



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

September 13, 2006

Seth A. Oninku, M.D.
1401 Westbrook Road
Dayton, OH 45415

Dear Doctor Oninku:

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 September 13, 2006.

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:jam
Enclosures

CERTIFIED MAIL NO. 7003 0500 0002 4332 6296
RETURN RECEIPT REQUESTED

Aaron G. Durden, Esq.
10 West Monument Avenue
Dayton, OH 45402

CERTIFIED MAIL NO. 7003 0500 0002 4332 6302
RETURN RECEIPT REQUESTED

Mailed 9-14-06

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 September 13, 2006, constitutes a true and complete copy of the Findings, Order and Journal Entry in the matter of Seth A. Oninku, 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.



Lance A. Talmage, M.D.
Secretary

(SEAL)

September 13, 2006

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

SETH A. ONINKU, M.D.

*

FINDINGS, ORDER AND JOURNAL ENTRY

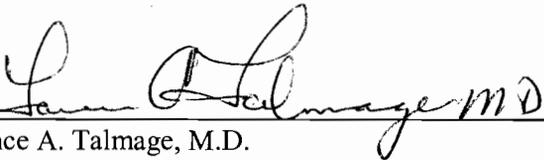
By letter dated June 14, 2006, notice was given to Seth A. Oninku, M.D., that the State Medical Board intended to consider disciplinary action regarding his license to practice medicine and surgery in the State of Ohio, and that he was entitled to a hearing if such hearing was requested within thirty (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 June 15, 2006, to the address of record of Dr. Oninku, that being 1401 Westbrook Road, Dayton, Ohio 45415.

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. Oninku and more than thirty (30) days have now elapsed since the mailing of that notice.

WHEREFORE, having reviewed the June 14, 2006, Notice of Opportunity for Hearing, including the Indictment and Verdict Entry in Case Number 05-CR-2404 in the Montgomery County Court of Common Pleas, and the affidavit of Debra L. Jones, Continuing Medical Education and Renewal Officer, which are attached hereto and incorporated herein, the Board hereby finds that there is reliable, probative and substantial evidence to support the allegations as set forth in the notice of opportunity for hearing issued on June 14, 2006. Further, the Board hereby ORDERS that the license of Seth A. Oninku, 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 September 2006, and the original thereof shall be kept with said Journal.



Lance A. Talmage, M.D.
Secretary

(SEAL)

September 13, 2006
Date

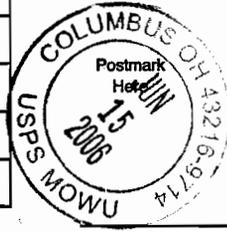
7003 0500 0002 4330 8902

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OFFICIAL USE JAM

CITE	Postage	\$ 1.11
	Certified Fee	2.40
	Return Receipt Fee (Endorsement Required)	1.85
	Restricted Delivery Fee (Endorsement Required)	
	Total Postage & Fees	\$ 5.36



Sent To **Seth A. Oninku, M.D.**
 Street, Apt or PO Box **1401 Westbrook Road**
 City, State **Dayton, OH 45415**

PS Form 3800, June 2002

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also, indicate item 4 if return and delivery is desired.
- Print your name and address on the reverse so that we can return this receipt to you.
- Attach this receipt to the back of the mailpiece or on the front if space permits.
- Article addressed to:

Seth A. Oninku, M.D.
1401 Westbrook Road
Dayton, OH 45415

COMPLETE THIS SECTION ON DELIVERY

- Signature: *[Signature]* Agent
- Addressee
- Delivered by (Print Name) Return to Office
- Yes No
- Yes No

- Service Type:
- Certified Mail Registered Mail
 - Registered Return Receipt for Merchandise
 - Insured Mail COD
 - Restricted Delivery (Domestic) Yes

Article Number
(Use non-numeric ink)

7003 0500 0002 4330 8902

PS Form 3811, February 2004

Domestic Return Receipt

1125-024-000-0

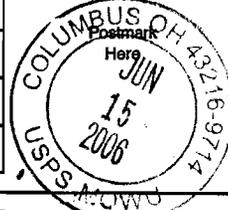
7003 0500 0002 4330 8858

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CITIZEN ON INK™ Postage	\$ 1.11
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.36



Sent To
Aaron G, Durden, Esq.
 Street, Apt. No. or PO Box No. **10 West Monument Avenue**
 City, State, Zi **Dayton, OH 45402**

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- 1. To complete items 1, 2, and 3, also complete item 4 if Restricted Delivery is desired.
- 2. Print your name and address on the reverse so that we can return the card to you.
- 3. Attach this card to the back of the mailpiece, or on the front if space permits.
- 4. Article addressed to:

Aaron G, Durden, Esq.
10 West Monument Avenue
Dayton, OH 45402

Article Number
(Transfer from Service Label)

7003 0500 0002 4330 8858

PS Form 3801, 1 February 2004

Domestic Return Receipt

425-021-100

COMPLETE THIS SECTION ON DELIVERY

- 1. Signature of Addressee
- 2. Received by (Print or Stamp)
- 3. Is delivery address different from item 1? Yes No
If YES, enter delivery address below

City, State, Zi

- 4. Service type:
 - Certified Mail Express Mail
 - Registered Return Receipt for Merchandise
 - Insured Mail GDS
 - Restricted Delivery (if applicable) Yes

PS Form 3801, 1 February 2004 Domestic Return Receipt 425-021-100

AFFIDAVIT

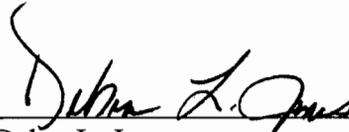
The State of Ohio
Franklin County, SS

I, Debra L. Jones, 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 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 Seth A. Oninku, M.D.
- 5) Based on such examination, I have found the last known address of record of Dr. Oninku to be:

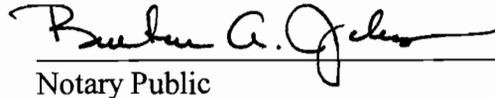
1401 Westbrook Road
Dayton, Ohio 45415

- 6) Further, Affiant Sayeth Naught.



Debra L. Jones
Continuing Medical Education and Renewal
Officer

Sworn to and signed before me, Barbara A. Jacobs, Notary
Public, this 18th day of August, 2006.


Notary Public

BARBARA ANN JACOBS, ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

June 14, 2006

Seth A. Oninku, M.D.
1401 Westbrook Road
Dayton, OH 45415

Dear Doctor Oninku:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] 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 you or place you on probation for one or more of the following reasons:

- (1) On or about June 2, 2006, in the Court of Common Pleas for Montgomery County, Ohio, you were found guilty of one felony count of Sale of Dangerous Drugs, in violation of Section 4729.51(C)(1), Ohio Revised Code, and one felony count of Possession for Sale of Dangerous Drugs, in violation of Section 4729.51(C)(2), Ohio Revised Code. Copies of the Indictment, as amended by Orders filed May 30, 2006, and Verdict Entry are attached hereto and incorporated herein.

Your plea of guilty or the judicial findings of guilt as alleged in paragraph (1) above, individually and/or 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.

Further, your plea of guilty or the judicial findings of guilt as alleged in paragraph (1) above, individually and/or collectively, constitute “[s]elling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction 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.

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 days of the time of mailing of this notice.

Mailed 6-15-06

Seth A Oninku, M.D.

Page 2

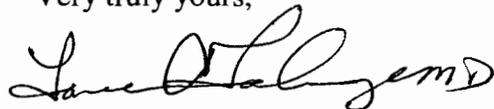
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at 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/blt
Enclosures

CERTIFIED MAIL # 7003 0500 0002 4330 8902
RETURN RECEIPT REQUESTED

cc: Aaron G, Durden, Esq.
10 West Monument Avenue
Dayton, OH 45402

CERTIFIED MAIL # 7003 0500 0002 4330 8858
RETURN RECEIPT REQUESTED



FILED
COURT OF COMMON PLEAS

2005 JUN -2 PM 3:51

L. W. FOLEY
CLERK OF COURTS
MONTGOMERY CO., OHIO

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

STATE OF OHIO,	:	Case No. 05-CR-2404
	:	
Plaintiff,	:	Judge Mary Katherine Huffman
	:	
-vs-	:	<u>VERDICT ENTRY</u>
	:	
SETH ONINKU,	:	
	:	
Defendant.	:	

The Attorney for the State, Margaret Carper, the Defen Seth Oninku, and his counsel, Aaron Durden, appeared in open cour the case was heard by a duly-empaneled and sworn jury.

After all the testimony, the arguments of counsel, an jury charge delivered by the Court, were heard, the jury deliber in the charge of the Bailiff, and returned to open court wit following verdict:

VERDICT

found Guilty of the offense of Sale of Dangerous Drug (F4) as ch in Count 1 of the indictment; the jury found the Defendant, Gu of the offense of Possess for Sale of Dangerous Drug (F5). The was discharged from further consideration of this cause.

I hereby certify this to be a true and correct copy.

Witness my hand and seal this 7 day of June 2006.

Mary K. Huffman
JUDGE MARY KATHERINE HUFFMAN

Don Foley, Clerk
Clerk of Common Pleas
Court of Montgomery County, Ohio

By D. Cooper
Deputy

FILED
COURT OF COMMON PLEAS

2006 JUN -2 PM 3:51

DAN FOLEY
CLERK OF COURTS
MONTGOMERY CO., OHIO

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

CRIMINAL DIVISION

STATE OF OHIO,	:	Case No. 05-CR-2404
	:	
Plaintiff,	:	Judge Mary Katherine Huffman
	:	
-vs-	:	<u>VERDICT</u>
	:	
SETH ONINKU,	:	
	:	
Defendant.	:	

GUILTY

We, the jury, upon the issues joined in this case, do find the Defendant,

SETH ONINKU, GUILTY * of Sale of Dangerous Drug as charged in
Count 1 of the indictment.

*Insert in ink "GUILTY" or "NOT GUILTY"

1. Sharon Young
2. Denra M. Stephens
3. Eloise Young
4. Nicholas J. Caudles
5. Doree J. Wilts
6. Janet ...

7. M. P. ...
8. ...
9. ...
10. ...
11. Christopher ...
12. Kimberly ...

All 12 Jurors Must Concur in Verdict

(Please Sign in Ink)

FILED
COURT OF COMMON PLEAS

2006 JUN -2 PM 3:51

JOHN FOLEY
CLERK OF COURTS
MONTGOMERY CO., OHIO

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

CRIMINAL DIVISION

STATE OF OHIO,	:	Case No. 05-CR-2404
	:	
Plaintiff,	:	Judge Mary Katherine Huffman
	:	
-vs-	:	<u>VERDICT II</u>
	:	
SETH ONINKU,	:	
	:	
Defendant.	:	

We, the jury, upon the issues joined in this case, do find the Defendant,

SETH ONINKU, GUILTY * of Possess for Sale of Dangerous Drug as charged in
Count 2 of the indictment.

*Insert in ink "GUILTY" or "NOT GUILTY"

- | | |
|------------------------------|--------------------------|
| 1. <u>Sharon Young</u> | 7. <u>Michelle Hunt</u> |
| 2. <u>Donna M. Stephens</u> | 8. <u>[Signature]</u> |
| 3. <u>Edward Lee III</u> | 9. <u>[Signature]</u> |
| 4. <u>Nicholas J. Carlin</u> | 10. <u>[Signature]</u> |
| 5. <u>[Signature]</u> | 11. <u>Christophe H</u> |
| 6. <u>[Signature]</u> | 12. <u>James H. Hair</u> |

All 12 Jurors Must Concur in Verdict

(Please Sign in Ink)



FILED
COURT OF COMMON PLEAS

2006 MAY 30 AM 11:16

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
CLERK OF CRIMINAL DIVISION
MONTGOMERY CO., OHIO

STATE OF OHIO

CASE NO. 2005 CR 2404

Plaintiff

vs.

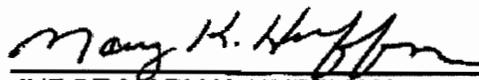
SETH ONINKU

ORDER

Defendant

The COURT hereby GRANTS The State of Ohio's Motion to Amend the Indictment filed September 14, 2005, in the above-captioned case, to correct a defect in the form of the indictment pursuant to Crim. Rule 7.D. The Court will thus AMEND the indictment in this case as follows: In COUNT ONE, the word "soma" deleted, with "Carisoprodol" substituted; in COUNT TWO, the word "soma" deleted, with "Carisoprodol" substituted.

IT IS SO ORDERED.


JUDGE MARY K. HUFFMAN

Cc: Assistant Prosecuting Attorney
Mr. Aaron G. Durden, 10 West Monument Avenue, Dayton, Ohio 45402
Ryan Colvin

Dmd/5/26/06

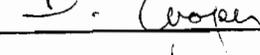
I hereby certify this to be a true and correct copy.

Witness my hand and seal this 7
day of June 2006.

, Clerk

Clerk of Common Pleas

Court of Montgomery County, Ohio

By  Deputy



FILED
COURT OF COMMON PLEAS

2006 MAY 30 AM 11:17

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
CRIMINAL DIVISION
MONTGOMERY CO., OHIO

STATE OF OHIO

CASE NO. 2005 CR 2404

Plaintiff

vs.

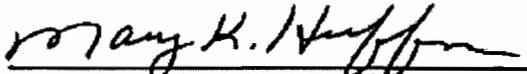
SETH ONINKU

ORDER

Defendant

The COURT hereby GRANTS The State of Ohio's Motion to Amend COUNT TWO of the indictment filed September 14, 2005, in the above-captioned case, to correct a typographical error in its language pursuant to Crim. Rule 7.D. The Court will thus AMEND the indictment in this case as follows: The indictment's Second Count should charge that Defendant violated Section 4729.51(C)(2) of the Ohio Revised Code.

IT IS SO ORDERED.

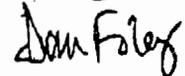

JUDGE MARY K. HUFFMAN

Cc: Assistant Prosecuting Attorney
Mr. Aaron G. Durden, 10 West Monument Avenue, Dayton, Ohio 45402
Ryan Colvin

Dmd/5/22/06

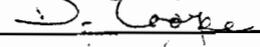
I hereby certify this to be a true and correct copy.

Witness my hand and seal this 7 day of June 2006

, Clerk

Clerk of Common Pleas

Court of Montgomery County, Ohio

By  Deputy



7-FILED
COMMON PLEAS
2005 SEP 14 PM 2:25

CLERK OF COURTS
MONTGOMERY CO., OHIO

2005 CR 02404

DIRECT

THE STATE OF OHIO, MONTGOMERY COUNTY

THE COURT OF COMMON PLEAS

(September Term in the year Two Thousand and Five)

MONTGOMERY COUNTY, SS.

THE GRAND JURORS of the County of Montgomery, in the name, and by the authority of the State of Ohio, upon their oaths do find and present that **SETH A. ONINKU**, on or about the 28th day of July in the year Two Thousand and Four in the County of Montgomery, aforesaid, and State of Ohio, did, recklessly sell, at retail, a dangerous drug, to-wit: Soma; contrary to the form of the statute (in violation of Section 4729.51(C)(1) of the Ohio Revised Code) in such case made and provided, and against the peace and dignity of the State of Ohio.

SECOND COUNT:

AND the grand jurors of this County, in the name and by the authority of the State of Ohio, upon their oaths, do find and present that: **SETH A. ONINKU** on or about July 28, 2004 in the County of Montgomery, aforesaid, and State of Ohio, did recklessly possess for sale, at retail, a dangerous drug, to-wit: Soma; contrary to the form of the statute (in violation of Section 4729.51(C)(D) of the Ohio Revised Code) in such case made and provided, and against the peace and dignity of the State of Ohio.

hereby certify this to be a true and correct copy
I witness my hand and seal this 7 day of June 2006.

Sam Foley, Clerk

Clerk of Common Pleas
Court of Montgomery County, Ohio

by *Cooper* Deputy

Respectfully submitted,

MATHIAS H. HECK, JR.,
Prosecuting Attorney
Montgomery County, Ohio

By *Matthew A. Heagy*
Assistant Prosecuting Attorney
Supreme Court # 000001

"NOTICE: UNDER SECTION 2923.13 OF THE OHIO REVISED CODE, NO PERSON WHO IS CHARGED BY THIS INDICTMENT OR CONVICTED OF THE CHARGE(S) IN THIS INDICTMENT MAY KNOWINGLY ACQUIRE, HAVE, CARRY OR USE ANY FIREARM OR DANGEROUS ORDNANCE."

JPG

JUDGE MARY KATHERINE HUFFMAN/JEREMIAH J DENSLOW 0074784

SUMMONS

Summons is hereby issued in accordance with criminal rule 4 (D) (3) advising

SETH A. ONINKU

1401 WESTBROOK ROAD

DAYTON, OH 45415

THAT SETH A. ONINKU has been indicted by the Grand Jury of Montgomery County and that the person named indictment is hereby ordered to personally appear at 8:30 A.M. on **SEPTEMBER 29, 2005** before a Presiding Judge Montgomery County Common Pleas Court, Courtroom #6, **THIRD FLOOR, 41 North Perry Street, Dayton, Ohio, a FAILURE TO APPEAR WILL RESULT IN A WARRANT FOR ARREST, FORFEITURE OF BOND, IF AN ADDITIONAL CRIMINAL CHARGES FOR FAILURE TO APPEAR UNDER Section 2937.99, Ohio Revised C** certify that the attached indictment is a true copy of the original indictment on file is this office. You have the right attorney. If you are unable to hire an attorney, call the Montgomery County Public Defender's Office at 22 between the hours of 9:00 a.m. and 4:00 p.m. to determine if you qualify for attorney services at no cost **PLEASE BRING THIS INDICTMENT TO COURT WITH YOU.**

DAN FOLEY, Clerk
Court of Common Pleas, Montgomery County

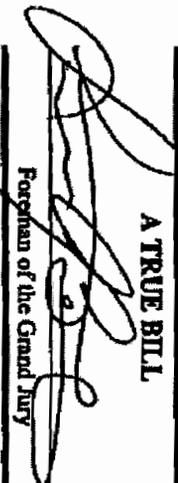
By _____

I executed this Summons on _____ by mailing a copy of the within Indictment to the defendant(s) by **CERTIFIED MAIL**. I certify that the fees shown herein were required to execute this summons.

Fees _____ \$ _____

DAN FOLEY, Clerk
Court of Common Pleas, Montgomery County

By _____, Deputy

<p style="text-align: center;">A TRUE BILL</p>  <p style="text-align: center;">Prosecutor of the Grand Jury</p> <p style="text-align: center;">MATHIAS H. HECK, JR. Prosecuting Attorney Montgomery County</p>	<p>INDICTMENT FOR</p> <p>SALE OF DANGEROUS DRUG</p> <p>POSSESS FOR SALE DANGEROUS DRUG</p>	<p>SETH A. ONINKU</p>	<p>The State of Ohio</p> <p>vs.</p>	<p>THE STATE OF OHIO, MONTGOMERY COUNTY COURT OF COMMON PLEAS</p> <p>September Term, 2005</p>
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