), CPHP shall immediately inform the Panel.

10. Nothing in this agreement shall limit the ability of CPHP to test more frequently or for more substances than set forth above or to impose any other condition as part of its treatment of Respondent.

11. Respondent shall complete a release permitting CPHP to disclose to the Panel all privileged information concerning Respondent in its possession, including information generated by other sources. Any revocation of such release by Respondent shall constitute a violation of this Order.

12. If at any time, CPHP feels that any of the above requirements are no longer necessary, CPHP may petition the Panel to relax the above requirements. If the Panel agrees to such a relaxation, it shall so inform CPHP by written notice. Thereafter, Respondent may comply with this Order as set forth in that notice.

OTHER TERMS

13. All costs and expenses incurred by Respondent to comply with this Order shall be the sole responsibility of Respondent, and shall in no way be the obligation of the Board or Panel.

14. Respondent shall obey all state and federal laws during the probationary period ordered herein.

15. Respondent shall comply with all probationary terms of his probation with the District Court of Adams County.

16. At the completion of the probationary term ordered herein, including any extension required by this paragraph, Respondent may make a written request to the Panel to restore Respondent's license to unrestricted status. With such request, Respondent shall supply any outstanding reports from the treatment monitor. If Respondent has complied with the terms of probation, such release shall be granted by the Panel in the form of written notice. Absent such written notice from the Panel, Respondent shall continue to comply with the probationary terms. The period of probation shall be tolled by any period of time during which:

a. Respondent is not engaged in the clinical practice of medicine in Colorado;

b. Respondent is not being monitored as required by the terms of this Order; or

c. Respondent is not in compliance with any other term of this Order.

17. Respondent shall report to the Board when gaining hospital privileges so that the Board may notify the hospital pursuant to § 12-36-118(13), C.R.S. Respondent presently holds privileges at the following hospitals:

18. This Order and all its terms shall have the same force and effect as an order entered after a formal disciplinary hearing pursuant to § 12-36-118(5)(g)(III), C.R.S. Failure to comply with the terms of this Order may be sanctioned by the Inquiry Panel as set forth in § 12-36-118(5)(g)(IV), C.R.S. This Order and all its terms also constitute a valid board order for purposes of § 12-36-117(1)(u), C.R.S.

19. This Order shall be admissible as evidence at any future hearing before the Board.

20. This Order shall be effective upon approval by the Panel and signature by a Panel member. Respondent acknowledges that the Panel may choose not to accept the terms of this Order and that if the Order is not approved by the Panel and signed by a Panel member, it is void.

21. Upon becoming effective, this Order shall be open to public inspection and shall be reported as required by law.

Richard E. Martin

Richard E. Martin, M.D.

10339 E. Weaver Pl.

Englewood, Colo. 80111
Address

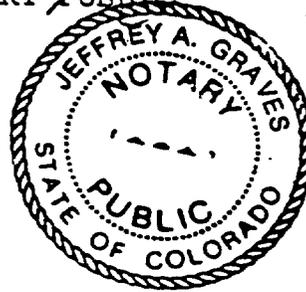
SEP 15 1998

The foregoing was acknowledged before me this 27th day of September, 1998 by Richard E. Martin, M.D.

Jeffrey A. Graves

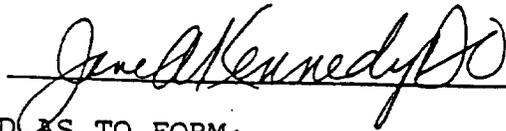
NOTARY PUBLIC

My Commission expires:
My Commission Expires 05/14/2001



THE FOREGOING Stipulation and Final Agency Order is approved and effective this 8th day of October, 1998.

FOR THE COLORADO STATE BOARD OF
MEDICAL EXAMINERS
INQUIRY PANEL A



APPROVED AS TO FORM:

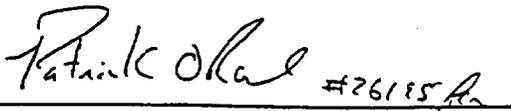
FOR THE RESPONDENT

FOR THE BOARD OF MEDICAL EXAMINERS

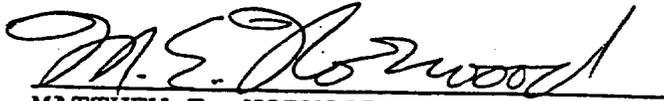
GALE A. NORTON
Attorney General

RICHARD A. WESTFALL
Solicitor General

LINDA L. SIDERIUS
Deputy Attorney General



DAVID A. BURLAGE, 8914
Montgomery, Little & McGrew
5445 DTC Parkway, #800
Englewood, Colorado
80111-3053



MATTHEW E. NORWOOD, 15181*
First Assistant Attorney General
Regulatory Law Section

Attorneys for the Colorado State
Board of Medical Examiners

1525 Sherman Street, 5th Floor
Denver, Colorado 80203
Telephone: 866-5307
*Counsel of Record
AG Alpha No. RG ME DLJME
AG File: P:\RL\RLNORWME\Martin