

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

FILED
CLERK OF COURTS
FRANKLIN CO. OHIO
2010 FEB 22 PM 1:46

Walter G. Broadnax, M.D.,

Appellant,

v.

Case No. 09CVF10-16216 (Cocroft, J.)

State Medical Board of Ohio,

Appellee.

CLERK OF COURTS
TERMINATION NO. 8
BY: AEF 2-22-10

DECISION AND ENTRY GRANTING APPELLEE'S MOTION TO DISMISS
FILED DECEMBER 8, 2009

Rendered this 22nd day of February, 2010

COCROFT, J.

This matter is before the Court on the motion to dismiss filed by the appellee, State Medical Board of Ohio, on December 8, 2009. The appellant, Walter G. Broadnax, M.D., filed a memorandum in opposition on January 22, 2010. This matter is now ripe for decision.

On October 29, 2009, the appellant filed a notice of appeal regarding the "Findings, Order and Journal Entry" of the State Medical Board of Ohio, dated October 14, 2009, which permanently revoked the appellant's license to practice medicine in Ohio. The appellee contends that this Court lacks jurisdiction over the subject matter of this appeal because the appellant failed to request a hearing and, therefore, failed to properly exhaust his administrative remedies. (Appellee's Motion to Dismiss, p. 1). The appellee further contends that it properly complied with all statutory service requirements, pursuant to R.C. 119.07, which advised the appellant that he was entitled to request a hearing. *Id.*

Conversely, the appellant contends that the language in the notice he received, dated July 8, 2009, is: (1) vague, confusing, and ambiguous; (2) in violation of R.C.

119.07; and (3) in violation of the due process clauses of the Ohio and United States Constitutions. (Appellant's Memorandum in Opposition, p. 2). Additionally, the appellant contends that it was impossible for him to have timely requested a hearing based on the date of the notice that he received. (Id. at p. 3).

R.C. 119.07 provides that:

Except when a statute prescribes a notice and the persons to whom it shall be given, in all cases in which section 119.06 of the Revised Code requires an agency to afford an opportunity for a hearing prior to the issuance of an order, the agency shall give notice to the party informing the party of the party's right to a hearing. Notice shall be given by registered mail, return receipt requested, and shall include the charges or other reasons for the proposed action, the law or rule directly involved, and a statement informing the party that the party is entitled to a hearing if the party requests it within thirty days of the time of mailing the notice.

When any notice sent by registered mail, as required by sections 119.01 to 119.13 of the Revised Code, is returned because the party fails to claim the notice, the agency shall send the notice by ordinary mail to the party at the party's last known address and shall obtain a certificate of mailing. Service by ordinary mail is complete when the certificate of mailing is obtained unless the notice is returned showing failure of delivery.

Refusal of delivery by personal service or by mail is not failure of delivery and service is deemed to be complete. Failure of delivery occurs only when a mailed notice is returned by the postal authorities marked undeliverable, address or addressee unknown, or forwarding address unknown or expired. A party's last known address is the mailing address of the party appearing in the records of the agency. (Emphasis added).

The Ohio Supreme Court has held that "[i]t is a well-established principle of Ohio law that, prior to seeking court action in an administrative matter, the party must exhaust the available avenues of administrative relief through administrative appeal." *Noernberg v. City of Brook Park* (1980), 63 Ohio St.2d 26, 29. (Emphasis added). Administrative remedies may not be considered exhausted by default, and failure to timely comply with

a request for a hearing in accordance with R.C. 119.07 constitutes a failure to exhaust administrative remedies. *State of Ohio, State Medical Board v. Florica* (November 3, 1988), Franklin App. No. 88AP-516. Furthermore, the Tenth District has held that the thirty (30) day provision of R.C. 119.07 is mandatory and jurisdictional. *Hsueh v. State Medical Board* (October 17, 1989), Franklin App. No. 88AP276. See also *Harrison v. State Medical Board of Ohio* (1995), 103 Ohio App.3d 317, 659 N.E.2d 368 (holding that when a licensee has been notified of his opportunity for hearing, and the licensee fails to timely request a hearing, the trial court does not have jurisdiction to proceed with an appeal because the licensee failed to exhaust his administrative remedies).

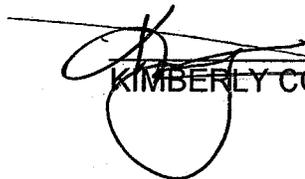
Upon review, this Court finds that the notice letter sent by the appellee to the appellant was in full accordance with R.C. 119.07. The appellee issued a "Notice of Opportunity for Hearing" to the appellant on July 8, 2009. This notice was sent via certified mail to the appellant on July 9, 2009. (Appellee's Motion to Dismiss, p. 2). On August 5, 2009, the notice was returned to the appellee with a notation by the United States Postal Service indicating that delivery was attempted on July 10, July 15, and July 25, 2009. *Id.* Despite these efforts, the notice was returned unclaimed. *Id.* The appellee subsequently proceeded to serve the notice by ordinary mail in accordance with R.C. 119.07. On August 6, 2009, the appellee obtained a certificate of mailing and, thus, service by ordinary mail was completed on this date. *Id.*

The notice letter was mailed to the appellant's last known address as registered with the appellee. The appellee contends that the appellant was responsible for maintaining a current address with the appellee. (Appellee's Motion to Dismiss, pp. 3, 7-8). However, the appellant contends that, in July, August, September and October of 2009, his residential address did not change and was on record with the appellee.

(Appellant's Memorandum in Opposition, Exhibit A, Affidavit of Walter G. Broadnax, M.D.).

Upon review, this Court finds that the appellant failed to timely request a hearing in accordance with R.C. 119.07. Although the appellant contends that the notice letter he received was confusing and ambiguous, the appellant has failed to indicate any attempts to clarify this confusion. The appellant states that "[w]hen I first read the letter I thought the time to request a hearing had already past." (Appellant's Memorandum in Opposition, Exhibit A, Affidavit of Walter G. Broadnax, M.D.). However, if the appellant feared that he had missed the deadline to request a hearing, then he should have addressed it with the appellee at that time. Furthermore, even if the appellant was indeed 'confused' about the exact deadline, he has failed to offer evidence to this Court that he made a good faith effort to communicate his concerns to the appellee. Therefore, this Court finds that the appellant failed to exhaust his administrative remedies and, as such, this Court lacks jurisdiction over the subject matter. Accordingly, this Court finds the appellee's motion to dismiss well-taken and it is hereby GRANTED.

IT IS SO ORDERED.


KIMBERLY COCROFT, JUDGE

Copies to:

Thomas J. Leksan
Counsel for Appellant

Kyle C. Wilcox
Counsel for Appellee

STATE MEDICAL BOARD
OF OHIO
COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

2009 NOV 16 PM 3:33

09CVF 10 16216
Case no. _____

WALTER G. BROADNAX, M.D.
1220 Paddock Hills Avenue
Cincinnati, Ohio 45229

SMBO case no. 09-CRF-082

RESPONDENT-APPELLANT

NOTICE OF APPEAL OF
THE ORDER OF THE STATE
MEDICAL BOARD OF OHIO
DATED OCTOBER 14, 2009

v.

STATE MEDICAL BOARD OF OHIO
30 East Broad Street, 3rd Floor
Columbus, Ohio 43215

PETITIONER-APPELLEE

FILED
COMMON PLEAS COURT
FRANKLIN CO. OHIO
OCT 29 PM 3:33
CLERK OF COURTS

Now comes the Respondent-Appellant, Walter G. Broadnax, M.D., (hereinafter "Broadnax") and hereby appeals the findings, order and journal entry of the State Medical Board of Ohio (hereinafter "the Board") dated October 14, 2009 (hereinafter "decision"), a copy of said document is attached hereto as Exhibit A. Broadnax requests the Board to prepare and file with the Clerk of this Court, a complete transcript of all original documents, papers and evidence which was taken into consideration in arriving at its decision and in issuing the subject findings, order and journal entry.

Broadnax asserts 1) the decision is not supported by the evidence presented to the Board 2) that his rights of due process, proper and legal notice, and right to a full and fair hearing have been denied in violation of both the Ohio and United States Constitutions, 3) he has been denied equal protection of the law as guaranteed by the

Ohio and United States Constitution, and 4) the decision is against the manifest weight of the evidence.

Broadnax asserts that since any purported notice of hearing was defective on its face, he was denied his rights as aforesaid and that he was further precluded from presenting evidence on his own behalf, the right to cross examine witnesses who would present evidence against him and his right to provide evidence of extenuating circumstances showing that any alleged incriminating conduct was done under threats for his safety and the safety of his family.

Thomas J. Leksan (0027125)
Thomas J. Leksan Co., L.P.A.
1000 Tri-State Building
432 Walnut Street
Cincinnati, Ohio 45202

(513) 665-9400
(513) 421-9444 facsimile
t.leksan@leksanlaw.com

Trial Attorney for Respondent-Appellant
Walter G. Broadnax, M.D.

PRAECIPE

Issue a notice to the State Medical Board of Ohio, 30 East Broad Street, 3rd Floor, Columbus, Ohio 43215, mandating that its document custodian prepare and file with the Clerk of this Court, a complete transcript of all the original papers, documents, and evidence offered and taken into consideration in reaching its October 14, 2009 decision in case captioned In the Matter of Walter George Broadnax, M.D. to which case number 09-CRF-082 was assigned.

CERTIFICATE OF FILING

Pursuant to R.C. 119.07, I certify that this notice of appeal was filed with both the Franklin County Clerk of Courts and the State Medical Board of Ohio this 29th day of October, 2009.

Thomas J. Leksan

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

October 14, 2009

Walter George Broadnax, M.D.
1220 Paddock Hills Ave.
Cincinnati, OH 45229

RE: 09-CRF-082

Dear Dr. Broadnax:

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 14, 2009.

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

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

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL RECEIPT NO. 91 7108 2133 3934 3683 6729
RETURN RECEIPT REQUESTED

Mailed 10-15-09

In the matter of Walter George Broadnax, M.D.

Page 2

cc: Thomas J. Leksan, Esq.
Attorney at Law
1000 Tri-State Building
432 Walnut Street
Cincinnati, OH 45202

CERTIFIED MAIL RECEIPT NO. 91 7108 2133 3934 3683 6736
RETURN RECEIPT REQUESTED

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 14, 2009, constitutes a true and complete copy of the Findings, Order and Journal Entry in the Matter of Walter George Broadnax, M.D., Case No. 09-CRF-082, 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)

October 14, 2009

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

CASE NO. 09-CRF-082

WALTER GEORGE BROADNAX, M.D.

*

FINDINGS, ORDER AND JOURNAL ENTRY

By letter dated July 8, 2009, notice was given to Walter George Broadnax, 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, to the address of record of Dr. Broadnax, that being 1220 Paddock Hills Avenue, Cincinnati, Ohio 45229.

Such notice was returned to the Medical Board offices on August 5, 2009, with a notation from the United States Postal Service that delivery was attempted on July 10, July 15, and July 25, 2009; however, the notice was unclaimed. Pursuant to Section 119.07, Ohio Revised Code, the notice was mailed via regular U.S. mail and a certificate of mailing was obtained on August 6, 2009. No hearing request has been received from Dr. Broadnax and more than thirty (30) days have now elapsed since the mailing of that notice.

WHEREFORE, having reviewed the July 8, 2009, Notice of Opportunity for Hearing, the affidavit of Karen H. Mortland, Enforcement Attorney, the affidavit of Barbara A. Jacobs, Public Services Administrator, and the affidavit of Kay L. Rieve, Administrative Officer, which are attached hereto and incorporated herein, the Board hereby finds that:

1. Walter George Broadnax, M.D., was issued certificate number 35-060685 on or about October 12, 1990.
2. On or about November 13, 2007, in the United States District Court for the Southern District of Ohio, Dr. Broadnax entered a plea of guilty to one count of Conspiracy to Distribute and Possess Controlled Substances and one count of Willful Failure to Pay Employment Taxes, in the United States of America vs. Walter G. Broadnax, Case Number 1:07-CR-111.
3. As part of his plea, Dr. Broadnax admitted that he conspired with others to distribute OxyContin and Percocet by writing prescriptions to persons who were not patients, who had not been medically examined, and who were not in need of the medication. Dr. Broadnax further admitted that he wrote between 2000 and 2500 such prescriptions between December 2004 and February 2007.
4. On June 8, 2009, the United States District Court for the Southern District of Ohio accepted Dr. Broadnax's plea of guilty and he was found guilty of Conspiracy to Distribute and Possess Controlled Substances and one count of Willful Failure to Pay Employment Taxes.

Further, the Board hereby concludes that:

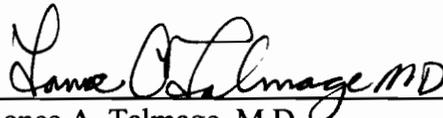
1. Section 4731.22(B)(9), Ohio Revised Code, authorizes the State Medical Board of Ohio to refuse to issue a license or to discipline a licensee based upon a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony.
2. Section 4731.22(B)(3), Ohio Revised Code, authorizes the State Medical Board of Ohio to refuse to issue a license or to discipline a licensee based upon a finding that an applicant or licensee "selling, 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.
3. Dr. Broadnax was convicted on or about June 8, 2009, in the United States District Court for the Southern District of Ohio on one count of Conspiracy to Distribute and Possess Controlled Substances and one count of Willful Failure to Pay Employment Taxes.

Accordingly, the Board hereby ORDERS that:

The license of Walter George Broadnax, 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 14th day of October 2009 and the original thereof shall be kept with said Journal.



Lance A. Talmage, M.D.
Secretary

(SEAL)

October 14, 2009
Date

AFFIDAVIT

The State of Ohio
Franklin County, SS

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

- 1) I am employed by the State Medical Board of Ohio (hereinafter, "The Board")
- 2) I serve the Board in the position of Administrative Officer.
- 3) In such position I am the responsible custodian of all 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 Walter George Broadnax, M.D.
- 5) According to the Board's records, Dr. Broadnax was issued certificate number 35-060685 on or about October 12, 1990.
- 6) Based on my examination, I have found the last known address of record of Dr. Broadnax to be:

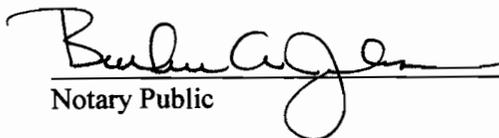
1220 Paddock Hills Avenue
Cincinnati, Ohio 45229

- 7) Further, Affiant Sayeth Naught.



Kay L. Rieve
Administrative Officer

Sworn to and signed before me, Barbara A. Jacobs, Notary Public, this
8th day of September, 2009.



Notary Public

BARBARA ANN JACOBS, ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.63 R.C.

AFFIDAVIT

The State of Ohio
Franklin County, SS

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

- 1) I am employed by the State Medical Board of Ohio (hereinafter, "The Board").
- 2) I serve the Board in the position of Public Services Administrator.
- 3) In the course of my regular duties, I am responsible for seeing that all procedural requirements of Chapter 119., Ohio Revised Code, regarding service of any notice issued by the Board are met.
- 4) According to the Board's records, the Board issued a Notice of Immediate Suspension and Opportunity for Hearing to Walter George Broadnax, M.D., on July 8, 2009. Such notice was mailed by certified mail, return receipt requested, to Dr. Broadnax's address of record. Attached hereto and incorporated herein as Exhibit A is a certified copy of the July 8, 2009, Notice of Immediate Suspension and Opportunity for Hearing.
- 5) On August 5, 2009, the Notice was returned to the Board with a notation by the United States Postal Service that delivery of the item was attempted on July 10, July 15, and July 25, 2009; however, the item was unclaimed. Attached hereto and incorporated herein as Exhibit B is a true and accurate copy of the envelope returned to the Board offices on August 5, 2009.
- 6) Pursuant to Section 119.07, Ohio Revised Code, the Board mailed a copy of the notice to Dr. Broadnax via ordinary U.S. mail and obtained a certificate of mailing on August 6, 2009. Attached hereto and incorporated herein as Exhibit C is a true and accurate copy of the certificate of mailing obtained by the Board on August 6, 2009.
- 7) The Notice was deemed served on Dr. Broadnax on August 6, 2009, the date that the notice was mailed by ordinary U.S. mail.
- 8) As of the date of this affidavit, the Board has not received a request for hearing from Dr. Broadnax.

9) Further, Affiant Sayeth Naught.



Barbara A. Jacobs
Public Services Administrator

Sworn to and signed before me, Angela D. Fields, Notary Public, this 29th day of September, 2009.

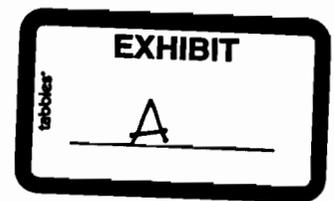


ANGELA D. FIELDS
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 05/26/11



Notary Public

State Medical Board of Ohio
30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127



Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

**NOTICE OF IMMEDIATE SUSPENSION
AND
OPPORTUNITY FOR HEARING**

July 8, 2009

Case number: 09-CRF-082

Walter George Broadnax, M.D.
1220 Paddock Hills Ave.
Cincinnati, OH 45229

Dear Doctor Broadnax:

In accordance with Sections 2929.42 and/or 3719.12, Ohio Revised Code, the United States Attorney's Office, Southern District of Ohio, reported that in the United States District Court for the Southern District of Ohio, Western Division [U.S. District Court for the Southern District of Ohio], you pled guilty to, and were found guilty of, Conspiracy to Distribute a Controlled Substance in violation of 21 U.S.C. Sections 841(a)(1) and (b)(1)(C). You entered a plea of guilty to this offense on or about November 13, 2007, and were adjudicated guilty of this offense by the U.S. District Court for the Southern District of Ohio on or about June 8, 2009.

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 [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 November 13, 2007, you entered into a Plea Agreement in the U.S. District Court for the Southern District of Ohio, in which you pled guilty to Count 1 of the Indictment filed in that court on or about August 22, 2007 [August 2007 Indictment], charging you with Conspiracy to Distribute and Possess Controlled Substances, namely OxyContin [oxycodone] and Percocet [oxycodone], Schedule II controlled substances, in violation of 21 U.S.C. Sections 841(a)(1) and (b)(1)(C) and 21 U.S.C. Section 846.

Mailed 7-9-09

As part of your guilty plea, you acknowledged the truth of a Statement of Facts, wherein you admitted, *inter alia*, to conspiring with others to distribute OxyContin and Percocet by writing prescriptions to persons who were not your patients, who had not been medically examined, and who were not in need of the medication. From in or about December 2004 to in or about February 2007, you wrote approximately 2000 to 2500 such prescriptions for controlled substances.

- (2) Further, as part of the Plea Agreement entered by you on or about November 13, 2007, in the U.S. District Court for the Southern District of Ohio, you pled guilty to Count 2 of the August 2007 Indictment, charging you with willfully failing to pay certain employment taxes, in violation of 26 USC Section 7202. In the Statement of Facts attached and incorporated to the Plea Agreement, you acknowledged as true, *inter alia*, that between in or about March 2004 and June 2006, you failed to file certain federal forms and pay tax due on wages paid to between one and five employees, and did so in order to defeat assessment, reporting, and payment of taxes, including those associated with Medicare and Social Security.
- (3) On or about June 8, 2009, the U.S. District Court for the Southern District of Ohio formally accepted your pleas of guilt to Counts 1 and 2 of the Indictment and found you guilty on both counts. The U.S. District Court for the Southern District of Ohio sentenced you to probation for five years; required payment of restitution in the amount of \$145,691.00; ordered forfeiture of your medical license with no reinstatement until the termination of supervised release; and imposed a restriction against applying for a DEA number authorizing you to distribute controlled substances.

The facts as alleged in paragraphs (1) through (3) 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 acts, conduct, and/or omissions as alleged in paragraphs (1) and (3), 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.

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

Suspension
Walter George Broadnax, M.D.
Page 3

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/KHM/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3068 6878
RETURN RECEIPT REQUESTED

cc: Thomas J. Leksan, Esq.
Attorney at Law
1000 Tri-State Building
432 Walnut Street
Cincinnati, Ohio 45202

CERTIFIED MAIL #91 7108 2133 3936 3068 6861
RETURN RECEIPT REQUESTED

State Medical Board of Ohio
30 E. Broad Street, 3rd Floor
Columbus, OH 43215



91 7108 2133 3936 3068 6878

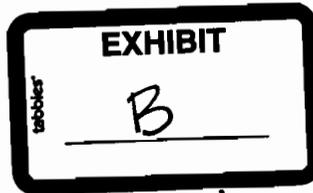


OF OHIO
2009 AUG -5 AM 10: 26

Walter George Broadnax, M.D.
1220 Paddock Hills Ave.
Cincinnati, OH 45229

- A
- INSUFFICIENT ADDRESS
- ATTEMPTED NOT KNOWN
- NO SUCH NUMBER/ STREET
- NOT DELIVERABLE AS ADDRESSED
- UNABLE TO FORWARD
- OTHER

RTS
RETURN TO SENDER



Handwritten notes: 9/11, 7/6, 8/4, 4/8

2009 AUG -5 AM 10: 26

STATE MEDICAL BOARD
OF OHIO



45229 BROADNAX CITE
Signature Required

1st NOTICE 7-10
2nd NOTICE 7-15
RETURNED 7-25

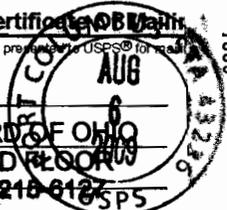


Certificate of Mailing

This Certificate of Mailing provides evidence that mail has been processed by USPS for mail. This form may be used for domestic and international mail.

From:

STATE MEDICAL BOARD OF OHIO
30 E. BROAD ST., 3RD FLOOR
COLUMBUS, OH 43210-6127



1000

7-8-09 CITÉ

To:

WALTER GEORGE BROADNAX
1220 PADDOCK HILLS AVE
CINCINNATI, OH 45229

00100880-27

\$1.15

U.S. POSTAGE
PAID
COLUMBUS, OH
43236
AUG 06, 09
AMOUNT

PS Form 3817, April 2007 PSN 7530-02-000-9065

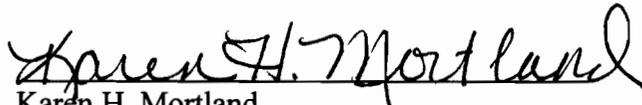


AFFIDAVIT

The State of Ohio
Franklin County, SS

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

- 1) I am employed by the State Medical Board of Ohio (hereinafter, "Board").
- 2) I serve the Board in the position of Enforcement Attorney.
- 3) In the course of my regular duties, I am responsible for coordinating the investigation of complaints against applicants and licensees under the jurisdiction of the Board and assembling the evidence necessary to prove potential violations of the Medical Practices Act of Ohio, Chapters 4730., 4731., 4760., and 4762., Ohio Revised Code.
- 4) I coordinated the investigation of the complaints filed against Walter George Broadnax, M.D., which resulted in the issuance of a Notice of Immediate Suspension and Opportunity for Hearing by the Board on July 8, 2009.
- 5) Attached hereto and incorporated herein is a certified copy of the Judgment in a Criminal Case in the matter of the United States of America vs. Walter G. Broadnax, Case Number 1:07-CR-111, in the United States District Court for the Southern District of Ohio.
- 6) Attached hereto and incorporated herein is a certified copy of the Plea Agreement between the United States of America v. Walter G. Broadnax, which outlines the basis for Dr. Broadnax's criminal plea.
- 7) Further, Affiant Sayeth Naught.


Karen H. Mortland
Enforcement Attorney

Sworn to and signed before me, Barbara A. Jacobs, Notary Public, this
29th day of September, 2009.


Notary Public

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

UNITED STATES DISTRICT COURT

Southern

District of

Ohio

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

WALTER G. BROADNAX

Case Number: 1:07-CR-111

USM Number: 04539-061

Richard Smith-Monahan, Esq.

Defendant's Attorney

THE DEFENDANT:

[x] pleaded guilty to count(s) One and Two of the indictment

[] pleaded nolo contendere to count(s) which was accepted by the court.

[] was found guilty on count(s) after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
21 U.S.C. § 841(a)(1) & (b)(1)(C)	Possession with Intent to Distribute a Controlled Substance		One
26 U.S.C. § 7202	Willful Failure to Pay Employment Taxes		Two

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

[] The defendant has been found not guilty on count(s)

[] Count(s) is [] are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

6/8/2009 Date of Imposition of Judgment

Signature of Judge

Sandra S. Beckwith Senior Judge Name of Judge Title of Judge

6/8/2009 Date

I certify that this is a true and correct copy of the original filed in my Office on 6/8/09 JAMES BONINI, CLERK BY [Signature] Deputy Clerk DATE: 6/17/09

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DEFENDANT: WALTER G. BROADNAX
CASE NUMBER: 1:07-CR-111

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

ZERO (0) MONTHS

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____.

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____.

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

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OF MD
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RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: WALTER G. BROADNAX
CASE NUMBER: 1:07-CR-111

PROBATION

The defendant is hereby sentenced to probation for a term of:

FIVE (5) YEARS, on each count, to be served concurrently.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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DEFENDANT: WALTER G. BROADNAX
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ADDITIONAL PROBATION TERMS

1. The Defendant shall not open any new lines of credit or make purchases on existing lines of credit until restitution is paid in full.
2. The Defendant shall provide all financial information to the probation officer upon request.
3. The Defendant shall forfeit his medical license and not apply for reinstatement until the term of supervised release is terminated.
4. The Defendant shall not apply for a DEA number authorizing him to distribute controlled substances and shall withdraw any application for such a number now pending.
5. The Defendant shall apply all monies received from income tax refunds, lottery winnings, judgments, and/or other unanticipated or unexpected financial gains to the outstanding Court-ordered financial obligation. The Defendant shall immediately notify the probation officer of the receipt of any such monies.

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DEFENDANT: WALTER G. BROADNAX
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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 200.00	\$	\$ 145,691.00

- The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Internal Revenue Service		\$56,150.84	
Ohio Bureau of Worker's Compensation		\$56,246.15	
State of Ohio		\$33,294.01	

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TOTALS	\$ <u>0.00</u>	\$ <u>145,691.00</u>
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- Restitution amount ordered pursuant to plea agreement \$ _____
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
 - the interest requirement is waived for the fine restitution.
 - the interest requirement for the fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: WALTER G. BROADNAX
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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A Lump sum payment of \$ _____ due immediately, balance due
 - not later than _____, or
 - in accordance C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:

The Defendant shall begin paying restitution immediately at a rate of at least \$10 per month. Within six months of the date of this order, the probation officer, in consultation with the Defendant, shall recommend to the Court a permanent restitution payment schedule. This schedule may be modified from time to time based on the probation officer's recommendation or the Defendant's petition to review his ability to pay.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

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Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

JAMES BONINI
CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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JAMES BONINI
CLERK
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA : CRIMINAL NO. 1-07-145
:
v. : CHIEF JUDGE BECKWITH
:
WALTER G. BROADNAX : PLEA AGREEMENT
:
:

It is hereby agreed between **WALTER G. BROADNAX**, individually and through his attorney, W. Kelly Johnson, and the United States of America, by and through Benjamin G. Dusing, Assistant U.S. Attorney for the Southern District of Ohio, as follows:

1. **WALTER G. BROADNAX** (hereinafter "the defendant") will enter a plea of guilty to Counts 1 and 2 of the Indictment filed in the Southern District of Ohio, charging him with, in Count 1, conspiring with persons both known and unknown to the Grand Jury to unlawfully distribute and possess with intent to distribute certain controlled substances, namely OxyContin (oxycodone) and Percocet (oxycodone), Schedule II Controlled Substances, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 846, and, in Count 2, willfully failing to pay over certain employment taxes, in violation of 26 U.S.C. § 7202.

2. The defendant admits that he conspired to knowingly, intentionally, and unlawfully distribute OxyContin (oxycodone) and Percocet (oxycodone) in the Southern District of Ohio and elsewhere, with persons named in the incorporated statement of

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I certify that this is a true and correct copy of the original filed in my Office on 11.13.07.
JAMES BONINI, CLERK
BY: *James Bonini*

DATE: 6.17.09

Facts and others, and that he willfully failed to pay over certain employment taxes due and owing to the Internal Revenue Service, including but not limited to \$4,513.24, representing monies that the defendant deducted and collected from the total taxable wages of his employees during the first quarter of 2004 (covering the period January 1, 2004 through March 31, 2004).

3. The defendant understands that the punishment prescribed by law for the offense as charged in Count 1 of the Indictment is from 0-20 years imprisonment, a fine of \$1,000,000, a term of at least 3 years of supervised release, restitution, and a mandatory \$100 special assessment. The defendant understands that the punishment prescribed by law for the offense as charged in Count 2 of the Indictment is from 0-5 years imprisonment, a fine of \$10,000, up to 3 years of supervised release, restitution, and a mandatory \$100 special assessment.

4. The defendant understands that the United States Sentencing Guidelines ("U.S.S.G." or "Federal Sentencing Guidelines") are advisory and not mandatory. Therefore, even though the Court is required to consider the Federal Sentencing Guidelines and their application to this case in imposing sentence, sentencing is within the discretion of the Court, and the defendant understands that the Court may or may not choose to impose a sentence based on the applicable sentencing range under the Federal Sentencing Guidelines for the offense charged in the Indictment.

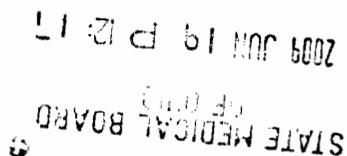
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The defendant has thoroughly reviewed with his attorney how the Federal Sentencing Guidelines might apply to this case. The defendant understands that he does not have the right to withdraw his guilty plea if the Court chooses to apply the Federal Sentencing Guidelines including upward departures or otherwise imposes a sentence that is higher than expected.

5. The defendant is aware that Title 18, United States Code, Section 3742, affords the defendant the right to appeal the sentence imposed in this case. Acknowledging this, in exchange for the undertakings made by the United States in this plea agreement, the defendant hereby waives all rights to appeal the sentence imposed, unless the sentence imposed includes a term of custody that exceeds the maximum of the Guideline imprisonment range as calculated by the Department of Probation or such Guidelines are calculated incorrectly by the Department of Probation. The United States Attorney's Office reserves its right to appeal the sentence imposed as set forth in 18 U.S.C. § 3742(b). If the government exercises its right to appeal the sentence imposed, then the defendant is released from his appellate waiver and may appeal the sentence as authorized by 18 U.S.C. § 3742(a).

6. With respect to Count 1 of the Indictment, based upon the amount of controlled substances reasonably foreseeable to the defendant, all relevant conduct within Count 1 of the Indictment, and all conduct protected pursuant to § 1B1.8 of the Federal



Sentencing Guidelines, the defendant understands and agrees that the government should recommend that the base offense level for purposes of the Federal Sentencing Guidelines § 2D1.1(a)(3) is level 34.

7. The defendant acknowledges the truth of the attached Statement of Facts.

8. The United States Attorney for the Southern District of Ohio recommends that as of the time of the execution of this Plea Agreement the defendant has accepted responsibility for the offense to which he has agreed to plead guilty. If the defendant continues to accept responsibility through the time of sentencing, the United States will file a motion pursuant to U.S.S.G. § 3E1.1(b) stating to the District Court that the defendant has timely notified authorities of his intention to plead guilty.

9. The defendant understands that he will be offered an opportunity to provide substantial assistance in the prosecution of other individuals involved in the distribution of narcotics in the Southern District of Ohio and elsewhere. In providing substantial assistance, the defendant shall: (a) truthfully and completely disclose all information with respect to the activities of himself and others concerning all matters about which the Office of the U.S. Attorney for the Southern District of Ohio and any other office designated by the U.S. Attorney for the Southern District of Ohio inquires of him, which information can be used for any

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purpose; (b) cooperate fully with the Office of the U.S. Attorney for the Southern District of Ohio and any other law enforcement agency designated by this Office; (c) attend all meetings at which his presence is requested; (d) provide, upon request, any document, record, or tangible evidence relating to matters about which this Office or any designated law enforcement agency inquires of him; (e) truthfully testify before the grand jury and at any trial and other court proceeding with respect to any matters about which this Office may request his testimony; (f) bring attention to all crimes which he has committed, and all administrative, civil, or criminal proceedings, investigations, or prosecutions in which he has been or is a subject, target, party, or witness; and (g) commit no further crimes whatsoever. Nothing that the defendant communicates to the government in the course of his assistance shall be used to enhance his sentence.

10. In the event that the defendant provides substantial assistance, the government agrees to file a motion with the Court for a downward departure from the guideline sentence. Such a motion is authorized by § 5K1.1 of the Federal Sentencing Guidelines and Title 18 U.S.C. § 3553(e). The filing of such motion shall be in the sole discretion of the United States Attorney for the Southern District of Ohio. If such motion is filed it will be in reliance on the defendant's truthful testimony, if needed, and if provided by the defendant. If such a motion is

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filed, the defendant understands that it is not binding on the Court.

11. It is understood that, should this Office determine that the defendant has not complied with the terms of this Plea Agreement in any manner, the government may move the Court to avoid enforcement of the plea agreement and may apply for any sentencing enhancements that may be applicable in this case. Such an action by this Office will not entitle the defendant to withdraw his guilty plea once it is entered.

12. In the event that the defendant does not plead guilty, the defendant agrees and understands that he thereby waives any protection afforded by Section 1B1.8(a) of the Sentencing Guidelines, Rule 11(f) of the Federal Rules of Criminal Procedure, and Rule 410 of the Federal Rules of Evidence, and that any statements made by him as part of the plea discussions or as part of his cooperation with the government will be admissible against him without any limitation in any civil or criminal proceeding.

13. The defendant understands that the Probation Department will conduct a pre-sentence investigation and will recommend to the Court a sentencing guideline range. The defendant understands that the Probation Department's recommendations are not binding upon the Court and the terms of this Plea Agreement are not binding upon the Court or the Probation Department. The defendant understands that if the Court does not follow the recommendations contained in this

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Plea Agreement he does not have the right to withdraw his plea of guilty.

14. The defendant understands that there is no agreement concerning his ultimate sentence. The defendant could receive the maximum penalty provided by law.

15. Prior to or at the time of sentencing, the defendant will pay to the Clerk of Courts a special assessment in the amount of \$100.00 for each count of conviction, as required by Title 18 U.S.C. § 3013.

16. The defendant agrees to pay restitution, pursuant to 18 U.S.C. §§ 3663A and 3664, as follows:

- A. \$56,246.15 to the Ohio Bureau of Workers' Compensation, representing monies the defendant over-billed the Bureau for health services; and
- B. \$33,294.01 to the State of Ohio or its designee, representing monies paid by Medicaid for prescriptions written by the defendant after his DEA prescribing license had expired.

17. The defendant agrees that he will never again apply for a Drug Enforcement Agency (DEA) number authorizing him to prescribe controlled substances. Further, the defendant agrees that, by signing this Plea Agreement, he withdraws any such application that may presently be pending.

18. The defendant agrees to forfeit his medical license and

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not to apply for its reinstatement until the expiration of the term of supervised release following incarceration.

19. The defendant has thoroughly reviewed all aspects of this case with his attorney, W. Kelly Johnson, and is fully satisfied with his attorney's legal representation. The defendant has received meaningful and satisfactory explanations from his attorney concerning each paragraph of this Plea Agreement, each of his rights affected by this Plea Agreement and the alternatives available to him other than entering into this Plea Agreement. After conferring with counsel, the defendant has concluded that it is in his strategic best interest to enter into this Plea Agreement in its entirety, rather than to proceed to trial in this case. Additionally, the defendant acknowledges that he is agreeing to plead guilty pursuant to this Plea Agreement because he is, in fact, guilty of the crimes charges in the Indictment.

20. This plea of guilty is freely and voluntarily made and not the result of force or threats or of promises apart from those set forth in this Plea Agreement. There have been no representations or promises from anyone as to what sentence the Court will impose.

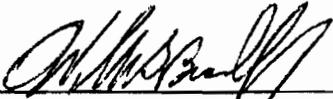
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21. This is the entire Plea Agreement. There are no other provisions or understandings.

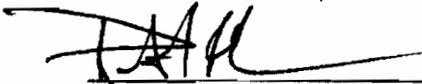
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11/13/07
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DATE



WALTER G. BROADNAX
Defendant



~~W. KELLY JOHNSON~~ Richard Smith-Monahan
Federal Public Defender (0068648)
2000 URS Center
36 East Seventh Street
Cincinnati, Ohio 45202
(513) 929-4834
Attorney for Defendant

GREGORY G. LOCKHART
United States Attorney



BENJAMIN G. DUSING (KY#89178)
Assistant U.S. Attorney
221 East 4th Street, Suite 400
Cincinnati, OH 45202
(513) 684-3711

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UNITED STATES V. WALTER G. BROADNAX

STATEMENT OF FACTS

COUNT 1

Generally, Walter G. Broadnax admits to conspiring with, among others, George Beatty and Ken Lawson, to distribute OxyContin and Percocet prescription medication. Broadnax, a licensed physician authorized to prescribe controlled substances, operated a sole proprietorship known as "The Pain Management Group," located in Cincinnati, Ohio. Dr. Broadnax participated in the conspiracy by writing prescriptions - at the direction of Beatty and Lawson - for OxyContin and Percocet to persons that were not patients of Dr. Broadnax, who had not been medically examined, and who were not in need of the medication. Dr. Broadnax admits that these prescriptions were written outside the scope of normal medical practice and without legitimate medicinal justification. An outline of the conspiracy and its chronology is provided below.

Dr. Broadnax first came to know Ken Lawson in the mid-1990s, when he retained Lawson to provide legal services in connections with, first, domestic proceedings regarding his son, and later, an investigation of Dr. Broadnax's billing practices when he was practicing in the Portsmouth, Ohio area. Dr. Broadnax was later introduced to co-conspirator George Beatty through Ken Lawson.

The beginning of the instant prescription-writing conspiracy dates to Thanksgiving weekend in November 2004. Several days before Thanksgiving 2004, Lawson called Dr. Broadnax and told him to go to a pay phone and call him back. When Dr. Broadnax did so, Lawson told Dr. Broadnax that he had learned that Dr. Broadnax was the subject of an investigation by the Ohio Bureau of Workers' Compensation (hereinafter "BWC"), that BWC planned to raid Dr. Broadnax's office, and that the state Attorney General's office had prepared a 125-count indictment against Dr. Broadnax alleging multiple instances of billing fraud associated with Dr. Broadnax's medical practice. Lawson further informed Dr. Broadnax that Dr. Broadnax's phones had been tapped.

Subsequently, Dr. Broadnax met with Lawson, who told him that the Republican Party in Columbus could "fix" Dr. Broadnax's problem (the purported 125-count indictment) for \$50,000. Dr. Broadnax did not have \$50,000 but tried to raise it from family and friends, ultimately unsuccessfully. When Dr. Broadnax informed Lawson that he did not have the money, Lawson became very angry.

Shortly thereafter, Dr. Broadnax met with Lawson and George Beatty, who presented a "solution." According to Beatty, he could borrow \$50,000 from a "westside family" with connections to the local Republican Party, and this money could be used to make the payoff. Dr. Broadnax would then be indebted to Beatty, who

Dr. Broadnax would repay by making weekly payments. According to the "deal" presented by Lawson and Beatty, Lawson would make the arrangements for the transfer of cash and would contact the appropriate people in Columbus. Dr. Broadnax would receive all the evidence collected as part of the BWC investigation, including pictures and recordings, and a guarantee of no future BWC prosecution.

Dr. Broadnax accepted the "deal." At a meeting in Lawson's law offices, Lawson and Beatty showed Dr. Broadnax a bag which contained what appeared to be \$50,000 in cash, which Lawson and Beatty represented would be used to payoff BWC for the purpose of making the 125-count indictment against Dr. Broadnax "go away."

Pursuant to the repayment terms Dr. Broadnax had agreed to, he was to pay Beatty \$5,000 per week until the \$50,000 debt was paid off completely. Dr. Broadnax made a few payments but quickly found that he could not keep up and so informed Beatty. In response, Beatty told Dr. Broadnax that he would have to "write scripts" (write prescriptions for controlled substances, so that Beatty could obtain the controlled substances) for Beatty in order to pay off the debt. Beatty told Dr. Broadnax that if he did not agree to write the prescriptions "something bad" would happen to Dr. Broadnax. Dr. Broadnax agreed to begin writing the prescriptions for Beatty.

At first, Beatty requested and Dr. Broadnax wrote 2-3

fraudulent prescriptions per week, in the name of individuals provided by Beatty. These prescriptions were for Percocet, but later came to include OxyContin as well. Beatty told Dr. Broadnax that he was distributing the pills to certain "white people," and that these people wanted name-brand pills. Beatty had Dr. Broadnax write prescriptions in the name of Beatty's wife, ex-wife, employees, and other elderly people and paid these people cash (approximately \$100) to fill the prescriptions for Beatty at a local pharmacy.

In approximately August 2005, Beatty began providing Dr. Broadnax with additional names for prescriptions, and the number of prescriptions per week increased. When Dr. Broadnax inquired as to why there were more names and why he was being asked to write more prescriptions, Beatty explained that the additional prescriptions were for Ken Lawson, who felt that he was owed money for legal services he had performed for Dr. Broadnax. At this time, Lawson also began providing names for Dr. Broadnax to write prescriptions to Dr. Broadnax directly. He would do this by having an employee (including, among other persons, Vinnie Smith) deliver a list to Dr. Broadnax at his office; Dr. Broadnax would write the prescriptions in the names provided and give the prescriptions to Lawson's employee, who would subsequently deliver the prescriptions to Lawson to be filled. Dr. Broadnax would also write prescriptions for Beatty and Lawson and Beatty's

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restaurant and at Lawson's law offices.

From late 2005 to mid-2006, the volume of prescriptions written by Dr. Broadnax at the direction of Beatty and Lawson increased significantly, to approximately 5-6 prescriptions per week for both OxyContin and Percocet. Dr. Broadnax was told by Beatty and Lawson that the prescriptions were as payback for the \$50,000 that Beatty had arranged for Dr. Broadnax, and as payment for substantial legal services performed by Lawson on behalf of Dr. Broadnax during this period. Dr. Broadnax was also motivated to write prescriptions for Lawson because Lawson had told Dr. Broadnax that he was suffering from ALS, also known as "Lou Gherig's disease."

At one point during this time, the volume of names being submitted to Dr. Broadnax by Beatty and Lawson for Dr. Broadnax to write prescriptions became so high that Dr. Broadnax refused to continue writing prescriptions. When Dr. Broadnax refused to write any more prescriptions, Lawson called Dr. Broadnax and told him that unless Dr. Broadnax continued to write the prescriptions Beatty planned to invite Dr. Broadnax over to Beatty's home and "have a shotgun accidentally go off," killing Dr. Broadnax.

Dr. Broadnax wrote prescriptions in this manner for Beatty and Lawson continuing through February 2007. In total, Dr. Broadnax wrote approximately 2000-2500 prescriptions as outlined above, at the direction of Beatty and Lawson, all outside the

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scope of legitimate medical practice. These prescriptions were for 10-325mg Percocet (120-count) and 40mg OxyContin (60-count).

COUNT 2

Between March 2004 and June 2006 the defendant, Walter Broadnax, operated The Pain Group, a medical pain clinic in Cincinnati, Ohio. Dr. Broadnax was the only doctor attending to patients seeking relief from pain and ailments. Dr. Broadnax employed between one and five employees to handle billing for services rendered to patients, to file paperwork, provide transportation and to perform clerical work at the clinic. As an employer, Broadnax was required by law to file accurate federal Forms 941, Quarterly Employment Tax Forms, and to collect and pay over federal employment taxes on his employees.

Dr. Broadnax impeded and impaired the lawful governmental operation of the Internal Revenue Service in the collection of employment taxes by failing to file federal Forms 941 and pay over the tax due on wages paid to employees. Dr. Broadnax utilized a payroll service to handle the preparation of payroll checks, Forms W2, the quarterly tax returns and to calculate the appropriate employment tax withholdings. Dr. Broadnax ignored the payroll service's instructions to file the quarterly employment tax returns and to pay over the collected employment taxes to the Internal Revenue Service. Broadnax did this to defeat the assessment, reporting, and payment of taxes, including

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those associated with Medicare and Social Security.

During the first quarter of 2004 the defendant willfully failed to pay over \$4,513.24 in Medicare, Social Security and Income Tax withholdings collected from wages paid to employees which totaled \$24,976.93. Dr. Broadnax also failed to pay over an employer's matching Social Security and Medicare tax contribution during the first quarter, totaling \$1,903.09. Dr. Broadnax's total tax liability for the first quarter of 2004 was \$6,416.32.

From March 2004 through June 2006 the defendant's conduct of failing to file accurate federal Forms 941, and to collect and pay over federal employment taxes on his employees resulted in a total tax loss to the Internal Revenue Service of \$56,150.84.

I have reviewed the above Statement of Facts with my attorney. I agree to the accuracy of the Statement of Facts and acknowledge the truth of the Statement of Facts as detailed above. The Statement of Facts outlined above is truthful but non-exhaustive, and I continue to cooperate with law enforcement in the investigation of this matter.


WALTER G. BROADNAX


~~W. ROBERT JOHNSON~~ Richard Smith-Monahan
Attorney for Defendant (0065648)

11/13/07
DATE

11/13/07
DATE

STATE MEDICAL BOARD
OF OHIO
2009 JUN 19 P 12:17

State Medical Board of Ohio

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



Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING

July 8, 2009

Case number: 09-CRF- 082

Walter George Broadnax, M.D.
1220 Paddock Hills Ave.
Cincinnati, OH 45229

Dear Doctor Broadnax:

In accordance with Sections 2929.42 and/or 3719.12, Ohio Revised Code, the United States Attorney's Office, Southern District of Ohio, reported that in the United States District Court for the Southern District of Ohio, Western Division [U.S. District Court for the Southern District of Ohio], you pled guilty to, and were found guilty of, Conspiracy to Distribute a Controlled Substance in violation of 21 U.S.C. Sections 841(a)(1) and (b)(1)(C). You entered a plea of guilty to this offense on or about November 13, 2007, and were adjudicated guilty of this offense by the U.S. District Court for the Southern District of Ohio on or about June 8, 2009.

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 [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 November 13, 2007, you entered into a Plea Agreement in the U.S. District Court for the Southern District of Ohio, in which you pled guilty to Count 1 of the Indictment filed in that court on or about August 22, 2007 [August 2007 Indictment], charging you with Conspiracy to Distribute and Possess Controlled Substances, namely OxyContin [oxycodone] and Percocet [oxycodone], Schedule II controlled substances, in violation of 21 U.S.C. Sections 841(a)(1) and (b)(1)(C) and 21 U.S.C. Section 846.

Mailed 7-9-09

Suspension

Walter George Broadnax, M.D.

Page 2

As part of your guilty plea, you acknowledged the truth of a Statement of Facts, wherein you admitted, *inter alia*, to conspiring with others to distribute OxyContin and Percocet by writing prescriptions to persons who were not your patients, who had not been medically examined, and who were not in need of the medication. From in or about December 2004 to in or about February 2007, you wrote approximately 2000 to 2500 such prescriptions for controlled substances.

- (2) Further, as part of the Plea Agreement entered by you on or about November 13, 2007, in the U.S. District Court for the Southern District of Ohio, you pled guilty to Count 2 of the August 2007 Indictment, charging you with willfully failing to pay certain employment taxes, in violation of 26 USC Section 7202. In the Statement of Facts attached and incorporated to the Plea Agreement, you acknowledged as true, *inter alia*, that between in or about March 2004 and June 2006, you failed to file certain federal forms and pay tax due on wages paid to between one and five employees, and did so in order to defeat assessment, reporting, and payment of taxes, including those associated with Medicare and Social Security.
- (3) On or about June 8, 2009, the U.S. District Court for the Southern District of Ohio formally accepted your pleas of guilt to Counts 1 and 2 of the Indictment and found you guilty on both counts. The U.S. District Court for the Southern District of Ohio sentenced you to probation for five years; required payment of restitution in the amount of \$145,691.00; ordered forfeiture of your medical license with no reinstatement until the termination of supervised release; and imposed a restriction against applying for a DEA number authorizing you to distribute controlled substances.

The facts as alleged in paragraphs (1) through (3) 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 acts, conduct, and/or omissions as alleged in paragraphs (1) and (3), 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.

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

Suspension
Walter George Broadnax, M.D.
Page 3

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/KHM/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3068 6878
RETURN RECEIPT REQUESTED

cc: Thomas J. Leksan, Esq.
Attorney at Law
1000 Tri-State Building
432 Walnut Street
Cincinnati, Ohio 45202

CERTIFIED MAIL #91 7108 2133 3936 3068 6861
RETURN RECEIPT REQUESTED



State Medical Board of Ohio

703 High St., 17th Fl., Columbus, OH 43215-4123 • (614) 467-1001 • www.smb.state.oh.us

April 21, 2005

Walter Broadnax, M.D.
1220 Paddock Hills Ave.
Cincinnati, OH 45229

Dear Doctor Broadnax:

On April 21, 2005, the State Medical Board of Ohio reinstated your certificate to practice medicine and surgery upon our receipt of a Notice to Reinstate/Reissue from the Hamilton County Child Support Enforcement Agency. This suspension, issued pursuant to Ohio Revised Code Sections 3123.47 and 4731.76, was effective April 19, 2005 and has become a permanent part of your record.

Very truly yours,

A handwritten signature in black ink, appearing to read "Barbara A. Jacobs", with a long horizontal flourish extending to the right.

Barbara A. Jacobs
Public Services Administrator

cc: Hamilton County CSEA

CERTIFIED MAIL NO. 7003 0500 0002 4332 5817
RETURN RECEIPT REQUESTED



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-5127 • (614) 465-8304 • Website: www.med.ohio.gov

April 19, 2005

Walter George Broadnax, M.D.
1220 Paddock Hills Ave.
Cincinnati, OH 45229

NOTICE OF SUSPENSION **PURSUANT TO R.C. 3123.47 & 4731.76**

The State Medical Board of Ohio has received notice pursuant to Section 3123.43 of the Ohio Revised Code from the Hamilton County Child Support Enforcement Agency that you have been determined in default under a child support order. Pursuant to Ohio Revised Code Sections 3123.47 and 4731.76, this Board is prohibited from issuing a license, permit, certificate or other authorization as a result of this determination. The Board is also required to suspend any license that has been issued. This decision to suspend, or refusal to issue a new license, will remain in effect until the Board receives notice from the Hamilton County Child Support Enforcement Agency that you are no longer determined to be in default.

When will the Board issue or reinstate my license?

Before a license can be issued or reinstated, the Board must receive notice from the Hamilton County Child Support Enforcement Agency that you are no longer in default. The Hamilton County Child Support Enforcement Agency will issue such a notice when payment of the determined arrearage has been paid in full, or when a new, or appropriate, order has been issued for the collection of current support and arrearage.

Once I am determined not to be in default, how long will it take to get my license?

The Board will issue or reinstate your license within seven days of receiving the notice from the Hamilton County Child Support Enforcement Agency that you are no longer in default. A fee of up to \$50 may be assessed to issue or reinstate the license.

Can I appeal this decision to the Board?

This suspension or refusal to issue a license is not subject to any hearing or review process of the Board. You must be determined not in default by the Hamilton County Child Support Enforcement Agency. Once they make this determination, they will notify the Board and your license will be reinstated or issued.

What do I do now?

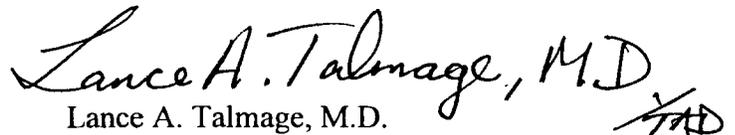
Walter George Broadnax, M.D.
April 19, 2005

Page 2

You need to contact the Hamilton County Child Support Enforcement Agency. They will be able to tell you what you need to do in order to bring your child support payments up to date.

Pursuant to Sections 3123.47 and 4731.76, 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 the date of this letter shall be considered practicing medicine without a certificate in violation of Section 4731.41, Ohio Revised Code.

Sincerely,


Lance A. Talmage, M.D.
Secretary

LAT/baj

CERTIFIED MAIL NO. 7003 0500 0002 4332 5800
RETURN RECEIPT REQUESTED



State Medical Board of Ohio

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

December 1, 1999

Walter Broadnax, M.D.
2427 Auburn Avenue
Cincinnati, OH 45219

Dear Doctor Broadnax:

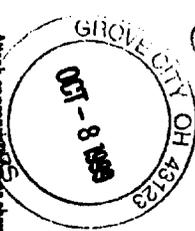
Enclosed, please find a copy of the Acknowledgment of Receipt form that you signed on November 15, 1999. This will confirm your receipt of the Notice of Suspension of your license to practice medicine and surgery in the State of Ohio, on or about May 6, 1999, imposed as a result of a child support default notice from the Hamilton County Child Support Enforcement Agency. The Medical Board's records will reflect that your license was reinstated effective May 10, 1999, upon receipt of a Notice to Reinstate/Reissue a Professional license from the Hamilton County CSEA, received in the Medical Board offices on May 17, 1999.

Very truly yours,

Susanne Milam
Disciplinary Information Specialist

cc: Members, State Medical Board of Ohio
Hamilton County CSEA

MAILING OFFICE: Postmark to indicate how was paid for service described in item 2.



CUSTOMER: Complete unshaded (top) area and enter your name and address on the reverse. Check box next to desired service:

- 1. RECEIPT AFTER MAILING - Provide name of individual, company, or organization to whom delivered and date of delivery
- 2a. DUPLICATE RECEIPT - Provide name of individual, company, or organization to whom delivered and date of delivery.
- 2b. DUPLICATE RECEIPT (with address of delivery) - Provide name of individual, company, or organization to whom delivered, date of delivery, and addressee's address.

3. Mailing Date	4. COD Number	5. Return Receipt for Merchandise No.
5-6-99		
6. Registered Number	7. Certified Number	8. Insured Number
2332-840-61K		
	9. Express Mail Number	

Attach appropriate postage as shown in DMM 992.2 for Return Receipt after mailing.

11. Delivery Office: **PHILADELPHIA**

12. Delivered to: **MD 2427 Auburn MILLER 45219**

13. Delivery Date: **OCT 14 1992**

14. Address (Complete only if required): **AND RECORDS FOUND**

15. Postal Records Show Delivery Was Made

16. Cert. Marks: **PM**

PS Form 3811-A, April 1992 Domestic Return Receipt (After Mailing)

NOTICE TO REINSTATE/REISSUE A PROFESSIONAL LICENSE

05/10/99

STATE MEDICAL BOARD
OF OHIO

1999 MAY 17 P 12:40

HAMILTON COUNTY CSEA (MAXIMUS)

24 TRIANGLE PARK DRIVE

CINCINNATI, OH 45246

(513) 772-4111

FAX: (513) 772-3724

TECH: MS. RAFFERTY

AB10763/01

NAME OF BOARD
STATE MEDICAL BOARD OF OHIO
77 S HIGH STREET 17TH FL _____
COLUMBUS, OH 43266

RE: WALTER G BROADNAX JR

08/11/57

THIS NOTIFIES YOU THAT THE ABOVE-NAMED INDIVIDUAL HAS BEEN FOUND TO BE NO LONGER IN DEFAULT OR HAS COMPLIED WITH THE WARRANT/SUBPOENA.

IN ACCORDANCE WITH SECTION 2301.373 OF THE OHIO REVISED CODE, PROFESSIONAL LICENSING BOARDS ARE INSTRUCTED TO ISSUE THE INDIVIDUAL A LICENSE IF HE/SHE IS ELIGIBLE, WITHIN SEVEN DAYS. YOU MAY CHARGE A FEE NOT TO EXCEED \$50 TO REINSTATE THE LICENSE.

THE SUPREME COURT WILL FOLLOW THE PROVISIONS OF OHIO REVISED CODE SECTION 4705.021.

IF THIS INDIVIDUAL NEVER OBTAINED A LICENSE FROM YOUR BOARD, PLEASE REMOVE THE ODHS 4041 "NOTICE TO SUSPEND A PROFESSIONAL LICENSE" FROM YOUR FILES.

DHS 4042 (6/96) REVISED 9/97
EM1150 .

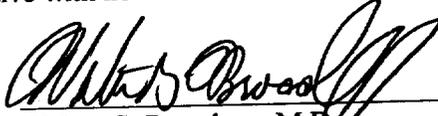


STATE MEDICAL BOARD OF OHIO

77 South High Street • 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

ACKNOWLEDGMENT OF RECEIPT

I, Walter G. Broadnax, M.D., acknowledge that on or about May 6, 1999, I did receive by mail a copy of the attached May 4, 1999 Notice of Suspension. It is my understanding that the Hamilton County Child Support Agency, on or about May 17, 1999, notified the State Medical Board of Ohio that I, Walter G. Broadnax, M.D., was in compliance with Ohio Revised Code, 2301.373. I further understand that my Ohio Medical license is currently active with no restrictions.

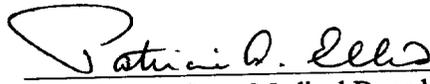


Walter G. Broadnax, M.D.

Nov. 15, 1999

Date

I, PATRICIA A. ELLIS, Investigator for the State Medical Board of Ohio, do hereby give witness this 15 day of Nov., 1999, to the above acknowledgment of date received.



Investigator, State Medical Board of Ohio



State Medical Board of Ohio

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

May 4, 1999

Walter George Broadnax, M.D.
2427 Auburn Avenue
Cincinnati, OH 45219

NOTICE OF SUSPENSION
PURSUANT TO R.C. 2301.373 & 4731.76

The State Medical Board of Ohio has received notice from the Hamilton County Child Support Enforcement Agency that you have been determined in default under a child support order. Pursuant to Ohio Revised Code Sections 2301.373 and 4731.76, this Board is prohibited from issuing a license, permit, certificate or other authorization as a result of this determination. The Board is also required to suspend any license that has been issued. This decision to suspend, or refusal to issue a new license, will remain in effect until the Board receives notice from the Hamilton County Child Support Enforcement Agency that you are no longer determined to be in default.

When will the Board issue or reinstate my license?

Before a license can be issued or reinstated, the Board must receive notice from the Hamilton County Child Support Enforcement Agency that you are no longer in default. The Hamilton County Child Support Enforcement Agency will issue such a notice when payment of the determined arrearage has been paid in full, or when a new, or appropriate, order has been issued for the collection of current support and arrearage.

Once I am determined not to be in default, how long will it take to get my license?

The Board will issue or reinstate your license within seven days of receiving the notice from the Hamilton County Child Support Enforcement Agency that you are no longer in default. A fee of up to \$50 may be assessed to issue or reinstate the license.

Can I appeal this decision to the Board?

This suspension or refusal to issue a license is not subject to any hearing or review process of the Board. You must be determined not in default by the Hamilton County Child Support Enforcement Agency. Once they make this determination, they will notify the Board and your license will be reinstated or issued.

Mailed 5/6/99

What do I do now?

You need to contact the Hamilton County Child Support Enforcement Agency. They will be able to tell you what you need to do in order to bring your child support payments up to date.

Pursuant to Section 2301.373, 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.

Sincerely,



Anand G. Garg, M.D.
Secretary

**CERTIFIED MAIL # Z 233 840 616
RETURN RECEIPT REQUESTED**

cc: Walter George Broadnax, M.D.
3131 Harvey Avenue, Suite 106
Cincinnati, OH 45229
**CERTIFIED MAIL # Z 233 840 617
RETURN RECEIPT REQUESTED**



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

October 6, 1998

Walter G. Broadnax, M.D.
2427 Auburn Avenue, Apt. 2
Cincinnati, OH 45219-2740

Dear Doctor Broadnax:

This will confirm that the license suspension imposed as a result of a child support default notice from the Hamilton County Child Support Enforcement Agency was lifted effective September 22, 1998, upon receipt by the State Medical Board of Ohio of a Notice to Reinstatement/Reissue a Professional License from that office.

The Medical Board's records do reflect, however, that your license remains inactive at the present time due to non-renewal. If you wish to have your license reactivated, contact Mrs. Debra Jones of the Medical Board's Records Department immediately about the renewal process. Please note that your addresses of record on file with the Medical Board are not current as required by law; the above address was obtained by Board staff from the U.S. Postal Service and does not constitute a formal change of address with this office.

Very truly yours,

Lauren Lubow
Case Control Officer

cc: Members, State Medical Board of Ohio
Hamilton County CSEA

Direct Dial: (614) 466-7260
FAX: (614) 728-5946
Website: www.state.oh.us/med/
E-Mail Address: med_lubow@ohio.gov



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

August 7, 1998

Walter George Broadnax, M.D.
9904 Constitution Drive
Cincinnati, OH 45215

NOTICE OF SUSPENSION **PURSUANT TO R.C. 2301.373 & 4731.76**

The State Medical Board of Ohio has received notice from the Hamilton County Child Support Enforcement Agency that you have been determined in default under a child support order. Pursuant to Ohio Revised Code Sections 2301.373 and 4731.76, this Board is prohibited from issuing a license, permit, certificate or other authorization as a result of this determination. The Board is also required to suspend any license that has been issued. This decision to suspend, or refusal to issue a new license, will remain in effect until the Board receives notice from the Hamilton County Child Support Enforcement Agency that you are no longer determined to be in default.

When will the Board issue or reinstate my license?

Before a license can be issued or reinstated, the Board must receive notice from the Hamilton County Child Support Enforcement Agency that you are no longer in default. The Hamilton County Child Support Enforcement Agency will issue such a notice when payment of the determined arrearage has been paid in full, or when a new, or appropriate, order has been issued for the collection of current support and arrearage.

Once I am determined not to be in default, how long will it take to get my license?

The Board will issue or reinstate your license within seven days of receiving the notice from the Hamilton County Child Support Enforcement Agency that you are no longer in default. A fee of up to \$50 may be assessed to issue or reinstate the license.

Can I appeal this decision to the Board?

This suspension or refusal to issue a license is not subject to any hearing or review process of the Board. You must be determined not in default by the Hamilton County Child Support Enforcement Agency. Once they make this determination, they will notify the Board and your license will be reinstated or issued.

Mailed 8/10/98

Walter G. Broadnax, M.D.
August 7, 1998

Page 2

What do I do now?

You need to contact the Hamilton County Child Support Enforcement Agency. They will be able to tell you what you need to do in order to bring your child support payments up to date.

Pursuant to Section 2301.373, 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.

Sincerely,


Anand G. Garg, M.D. *RGB*
Secretary

CERTIFIED MAIL # Z 233 840 059
RETURN RECEIPT REQUESTED

cc: Walter George Broadnax, M.D.
3131 Harvey Avenue, Suite 106
Cincinnati, OH 45229
CERTIFIED MAIL # Z 233 840 060
RETURN RECEIPT REQUESTED

CSEA
 Z 233 840 081

**US Postal Service
 Receipt for Certified Mail**

No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Sent to	WALTER G BROADNAY, M.D.
Street & Number	2427 AUBURN AVE, APT. 2
Post Office, State, & ZIP Code	CINCINNATI, OH 45219-2740
Postage	\$ 3.32
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2.17
Postmark or Date	

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- 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):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
 WALTER G BROADNAY, M.D.
 2427 AUBURN AVE., APT. 2
 CINCINNATI, OH 45219-2740

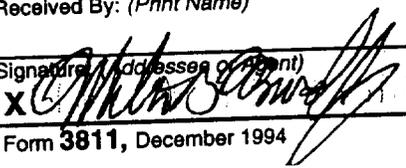
4a. Article Number
 Z 233 840 081

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

7. Date of Delivery

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature of Addressee or Agent
 X 

CSEA

Thank you for using Return Receipt Service.