

**CONSENT AGREEMENT  
BETWEEN  
BEN A. GOMEZ, M.D.  
AND  
THE STATE MEDICAL BOARD OF OHIO**

This CONSENT AGREEMENT is entered into by and between BEN A. GOMEZ, M.D., and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

BEN A. GOMEZ, M.D., voluntarily enters into this Agreement being fully informed of his rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

This CONSENT AGREEMENT contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this CONSENT AGREEMENT.

This CONSENT AGREEMENT is entered into on the basis of the following stipulations, admissions and understandings:

- A. THE STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22(B), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for any of the enumerated violations.
- B. THE STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of further formal proceedings based upon the violations of Section 4731.22, Ohio Revised Code set forth in the Notice of Opportunity for Hearing issued by the BOARD on December 4, 1996, attached hereto as Exhibit A and incorporated herein by this reference. The BOARD expressly reserves the right to institute additional formal proceedings based upon any other violations of Chapter 4731 of the Ohio Revised Code whether occurring before or after the effective date of this AGREEMENT.
- C. BEN A. GOMEZ, M.D., is licensed to practice medicine and surgery in the State of Ohio.
- D. BEN A. GOMEZ, M.D., ADMITS that on October 25, 1995, in the Kettering Municipal Court, Kettering, Ohio, he pled no contest and was adjudged guilty of one count of Public Indecency, a misdemeanor of the first degree, in violation of Section 666.06 of the Codified Ordinances of Kettering, Ohio, under Case No. 95-CRB-1203. BEN A. GOMEZ, M.D.

further ADMITS that the sentence in Case No. 95-CRB-1203 was a two-year non-reporting probationary period, a suspended jail term of 180 days, and the payment of a \$150 fine and associated court costs.

- E. BEN A. GOMEZ, M.D., STATES that the July 1995 incident which was the basis for the adjudication of guilt in Case No. 95-CRB-1203 occurred at a public swimming pool when his genitalia were unintentionally exposed and he found it difficult to cover himself because he was in the midst of carrying his five year old son. BEN A. GOMEZ, M.D. further STATES that he has no prior criminal convictions nor has he ever been arrested, charged, or investigated for any type of lewd or lascivious conduct.
- F. BEN A. GOMEZ, M.D., further STATES that he has undergone evaluations by M. Douglas Reed, Ph.D., of LifeWay, Cincinnati, Ohio; by John F. Swann, LPCC, South Community Center for Professional Counseling, Centerville, Ohio; and by Candace B. Risen, LISW, Stanley E. Althof, Ph.D., and Stephen B. Levine, M.D., of the Center for Marital & Sexual Health, Inc., Cleveland, Ohio. BEN A. GOMEZ, M.D., further STATES that each of these evaluations found no evidence of any psychopathology, including no evidence of paraphilia, impulse control disorder or other aberrant behavior problem, and that each of these evaluations concluded that there was no evidence to suggest that he poses any threat to patients.

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any further formal proceedings at this time, BEN A. GOMEZ, M.D., knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), to the following PROBATIONARY terms, conditions and limitations:

1. DOCTOR GOMEZ shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio, and all terms of probation imposed by the Kettering Municipal Court in criminal case number 95-CRB-1203.
2. DOCTOR GOMEZ shall submit quarterly declarations under penalty of BOARD disciplinary action or criminal prosecution stating whether there has been compliance with all the conditions of this CONSENT AGREEMENT. The first quarterly declaration must be received in the BOARD'S offices on the first day of the third month following the month

in which this CONSENT AGREEMENT becomes effective, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the BOARD'S offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the BOARD'S offices on or before the first day of every third month;

3. DOCTOR GOMEZ shall appear in person for quarterly interviews before the BOARD or its designated representative, or as otherwise directed by the BOARD.

If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled. (Example: The first quarterly appearance is scheduled for February, but based upon the doctor's serious personal illness he is permitted to delay appearance until April. The next appearance will still be scheduled for May, three months after the appearance as originally scheduled.) Although the BOARD will normally give DOCTOR GOMEZ written notification of scheduled appearances, it is DOCTOR GOMEZ'S responsibility to know when personal appearances will occur. If he does not receive written notification from the BOARD by the end of the month in which the appearance should have occurred, DOCTOR GOMEZ shall immediately submit to the BOARD a written request to be notified of his next scheduled appearance.

4. In the event that DOCTOR GOMEZ should leave Ohio for three (3) continuous months, or reside or practice outside the State, DOCTOR GOMEZ must notify the BOARD in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under the CONSENT AGREEMENT, unless otherwise determined by motion of the BOARD in instances where the BOARD can be assured that probationary monitoring is otherwise being performed.
5. In the event DOCTOR GOMEZ is found by the Secretary of the BOARD to have failed to comply with any provision of this agreement, and is so notified of that deficiency in writing, such periods of noncompliance will not apply to the reduction of the probationary period under this CONSENT AGREEMENT.
6. Within thirty (30) days of the effective date of this AGREEMENT, DOCTOR GOMEZ shall provide a copy of this CONSENT AGREEMENT

to all employers or entities with which he is under contract to provide physician services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, DOCTOR GOMEZ shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he contracts to provide physician services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.

7. Within thirty (30) days of the effective date of this AGREEMENT, DOCTOR GOMEZ shall provide a copy of this CONSENT AGREEMENT by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds a license to practice. DOCTOR GOMEZ further agrees to provide a copy of this CONSENT AGREEMENT by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for licensure or reinstatement of licensure. Further, DOCTOR GOMEZ shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.
8. DOCTOR GOMEZ agrees that if any declaration or report required by this AGREEMENT is not received in the BOARD's offices on or before its due date, DOCTOR GOMEZ shall cease practicing beginning the day next following receipt from the BOARD of notice of non-receipt, either by writing, by telephone, or by personal contact until the declaration or report is received in the BOARD offices. Any practice during this time period shall be considered unlicensed practice in violation of Section 4731.41 of the Revised Code.

This AGREEMENT shall remain in force for a minimum of THREE (3) years prior to any request for termination of said AGREEMENT. Otherwise, the above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

If, in the discretion of the Secretary and Supervising Member of THE STATE MEDICAL BOARD OF OHIO, DOCTOR GOMEZ appears to have violated or breached any term or condition of this Agreement, THE STATE MEDICAL BOARD OF OHIO reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Agreement.

DOCTOR GOMEZ acknowledges that he has had an opportunity to ask questions concerning the terms of this AGREEMENT and that all questions asked have been answered in a satisfactory manner.

Any action initiated by the BOARD based on alleged violations of this CONSENT AGREEMENT shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

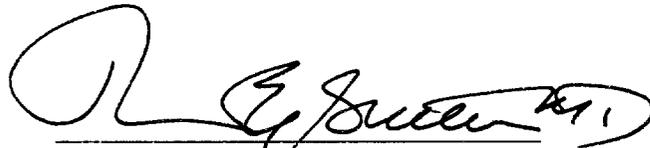
DOCTOR GOMEZ hereby releases the STATE MEDICAL BOARD OF OHIO, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. It is expressly understood that this CONSENT AGREEMENT is subject to ratification by the BOARD prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.

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

  
BEN A. GOMEZ, M.D.

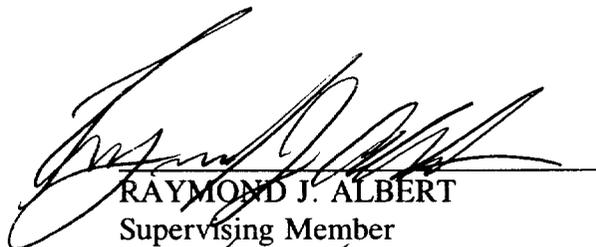
April 8, 1997  
DATE

  
THOMAS E. GREYTER, M.D.  
Secretary

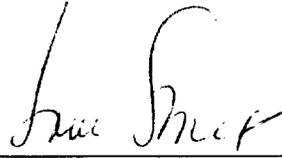
4/24/97  
DATE

KP BYERS  
KEVIN P. BYERS, ESQ.  
Attorney for Ben A. Gomez, M.D.

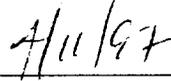
APRIL 11, 1997  
DATE

  
RAYMOND J. ALBERT  
Supervising Member

4/24/97  
DATE



ANNE BERRY STRAIT  
Assistant Attorney General



DATE



# STATE MEDICAL BOARD OF OHIO

## 1896 - 1996 Celebrating One Hundred Years

December 4, 1996

**Charles D. Stienecker, M.D.**  
President  
Wapakoneta, Ohio

**Nora M. Noble**  
Vice-President  
Newark, Ohio

**Thomas E. Gretter, M.D.**  
Secretary  
Cleveland, Ohio

**Raymond J. Albert**  
Supervising Member  
Amanda, Ohio

**Ronald C. Agresta, M.D.**  
Board Member  
Steubenville, Ohio

**Anant R. Bhati, M.D.**  
Board Member  
Cincinnati, Ohio

**David S. Buchan, D.P.M.**  
Board Member  
Westerville, Ohio

**Carol L. Egner, M.D.**  
Board Member  
Cincinnati, Ohio

**Anand G. Garg, M.D., Ph.D.**  
Board Member  
Boardman, Ohio

**Robert S. Heidt, Sr., M.D.**  
Board Member  
Cincinnati, Ohio

**Bradley K. Sinnott, Esq.**  
Board Member  
Columbus, Ohio

**Anita M. Steinberg, D.O.**  
Board Member  
Westerville, Ohio

**Ben A. Gomez, M.D.**  
2479 North Tulane Drive  
Beavercreek, OH 45431



Dear Doctor Gomez:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

- (1) On or about October 25, 1995, in the Kettering Municipal Court, Kettering, Ohio, you were found guilty as charged of one (1) count of Public Indecency, a misdemeanor of the first degree, in violation of Section 666.06 of the Codified Ordinances of Kettering, Ohio.

The acts underlying this finding of guilt involved your having exposed your private parts, and/or engaged in masturbation, in the presence of three female juveniles.

Your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "(a) plea of guilty to, or a judicial finding of guilt of, a misdemeanor involving moral turpitude." as that clause is used in Section 4731.22(B)(13), Ohio Revised Code, to wit: Section 666.06 of the Codified Ordinances of Kettering, Ohio.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

Mailed 12/5/96

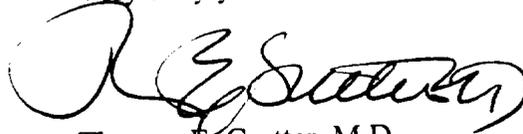
December 4, 1996

BEN A. GOMEZ, M.D.  
PAGE 2

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

Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink, appearing to read "T. E. Gretter", written in a cursive style.

Thomas E. Gretter, M.D.  
Secretary

TEG/bjm

Enclosures

CERTIFIED MAIL # P 152 982 999  
RETURN RECEIPT REQUESTED

rev.2/15/95