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**STEP II
CONSENT AGREEMENT
BETWEEN
GREGORY SCOTT MASIMORE, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

This Consent Agreement is entered into by and between Gregory Scott Masimore, M.D. [Dr. Masimore], and the State Medical Board of Ohio [Board], a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

Dr. Masimore enters into this Consent 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.

BASIS FOR ACTION

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

- A. The Board is empowered by Section 4731.22(B)(26), 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 "impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice."
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon Dr. Masimore's violation of Section 4731.22(B)(26), Ohio Revised Code, as set forth in the Notice of Opportunity for Hearing issued by the Board to Dr. Masimore on January 12, 2005, which included factual and legal allegations to which Dr. Masimore admitted at Paragraph E of the Step I Consent Agreement Between Gregory Scott Masimore, M.D., and The State Medical Board of Ohio, effective March 10, 2005 [March 2005 Step I Consent Agreement], a copy of which is attached hereto and incorporated herein. The Board expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Consent Agreement.
- C. Dr. Masimore is applying for reinstatement of his certificate to practice medicine and surgery in the State of Ohio, License # 35.066335, which was suspended pursuant to the aforementioned March 2005 Step I Consent Agreement.

- D. Dr. Masimore states that he was also licensed to practice medicine and surgery in the State of Indiana, but that said license expired on June 30, 2005.
- E. Dr. Masimore admits, and the Board acknowledges receipt of information to support, that following the State Medical Board's issuance of a Notice of Opportunity for Hearing in January 2005 based on Dr. Masimore's history of relapse on alcohol, he entered into treatment at the Alcohol and Drug Treatment Center at The Toledo Hospital, a Board-approved treatment provider, on or about February 22, 2005, and completed residential treatment and was discharged on March 25, 2005. Dr. Masimore further states, and the Board acknowledges receipt of information to support, that Agha Shahid, M.D., Medical Director of the Alcohol and Drug Treatment Center at The Toledo Hospital, has assessed Dr. Masimore and opined that he is able to practice according to acceptable and prevailing standards of care, and has stated that Dr. Masimore has been in full compliance with the aftercare contract he entered into with that treatment provider on March 28, 2005.

Dr. Masimore further states, and the Board acknowledges receipt of information to support, that Gregory B. Collins, M.D., Medical Director of the Alcohol & Drug Recovery Center, Department of Psychiatry and Psychology, of the Cleveland Clinic Foundation, a Board-approved treatment provider, has assessed Dr. Masimore and opined that he is able to practice according to acceptable and prevailing standards of care, and has recommended that Dr. Masimore remain in compliance with the terms and conditions of both his aftercare contract with the Board-approved treatment provider and his advocacy contract with the Ohio Physicians Health Program.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, the certificate of Dr. Masimore to practice medicine and surgery in the State of Ohio shall be reinstated, and Dr. Masimore knowingly and voluntarily agrees with the Board to the following PROBATIONARY terms, conditions and limitations:

1. Dr. Masimore shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
2. Dr. Masimore shall submit quarterly declarations under penalty of Board disciplinary action and/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 date his quarterly declaration would have been due pursuant to his March 2005 Step I Consent Agreement. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. Dr. Masimore shall appear in person for an interview before the full Board or its designated representative. The first such appearance shall take place on the date his

appearance would have been scheduled pursuant to his March 2005 Step I Consent Agreement. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested 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.

4. Dr. Masimore shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed.
5. In the event Dr. Masimore is found by the Secretary of the Board to have failed to comply with any provision of this Consent Agreement, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Consent Agreement.

MONITORING OF REHABILITATION AND TREATMENT

Drug Associated Restrictions

6. Dr. Masimore shall keep a log of all controlled substances prescribed, administered or personally furnished. Such log shall be submitted in the format approved by the Board thirty days prior to Dr. Masimore's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Masimore shall make his patient records with regard to such prescribing, administering, or personally furnishing available for review by an agent of the Board upon request.

Sobriety

7. Dr. Masimore shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Dr. Masimore's history of chemical dependency.
8. Dr. Masimore shall abstain completely from the use of alcohol.

Drug and Alcohol Screens/Supervising Physician

9. Dr. Masimore shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Masimore shall ensure that

all screening reports are forwarded directly to the Board on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board.

Dr. Masimore shall abstain from consumption of poppy seeds or any other food or liquid that may produce false results in a toxicology screen.

Dr. Masimore and the Board agree that the person or entity previously approved by the Board to serve as Dr. Masimore's supervising physician pursuant to the March 2005 Step I Consent Agreement is hereby approved to continue as Dr. Masimore's designated supervising physician under this Consent Agreement, unless within thirty days of the effective date of this Consent Agreement, Dr. Masimore submits to the Board for its prior approval the name and curriculum vitae of an alternative supervising physician to whom Dr. Masimore shall submit the required urine specimens. In approving an individual to serve in this capacity, the Board will give preference to a physician who practices in the same locale as Dr. Masimore. Dr. Masimore and the supervising physician shall ensure that the urine specimens are obtained on a random basis and that the giving of the specimen is witnessed by a reliable person. In addition, the supervising physician shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

The Board expressly reserves the right to disapprove any person or entity proposed to serve as Dr. Masimore's designated supervising physician, or to withdraw approval of any person or entity previously approved to serve as Dr. Masimore's designated supervising physician, in the event that the Secretary and Supervising Member of the Board determine that any such supervising physician has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

Dr. Masimore shall ensure that the supervising physician provides quarterly reports to the Board, in a format acceptable to the Board, as set forth in the materials provided by the Board to the supervising physician, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his or her responsibilities.

In the event that the designated supervising physician becomes unable or unwilling to so serve, Dr. Masimore must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Masimore shall further ensure that the previously designated supervising physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

All screening reports and supervising physician reports required under this paragraph

must be received in the Board's offices no later than the due date for Dr. Masimore's quarterly declaration. It is Dr. Masimore's responsibility to ensure that reports are timely submitted.

10. The Board retains the right to require, and Dr. Masimore agrees to submit, blood or urine specimens for analysis at Dr. Masimore's expense upon the Board's request and without prior notice. Dr. Masimore's refusal to submit a blood or urine specimen upon request of the Board shall result in a minimum of one year of actual license suspension.

Monitoring Physician

11. Before engaging in any medical practice, Dr. Masimore shall submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary and Supervising Member will give preference to a physician who practices in the same locale as Dr. Masimore and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Masimore and his medical practice, and shall review Dr. Masimore's patient charts. The chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Masimore and his medical practice, and on the review of Dr. Masimore's patient charts. Dr. Masimore shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Masimore's quarterly declaration.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Masimore must immediately so notify the Board in writing. In addition, Dr. Masimore shall make arrangements acceptable to the Board for another monitoring physician within thirty days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Masimore shall ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

Rehabilitation Program

12. Within thirty days of the effective date of this Consent Agreement, Dr. Masimore shall undertake and maintain participation in an alcohol and drug rehabilitation

program, such as A.A., N.A., C.A., or Caduceus, no less than three times per week. Substitution of any other specific program must receive prior Board approval.

Dr. Masimore shall submit acceptable documentary evidence of continuing compliance with this program which must be received in the Board's offices no later than the due date for Dr. Masimore's quarterly declarations.

Aftercare / Physicians Health Program

13. Dr. Masimore shall maintain continued compliance with the terms of the aftercare contract entered into with his treatment provider, The Toledo Hospital, and with his advocacy contract with the Ohio Physicians Health Program (formerly known as the Ohio Physicians Effectiveness Program), or another physician health program approved in advance by the Board, provided that, where terms of the aftercare contract or advocacy contract conflict with terms of this Consent Agreement, the terms of this Consent Agreement shall control.

Releases

14. Dr. Masimore shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treatment provider to the Board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for them to fulfill their respective duties and obligations.

Required Reporting by Licensee

15. Within thirty days of the effective date of this Consent Agreement, Dr. Masimore shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Masimore shall provide a copy of this Consent Agreement to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.
16. Within thirty days of the effective date of this Consent Agreement, Dr. Masimore 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 any professional license. Dr. Masimore 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 any professional license or for reinstatement of any professional license. Further, Dr. Masimore shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

17. Dr. Masimore shall provide a copy of this Consent Agreement to all persons and entities that provide Dr. Masimore chemical dependency treatment or monitoring.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Masimore appears to have violated or breached any term or condition of this Consent Agreement, the Board 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 Consent Agreement.

If the Secretary and Supervising Member of the Board determine that there is clear and convincing evidence that Dr. Masimore has violated any term, condition or limitation of this Consent Agreement, Dr. Masimore agrees that the violation, as alleged, also constitutes clear and convincing evidence that his continued practice presents a danger of immediate and serious harm to the public for purposes of initiating a summary suspension pursuant to Section 4731.22(G), Ohio Revised Code.

DURATION/MODIFICATION OF TERMS

Dr. Masimore shall not request termination of this Consent Agreement for a minimum of five years. In addition, Dr. Masimore shall not request modification to the probationary terms, limitations, and conditions contained herein for at least one year. Otherwise, the above-described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

ACKNOWLEDGMENTS/LIABILITY RELEASE

Dr. Masimore acknowledges that he has had an opportunity to ask questions concerning the terms of this Consent 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.

Dr. Masimore hereby releases the Board, 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. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. Dr. Masimore acknowledges that his social security number will be used if this information is so reported and agrees to provide his social security number to the Board for such purposes.

EFFECTIVE DATE

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.



GREGORY SCOTT MASIMORE, M.D.



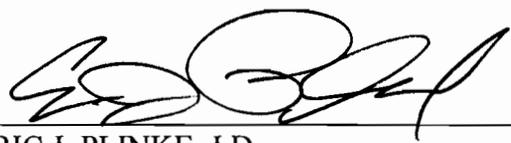
LANCE A. TALMAGE, M.D.
Secretary

10/3/05

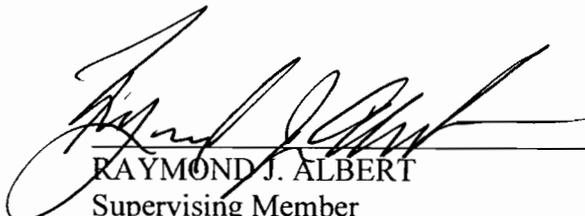
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10-12-05

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ERIC J. PLINKE, J.D.
Attorney for Dr. Masimore



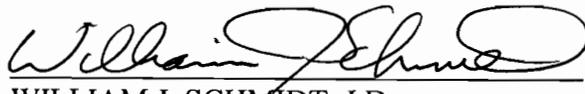
RAYMOND J. ALBERT
Supervising Member

10/5/5

DATE

10/12/05

DATE



WILLIAM J. SCHMIDT, J.D.
Enforcement Attorney

10/6/05

DATE

**STEP I
CONSENT AGREEMENT
BETWEEN
GREGORY SCOTT MASIMORE, M.D.,
AND
THE STATE MEDICAL BOARD OF OHIO**

This Consent Agreement is entered into by and between Gregory Scott Masimore, M.D. [Dr. Masimore], and the State Medical Board of Ohio [Board], a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

Dr. Masimore enters into this Consent 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.

BASIS FOR ACTION

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

- A. The Board is empowered by Section 4731.22(B)(26), 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 “impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice.”
- B. The Board and Dr. Masimore enter into this Consent Agreement in lieu of further formal proceedings based upon the allegations set forth in the Notice of Opportunity for Hearing issued on January 12, 2005, 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 R.C. Chapter 4731., whether occurring before or after the effective date of this Consent Agreement.
- C. Dr. Masimore is licensed to practice medicine and surgery in the State of Ohio, License # 35.066335.
- D. Dr. Masimore states that he is currently licensed to practice in the State of Indiana.

- E. Dr. Masimore admits to the factual and legal allegations as set forth in the January 12, 2005, Notice of Opportunity for Hearing. Dr. Masimore further states that he has entered inpatient treatment at the Toledo Hospital, a Board approved treatment facility. He began his treatment on February 22, 2005, and remains in the treatment program at this time.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, Dr. Masimore knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

SUSPENSION OF CERTIFICATE

1. The certificate of Dr. Masimore to practice medicine and surgery in the State of Ohio shall be **SUSPENDED** for an indefinite period of time, but not less than 90 days.

Sobriety

2. Dr. Masimore shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Dr. Masimore's history of chemical dependency.
3. Dr. Masimore shall abstain completely from the use of alcohol.

Releases; Quarterly Declarations and Appearances

4. Dr. Masimore shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Masimore's chemical dependency or related conditions, or for purposes of complying with this Consent Agreement, whether such treatment or evaluation occurred before or after the effective date of this Consent Agreement. The above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. Masimore further agrees to provide the Board written consent permitting any treatment provider from whom he obtains treatment to notify the Board in the event he fails to agree to or comply with any treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Consent Agreement.
5. Dr. Masimore shall submit quarterly declarations under penalty of Board disciplinary action and/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 sixteenth 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.

6. Dr. Masimore shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Consent Agreement. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested 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.

Drug & Alcohol Screens; Supervising Physician

7. Dr. Masimore shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Masimore shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board.

Dr. Masimore shall abstain from consumption of poppy seeds or any other food or liquid that may produce false results in a toxicology screen.

Within thirty days of the effective date of this Consent Agreement, Dr. Masimore shall submit to the Board for its prior approval the name of a supervising physician to whom Dr. Masimore shall submit the required urine specimens. In approving an individual to serve in this capacity, the Board will give preference to a physician who practices in the same locale as Dr. Masimore. Dr. Masimore and the supervising physician shall ensure that the urine specimens are obtained on a random basis and that the giving of the specimen is witnessed by a reliable person. In addition, the supervising physician shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

Dr. Masimore shall ensure that the supervising physician provides quarterly reports to the Board, in a format acceptable to the Board, as set forth in the materials provided by the Board to the supervising physician, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his or her responsibilities.

In the event that the designated supervising physician becomes unable or unwilling to so serve, Dr. Masimore must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Masimore shall further ensure that the previously designated supervising physician also notifies the Board directly of his or her inability to

continue to serve and the reasons therefore.

All screening reports and supervising physician reports required under this paragraph must be received in the Board's offices no later than the due date for Dr. Masimore's quarterly declaration. It is Dr. Masimore's responsibility to ensure that reports are timely submitted.

Rehabilitation Program

8. Within thirty days of the effective date of this Consent Agreement, Dr. Masimore shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., C.A., or Caduceus, no less than three times per week. Substitution of any other specific program must receive prior Board approval.

Dr. Masimore shall submit acceptable documentary evidence of continuing compliance with this program which must be received in the Board's offices no later than the due date for Dr. Masimore's quarterly declarations.

CONDITIONS FOR REINSTATEMENT

9. The Board shall not consider reinstatement of Dr. Masimore's certificate to practice medicine and surgery until all of the following conditions are met:
 - a. Dr. Masimore shall submit an application for reinstatement, accompanied by appropriate fees, if any.
 - b. Dr. Masimore shall demonstrate to the satisfaction of the Board that he can resume practice in compliance with acceptable and prevailing standards of care under the provisions of his certificate. Such demonstration shall include but shall not be limited to the following:
 - i. Certification from a treatment provider approved under Section 4731.25 of the Revised Code that Dr. Masimore has successfully completed any required inpatient treatment.
 - ii. Evidence of continuing full compliance with a post-discharge aftercare contract with a treatment provider approved under Section 4731.25 of the Revised Code. Such evidence shall include, but not be limited to, a copy of the signed aftercare contract. The aftercare contract must comply with rule 4731-16-10 of the Administrative Code.
 - iii. Evidence of continuing full compliance with this Consent Agreement.
 - iv. Two written reports indicating that Dr. Masimore's ability to practice has been assessed and that he has been found capable of practicing according

to acceptable and prevailing standards of care. The reports shall be made by physicians knowledgeable in the area of addictionology and who are either affiliated with a current Board-approved treatment provider or otherwise have been approved in advance by the Board to provide an assessment of Dr. Masimore. Prior to the assessments, Dr. Masimore shall provide the evaluators with copies of patient records from any evaluations and/or treatment that he has received, and a copy of this Consent Agreement. The reports from the evaluators shall include any recommendations for treatment, monitoring, or supervision of Dr. Masimore, and any conditions, restrictions, or limitations that should be imposed on Dr. Masimore's practice. The reports shall also describe the basis for the evaluator's determinations.

All reports required pursuant to this paragraph shall be based upon examinations occurring within the three months immediately preceding any application for reinstatement.

- c. Dr. Masimore shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board or, if the Board and Dr. Masimore are unable to agree on the terms of a written Consent Agreement, then Dr. Masimore further agrees to abide by any terms, conditions and limitations imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Ohio Revised Code.

Further, upon reinstatement of Dr. Masimore's certificate to practice medicine and surgery in this state, the Board shall require continued monitoring which shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Revised Code. Moreover, upon termination of the consent agreement or Board Order, Dr. Masimore shall submit to the Board for at least two years annual progress reports made under penalty of Board disciplinary action or criminal prosecution stating whether Dr. Masimore has maintained sobriety.

10. In the event that Dr. Masimore has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Masimore's fitness to resume practice.

REQUIRED REPORTING BY LICENSEE

11. Within thirty days of the effective date of this Consent Agreement, Dr. Masimore 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 any professional license or in which he currently has any application pending for any professional license. Dr. Masimore 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 any professional license or reinstatement of any professional license. Further, Dr. Masimore shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.
12. Within thirty days of the effective date of this Consent Agreement, Dr. Masimore shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Masimore shall provide a copy of this Consent Agreement to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.

The above-described terms, conditions and limitations may be amended or terminated in writing at any time upon the agreement of both parties.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Masimore appears to have violated or breached any term or condition of this Consent Agreement, the Board 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 Consent Agreement.

ACKNOWLEDGMENTS/LIABILITY RELEASE

Dr. Masimore acknowledges that he has had an opportunity to ask questions concerning the terms of this Consent 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.

Dr. Masimore hereby releases the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

STEP I CONSENT AGREEMENT
GREGORY SCOTT MASIMORE, M.D.
PAGE 7

This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. Dr. Masimore acknowledges that his social security number will be used if this information is so reported and agrees to provide his social security number to the Board for such purposes.

EFFECTIVE DATE

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.



GREGORY SCOTT MASIMORE, M.D.



LANCE A. TALMAGE, M.D.
Secretary

3-8-2005

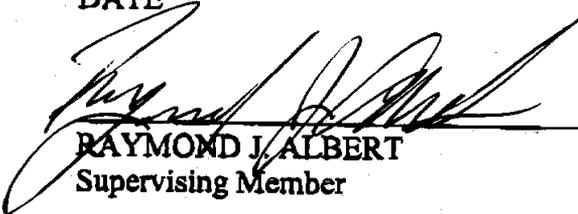
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3-10-05

DATE



ERIC J. PLINKE, ESQ.
Attorney for Dr. Masimore



RAYMOND J. ALBERT
Supervising Member

3-9-2005

DATE

3/10/05

DATE



KYLE C. WILCOX
Assistant Attorney General

3/10/05

DATE



State Medical Board of Ohio

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

January 12, 2005

Gregory Scott Masimore, M.D.
1173 Bernath Pkwy.
Toledo, Ohio 43615

Dear Doctor Masimore:

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 January 31, 1994, you entered into a Consent Agreement with the Board, which granted you a certificate to practice medicine and surgery, and in which you admitted that you suffered from alcohol dependency for which you had received treatment from the Toledo Hospital in May 1992. This Consent Agreement followed an earlier November 1991 action by which the Board had approved your application for a temporary training certificate subject to certain conditions, denied your application for a certificate to practice medicine and surgery, and reprimanded you for misrepresentation of facts in your application for medical licensure related to events concerning two traffic citations you received within a four-month period for alcohol-related driving offenses in 1989.
- (2) On or about September 21, 2004, you were interviewed by a Board Investigator concerning information received by the Board indicating that you had relapsed on alcohol. During this interview, you told the Investigator that you had never had a problem with alcohol, so you could not have relapsed on alcohol. You also stated that you play rugby on the weekends and have a few beers with your team after the games, and that this casual drinking does not interfere with your work as a physician. You also told the Investigator that after the termination of your Consent Agreement with the Board you had continued to attend A.A. meetings because of friendships you had formed there, but that you stopped attending A.A. meetings about two years ago after moving to Toledo.
- (3) By letter dated November 22, 2004, the Board notified you of its determination that it had reason to believe that you are in violation of Section 4731.22(B)(26), Ohio Revised Code, and ordered you to undergo a three-day inpatient examination to determine if you are in violation of Section 4731.22(B)(26),

MAILED 1-13-05

Ohio Revised Code. The Board's determination was based upon one or more of the reasons outlined in such letter, which included:

- (A) By an Entry of Order dated November 13, 1991, the Board approved your application for a temporary training certificate subject to certain conditions, denied your application for a certificate to practice medicine and surgery, and reprimanded you for misrepresentation of fact in your application for medical licensure related to events concerning two traffic citations you received within a four-month period for alcohol-related driving offenses in 1989. The Order mandated that you abstain completely from the use of alcohol, and set forth certain requirements for you to fulfill before the Board would consider any future application for a certificate to practice medicine and surgery, including that you provide the Board with a written chemical dependency assessment report from a Board-approved treatment provider.
- (B) On or about December 2, 1993, John J. Newton, M.D., of the Toledo Hospital, a Board-approved treatment provider in Toledo, Ohio, provided a written chemical dependency assessment report to the Board, in which it is noted that you indicated "a history of heavy alcohol use with periods of intoxication, often at weekly intervals, particularly in association with his participation on a rugby team." The report further stated that the evidence of several alcohol associated motor vehicle operation incidents, evidence of personality change with alcohol use, evidence that your ex-wife had problems with your drinking, along with your history of routine heavy use of alcohol, "makes the diagnosis of alcohol dependence definite."
- (C) On or about January 31, 1994, you entered into a Consent Agreement with the Board, which granted you a certificate to practice medicine and surgery, and in which you admitted that you suffered from alcohol dependency for which you had received treatment from the Toledo Hospital in May 1992. In the Consent Agreement, you agreed to certain probationary terms, conditions, and limitations for a period of not less than two years, including requirements that you abstain completely from the use of alcohol, submit to random urine screenings for drugs and alcohol, that you contact an appropriate impaired physicians committee for assistance in recovery, and that you maintain participation in an alcohol rehabilitation program, such as A.A., N.A., or Caduceus, no less than three times per week. On or about April 17, 1996, the Board released you from the probation established pursuant to the aforementioned Consent Agreement.
- (D) On or about September 21, 2004, you were interviewed by a Board Investigator concerning information received by the Board indicating that you had relapsed on alcohol. During this interview, you told the

Investigator that you had never had a problem with alcohol, so you could not have relapsed on alcohol. You also stated that you play rugby on the weekends and have a few beers with your team after the games, and that this casual drinking does not interfere with your work as a physician. You also told the Investigator that after the termination of your Consent Agreement with the Board you had continued to attend A.A. meetings because of friendships you had formed there, but that you stopped attending A.A. meetings about two years ago after moving to Toledo.

- (4) By letter dated December 13, 2004, from Richard Whitney, M.D., of Shepherd Hill Hospital, a Board approved treatment provider, the Board was notified that following the Board ordered evaluation conducted December 6 through December 9, 2004, you were determined to have relapsed, to be impaired in your ability to practice according to acceptable and prevailing standards of care, and to require residential treatment.
- (5) On or about December 13, 2004, when questioned by a Board Enforcement Attorney, you stated that you had not entered treatment for chemical dependency at a Board-approved treatment provider, and indicated that you did not consider yourself to have a problem with alcohol dependency.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (5) above, individually and/or collectively, constitute “[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice,” as that clause is used in Section 4731.22(B)(26), 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 writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

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

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that “[w]hen the board refuses to grant a certificate to an applicant, revokes an individual’s certificate to practice, refuses to register an applicant, or refuses to reinstate an individual’s certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.”

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/blt
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5143 7766
RETURN RECEIPT REQUESTED

cc: Eric Plinke, Esq.
Porter, Wright, Morris & Arthur
41 South High Street
Columbus, Ohio 43215

CERTIFIED MAIL # 7000 0600 0024 5143 0026
RETURN RECEIPT REQUESTED

**CONSENT AGREEMENT
BETWEEN
GREGORY SCOTT MASIMORE, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

STATE MEDICAL BOARD OF OHIO
JAN 13 1994

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

GREGORY SCOTT MASIMORE, M.D., 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 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)(26), 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 "impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice."
- B. THE STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of formal proceedings based upon the violation of Section 4731.22(B)(26), Ohio Revised Code, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Agreement.
- C. GREGORY SCOTT MASIMORE, M.D., is an applicant for a certificate to practice medicine and surgery in the State of Ohio.
- D. GREGORY SCOTT MASIMORE, M.D., ADMITS that he suffers from alcohol dependency for which he received treatment from Toledo Hospital, a treatment provider approved by the State Medical Board of Ohio, beginning in May 1992, and that he participated in aftercare.

CONSENT AGREEMENT
GREGORY SCOTT MASIMORE, M.D.
PAGE 2

STATE MEDICAL BOARD
JAN 13 1994

- E. GREGORY SCOTT MASIMORE, M.D., acknowledges that he was reprimanded; that his application for a temporary training certificate was granted subject to probationary terms, conditions and limitations, and that his application for a certificate to practice medicine and surgery in the State of Ohio was denied by Findings and Order of the State Medical Board of Ohio issued on or about November 13, 1991. Said Findings and Order are attached hereto and fully incorporated herein.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD) agrees to issue a certificate to practice medicine and surgery in the State of Ohio to GREGORY SCOTT MASIMORE, M.D., subject to the following PROBATIONARY terms, conditions and limitations:

1. GREGORY SCOTT MASIMORE, M.D., shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio;
2. GREGORY SCOTT MASIMORE, M.D., 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;
3. GREGORY SCOTT MASIMORE, M.D., shall appear in person for quarterly interviews before the BOARD or its designated representative, or as otherwise directed by the BOARD;
4. In the event that GREGORY SCOTT MASIMORE, M.D., should leave Ohio for three (3) continuous months, or reside or practice outside the State, GREGORY SCOTT MASIMORE, M.D., 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 GREGORY SCOTT MASIMORE, M.D., 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,

CONSENT AGREEMENT
GREGORY SCOTT MASIMORE, M.D.
PAGE 3

such period(s) of noncompliance will not apply to the reduction of the probationary period under the CONSENT AGREEMENT;

6. GREGORY SCOTT MASIMORE, M.D., shall abstain completely from the use of alcohol;
7. GREGORY SCOTT MASIMORE, M.D., shall submit to random urine screenings for drugs and alcohol on a bi-weekly basis or as otherwise directed by the BOARD. GREGORY SCOTT MASIMORE, M.D., shall ensure that all screening reports are forwarded directly to the BOARD on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board;

Within thirty (30) days of the effective date of this Agreement, GREGORY SCOTT MASIMORE, M.D., shall submit to the BOARD for its prior approval the name of a supervising physician to whom GREGORY SCOTT MASIMORE, M.D., shall submit the required urine specimens. The supervising physician shall ensure that the urine specimens are obtained on a random basis, that the giving of the specimen is witnessed by a reliable person, and that appropriate control over the specimen is maintained. In addition, the supervising physician shall immediately inform the BOARD of any positive screening results;

GREGORY SCOTT MASIMORE, M.D., shall ensure that the supervising physician provides quarterly reports to the BOARD, on forms approved or provided by the BOARD, verifying whether all urine screens have been conducted in compliance with this CONSENT AGREEMENT, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his responsibilities;

In the event that the designated supervising physician becomes unable or unwilling to so serve, GREGORY SCOTT MASIMORE, M.D., must immediately notify the BOARD in writing, and make arrangements acceptable to the BOARD for another supervising physician as soon as practicable;

8. The BOARD retains the right to require, and GREGORY SCOTT MASIMORE, M.D., agrees to submit, blood or urine specimens for analysis upon request and without prior notice;

STATE MEDICAL BOARD
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CONSENT AGREEMENT
GREGORY SCOTT MASIMORE, M.D.
PAGE 4

STATE MEDICAL BOARD
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9. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, GREGORY SCOTT MASIMORE, M.D., shall submit for the BOARD's prior approval the name of a monitoring physician, who shall monitor GREGORY SCOTT MASIMORE, M.D., and provide the BOARD with quarterly reports on the doctor's progress and status. GREGORY SCOTT MASIMORE, M.D., shall ensure that such reports are forwarded to the BOARD on a quarterly basis. In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, GREGORY SCOTT MASIMORE, M.D., must immediately so notify the BOARD in writing, and make arrangements acceptable to the BOARD for another monitoring physician as soon as practicable;
10. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, GREGORY SCOTT MASIMORE, M.D., shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or Caduceus, approved in advance by the BOARD specifically for GREGORY SCOTT MASIMORE, M.D., no less than three (3) times per week. Substitution of any specific program must receive prior BOARD approval. At his appearances before the BOARD or its designated representative, GREGORY SCOTT MASIMORE, M.D., shall submit acceptable documentary evidence of continuing compliance with this program;
11. GREGORY SCOTT MASIMORE, M.D., shall contact an appropriate impaired physicians committee, approved by the BOARD, to arrange for assistance in recovery or aftercare;
12. GREGORY SCOTT MASIMORE, M.D., shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treatment provider to the BOARD, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for them to fulfill their respective duties and obligations; and
13. Within thirty (30) days of the effective date of this Agreement, GREGORY SCOTT MASIMORE, M.D., shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he contracts to provide physician services or receive training; and

CONSENT AGREEMENT
GREGORY SCOTT MASIMORE, M.D.
PAGE 5

STATE MEDICAL BOARD OF OHIO
90 JAN 13 1994

the Chief of Staff at each hospital where he has, applies for, or obtains privileges or appointments.

The above described terms, conditions and limitations may be amended or terminated in writing at any time upon the agreement of both parties. However, this Agreement shall remain in force for a minimum of two (2) years prior to any request for termination of said Agreement.

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

GREGORY SCOTT MASIMORE, M.D., 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.

GREGORY SCOTT MASIMORE, M.D., 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.

CONSENT AGREEMENT
GREGORY SCOTT MASIMORE, M.D.
PAGE 6

Gregory Scott Masimore
Gregory Scott Masimore, M.D.

^{GSM}
~~1/12/93~~ 1/12/94
Date

Carla S. O'Day
Carla S. O'Day, M.D.
Secretary

1/30/94
Date

STATE MEDICAL BOARD
JAN 13 1994

Raymond J. Albert
Raymond J. Albert

1/21/94
Date

Anne C. Berry

Anne C. Berry, Esq.
Assistant Attorney General

1/31/94
Date



STATE MEDICAL BOARD OF OHIO

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

November 15, 1991

Gregory S. Masimore, M.D.
811 Hampton
Toledo, Ohio 43609

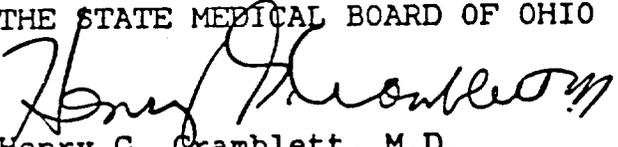
Dear Doctor Masimore:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of the Minutes of the State Medical Board, meeting in regular session on November November 13, 1991, including Motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

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

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

THE STATE MEDICAL BOARD OF OHIO


Henry G. Cramblett, M.D.
Secretary

HGC:em
Enclosures

CERTIFIED MAIL RECEIPT NO. P 055 325 342
RETURN RECEIPT REQUESTED

cc: Thomas M. Tyack, Esq.

CERTIFIED MAIL NO. P 055 325 343
RETURN RECEIPT REQUESTED

Mailed 11/15/91



STATE MEDICAL BOARD OF OHIO

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

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; attached copy of the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, State Medical Board; and an excerpt of Minutes of the State Medical Board, meeting in regular session on November 13, 1991, including a Motion approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board, constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Gregory S. Masimore, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.

(SEAL)

Henry G. Cramblett, M.D.
Secretary

11/15/91

Date



STATE MEDICAL BOARD OF OHIO

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

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

★

★

GREGORY S. MASIMORE, M.D.

★

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 13th day of November, 1991.

Upon the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, Medical Board, in this matter designated pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board for the above date.

It is hereby ORDERED that:

1. The application of Gregory S. Masimore, M.D., for a temporary training certificate pursuant to Section 4731.291, Ohio Revised Code, shall be and is hereby APPROVED, subject to his timely submission of any appropriate updates.
2. Dr. Masimore shall be and is hereby REPRIMANDED for his misrepresentation of fact in his application for medical licensure and for conduct unbecoming a physician.
3. Further, Dr. Masimore's temporary training certificate shall be subject to the following probationary terms, conditions, and limitations:
 - a. Dr. Masimore shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
 - b. Dr. Masimore shall abstain completely from the use of alcohol.
4. The application of Dr. Masimore for a certificate to practice medicine and surgery in Ohio shall be and is hereby DENIED.



STATE MEDICAL BOARD OF OHIO

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

Page 2

Gregory S. Masimore, M.D.

5. The State Medical Board shall not consider future applications of Dr. Masimore for a certificate to practice medicine and surgery in Ohio, unless and until all of the following minimum requirements are met:
 - a. Dr. Masimore shall submit an application for licensure, accompanied by appropriate fees.
 - b. Dr. Masimore shall provide the Board with a written report of assessment by an approved treatment provider or providers for drug and alcohol dependency. That report shall include the treatment provider's opinion as to: whether or not Dr. Masimore is drug or alcohol dependent, whether any treatment is or has been recommended, and whether Dr. Masimore has complied with any treatment recommendations. Further, the report shall state with particularity the bases for such determinations. Prior to assessment, the Board may provide the approved treatment provider with any documentation it may deem appropriate or helpful to that provider's assessment.
 - c. Dr. Masimore shall provide the Board with satisfactory documentation of continuous participation in a drug and alcohol rehabilitation program acceptable to the Board, such as AA, NA, or Caduceus, no less than three times per week during a period of at least one year immediately prior to his application for licensure.
 - d. Dr. Masimore shall provide the Board with a written evaluation from a counselor or psychiatrist approved by the Board, indicating that Dr. Masimore undertook and continued counseling with said counselor or psychiatrist, at intervals deemed appropriate by the counselor or psychiatrist, but not less than once a month, during a period of at least one year immediately prior to Dr. Masimore's application for licensure. Further, that report shall indicate whether or not further treatment or counseling is recommended, stating with particularity the bases for such determination.

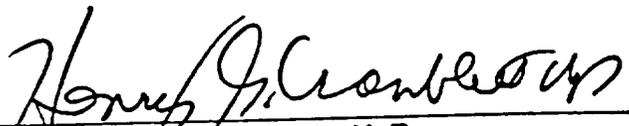


STATE MEDICAL BOARD OF OHIO
77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

Page 3

Gregory S. Masimore, M.D.

This Order shall become effective immediately upon the mailing of notification of approval by the State Medical Board of Ohio.


Henry G. Cramblett, M.D.
Secretary

(SEAL)

11/15/91
Date

REPORT AND RECOMMENDATION
IN THE MATTER OF GREGORY S. MASIMORE, M.D.

The Matter of Gregory S. Masimore, M.D., came on for hearing before me, Wanita J. Sage, Esq., Hearing Examiner for the State Medical Board of Ohio, on August 27, 1991.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Basis for Hearing

- A. By letter of May 8, 1991 (State's Exhibit #1), the State Medical Board notified Gregory S. Masimore, M.D., that it proposed to determine whether to refuse to register or to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board alleged that:
1. Dr. Masimore's November 9, 1987, conviction of assault in the Franklin County Municipal Court constituted "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.
 2. On May 17, 1989, Dr. Masimore was convicted in the Toledo Municipal Court of "physical control while intoxicated", a violation of Section 333.01B, Toledo Municipal Code. In addition, on August 18, 1989, he was convicted in Maumee Municipal Court of "driving while intoxicated", in violation of Section 4511.19(A)(1), Ohio Revised Code. Nevertheless, on the licensure application he submitted to the State Medical Board on August 8, 1990, Dr. Masimore answered "No" to question 12, which asked, "Are you now or have ever been addicted to or excessively used alcohol, narcotics, barbiturates, or other drugs affecting the central nervous system, or any drugs which may cause physical or psychological dependence?" In addition, he answered in part to question 16 on the application that he had been convicted in May, 1989, of "physical control with failure to file an immediate accident report regarding a minor motor vehicle accident with sentence to driving program course." Such conduct was alleged to constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the Board", as that clause is used in Section 4731.22(A), Ohio Revised Code, and/or "publishing a false, fraudulent, deceptive, or misleading statement", as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.
 3. As part of Dr. Masimore's sentence for the August, 1989, conviction of driving while intoxicated, his driver's license was suspended, and he was afforded only occupational driving

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OF OHIO

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privileges. On December 2, 1989, he was involved in a motor vehicle accident outside the geographic boundaries of those privileges. Subsequently, on December 29, 1989, his driving privileges were rescinded. The Board alleged that this incident, along with his convictions in 1987 and 1989 and his inaccurate answers on his licensure application, constituted failure to provide evidence of good moral character as required by Section 4731.08, Ohio Revised Code.

Dr. Masimore was advised of his right to request a hearing.

- B. By letter received by the State Medical Board on June 3, 1991 (State's Exhibit #2), Dr. Masimore requested a hearing.
- C. By letter of July 10, 1991, which was remailed on July 22, 1991 (State's Exhibits #11 and #11a), the State Medical Board notified Dr. Masimore that it proposed to determine whether to take disciplinary action against or to refuse to register or reinstate his temporary certificate to practice medicine and surgery in Ohio, based upon the same allegations as set forth in the May 8, 1991, letter. Again, Dr. Masimore was advised of his right to request a hearing.
- D. By letter dated July 29, 1991 (State's Exhibit #12), Thomas M. Tyack, Esq., requested a hearing on behalf of Dr. Masimore.

II. Consolidation of Matters

By Entry dated August 1, 1991 (State's Exhibit #14), the Respondent's motion to consolidate the allegations set forth in the Board's letters of May 8 and July 10, 1991, for purposes of hearing, was granted.

III. Appearance of Counsel

- A. On behalf of the State of Ohio: Lee I. Fisher, Attorney General, by Odella Lampkin, Assistant Attorney General
- B. On behalf of the Respondent: Thomas M. Tyack, Esq., and Angela F. Albert, Esq.

IV. Testimony Heard

Presented by the Respondent

- A. Gregory S. Masimore, M.D.
- B. Ronald R. Henderson, Esq.

- C. Whitney R. Snowman, M.D.
- D. Prabir Chaudhuri, M.D.
- E. Paul Hodel, M.D.
- F. Michael Nugent, M.D.

V. Exhibits Examined

The following exhibits were identified and admitted into evidence in this Matter:

A. Presented by the State

1. State's Exhibit #1: May 8, 1991, letter to Dr. Masimore from the State Medical Board, setting forth the Board's allegations and advising Dr. Masimore of his right to request a hearing.
2. State's Exhibit #2: May 28, 1991, letter to the State Medical Board from Dr. Masimore requesting a hearing.
3. State's Exhibit #3: June 6, 1991, letter to Dr. Masimore from the State Medical Board advising that a hearing initially set for June 17, 1991, was postponed pursuant to Section 119.09, Ohio Revised Code.
4. State's Exhibit #4: June 10, 1991, letter to Dr. Masimore from the State Medical Board scheduling the hearing for July 25, 1991.
5. State's Exhibit #4a: July 24, 1991, Entry granting the Respondent's motion for continuance and rescheduling the hearing for August 27, 1991.
6. State's Exhibit #5: July 2, 1991, Notice of the Appearance of Lisa A. Sotos, Assistant Attorney General, as counsel for the State.
7. State's Exhibit #6: State's July 2, 1991, request for list of witnesses and documents.
8. State's Exhibit #7: Certified copies of complaint and docket entries with regard to Dr. Masimore's November 9, 1987, conviction in the Franklin County Municipal Court, of assault.
9. State's Exhibit #8: Copy of Dr. Masimore's application for medical licensure (17 pp.).

STATE MEDICAL BOARD
OF OHIO

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10. State's Exhibit #9: Certified copies of Toledo Municipal Court records with regard to Dr. Masimore's May 17, 1989, convictions.
11. State's Exhibit #10: Certified copies of journal entries of the Maumee Municipal Court regarding Dr. Masimore's conviction on or about August 18, 1989, and subsequent driving privileges.
12. State's Exhibit #11: July 10, 1991, letter to Dr. Masimore from the State Medical Board, setting forth the Board's allegations and advising Dr. Masimore of his right to request a hearing.
13. State's Exhibit #11a: Copy of the Board's letter of July 10, 1991, showing remaining to a new address on July 22, 1991.
14. State's Exhibit #12: July 29, 1991, letter to the State Medical Board from Thomas M. Tyack, Esq., requesting a hearing on behalf of Dr. Masimore and enclosing a motion for consolidation.
15. State's Exhibit #13: July 31, 1991, letter to Attorney Tyack from the State Medical Board advising that a hearing initially set for August 13, 1991, was postponed pursuant to Section 119.09, Ohio Revised Code.
16. State's Exhibit #14: August 1, 1991, Entry granting the Respondent's motion for consolidation and scheduling the consolidated hearing for August 27, 1991.
17. State's Exhibit #15: Copy of Chapter 2303, Columbus Municipal Code.
18. State's Exhibit #16: Excerpts from Chapters 313, 333, and 335, Toledo Municipal Code.
19. State's Exhibit #17: Copy of Section 4511.19, Ohio Revised Code.
20. State's Exhibit #18: Copy of Dr. Masimore's application for a temporary certificate.
21. State's Exhibit #19: Partial transcript of proceedings in the Franklin County Municipal Court on November 9 and November 10, 1987, in Case Nos. 9137-1, -2, City of Columbus v. Masimore.

STATE MEDICAL BOARD

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B. Presented by the Respondent

Respondent's Exhibit A: June 7, 1991, letter to the State Medical Board from Marvin E. Gottlieb, M.D., with regard to his psychiatric re-evaluation of Dr. Masimore, done on June 5, 1991, at Dr. Masimore's request.

VI. Other Matters

At the close of hearing, the record was held open to September 6, 1991, for submission of supplemental materials and written closings of counsel. Certain supplemental material and the written closings were received on September 6. On September 16, 1991, the record was reopened for the submission of an additional supplemental item. The record was deemed closed upon receipt of the requested supplement to State's Exhibit #16 on September 26, 1991.

With reference to those transactions, the following are hereby admitted as Board Exhibits upon the Hearing Examiner's own motion:

- A. Board Exhibit #1: Exhibit supplements submitted by the State on September 6, 1991, including: page 3 of State's Exhibit #11a; and supplemental pages to the transcript admitted as State's Exhibit #19, namely pp. 22, 23, 31, 32, 33, 34, and 130.
- B. Board Exhibit #2: September 6, 1991, written closing arguments of the State.
- C. Board Exhibit #3: September 6, 1991, written closing arguments of the Respondent.
- D. Board Exhibit #4: September 16, 1991, Entry reopening the record for submission by the State of a supplement to State's Exhibit #16.
- E. Board Exhibit #5: Supplement to State's Exhibit #16, filed September 26, 1991.

STATE MEDICAL BOARD

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FINDINGS OF FACT

1. On or about April 30, 1987, Gregory S. Masimore, M.D., was charged with assault, a first degree misdemeanor in violation of Section 2303.01, Columbus Municipal Code. A complaint filed in the the Franklin County Municipal Court by one David Small charged that Dr. Masimore had, on or about April 25, 1987, knowingly caused physical harm to Mr. Small by means of grabbing and shoving him.

After hearing before that Court on November 9 and November 10, 1987, Dr. Masimore was found guilty. He was sentenced to 30 days in jail and payment of a \$500 fine and costs, with jail time and \$400 of the fine suspended subject to good behavior during a one-year nonreporting probation.

These facts are established by State's Exhibits #7 and #15.

2. The events of April 25, 1987, which resulted in Dr. Masimore's conviction of assault on November 10, 1987, involved Dr. Masimore and his landlords, David Small and Julie Molnar (hereinafter referred to as Mr. Small and Mrs. Small, respectively). At the time, Dr. Masimore was a medical student in his senior year at the Ohio State University College of Medicine. He and his wife rented half of a double from Mr. and Mrs. Small; Mr. and Mrs. Small lived in the other half. Although there had been a past disagreement over certain repairs, relations between the two families became especially strained in early April, 1987, after Mr. Small confronted the Masimores and demanded that they refrain from parking on the street in front of his side of the double. Dr. Masimore objected to Mr. Small's confrontation and demand by writing him a letter containing antisemitic comments about Mr. Small.

On April 25, 1987, Dr. Masimore saw Mr. Small digging in the backyard garden, and went out into the back yard. The Masimores and Smalls shared the back yard, and had earlier agreed to share the garden. When Dr. Masimore reminded Mr. Small of their agreement, Mr. Small informed him that he did not intend to share the garden because of the letter Dr. Masimore had written. At that, Dr. Masimore became angry and assaulted Mr. Small.

Mr. Small testified that Dr. Masimore picked him up under the arms and threw him forward. Mr. Small fell, hit his side on the ornamental garden bricks, heard an audible crack, and felt pain. When Mr. Small tried to get up to go to his back door, Dr. Masimore picked him up by the arm and shirt sleeve. As Dr. Masimore swung Mr. Small by the arm, Mr. Small's T-shirt ripped and he again fell down, hitting his chin and cutting his lip. At that point, Mr. Small was able to get inside. Mr. Small called the police, but decided to go to the police station to file a report, rather than having the police come to the residence.

When Mrs. Small later returned from her teaching job and learned what had happened, she agreed that they needed to get the police involved. Mr. Small said that the police had told him to bring along any evidence he had. They thought of the piece of shirt in the back yard, and Mrs. Small decided to retrieve it. Although Dr. Masimore was in the back yard at the time, she felt she would be safe because he was talking to a neighbor over the fence, because she was a woman, and because Dr. Masimore was aware that she had had major surgery only six to seven weeks ago. Mr. Small watched at the back door while Mrs. Small went out to get the torn-off shirt sleeve. After Mrs. Small

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picked up the shirt sleeve, she retrieved a light leaf rake from the yard. As she started back towards the house, she stopped near Dr. Masimore and waited for a break in his conversation with the neighbor, Mr. Murphy. When Dr. Masimore turned toward her, she warned him that they intended to sue him and that he had better leave her husband alone in the future. Dr. Masimore told her to get back to her own side of the yard. Mrs. Small then became vehement, informing Dr. Masimore that she was the owner and would be on whichever side she chose. As she spoke, she shook the leaf rake at him. Dr. Masimore grabbed the handle of the rake and pushed Mrs. Small back, over halfway across the yard. Mrs. Small struck at Dr. Masimore, and Dr. Masimore raised his hand as if to strike her. At that point, Mr. Small ran out, shouting at Dr. Masimore not to hit his wife. Mr. Small grabbed the handle of the rake which Mrs. Small was still holding. Dr. Masimore again grabbed the handle and pushed it very hard against the abdomens of Mr. and Mrs. Small. Both Mr. and Mrs. Small went down. Mrs. Small got up and hit Dr. Masimore on the leg with the rake, and the rake broke. Dr. Masimore picked up the pieces of the rake and threw them against the fence on the other side of the yard. Mr. and Mrs. Small escaped to their back door.

As a result of these incidents, Mr. Small sustained multiple scrapes and bruises, a cut lip, and a fractured vertebra. Mrs. Small had bruising and swelling in her spleen area, which caused concern because of her previous abdominal incision.

Dr. Masimore's testimony was fraught with internal inconsistencies, and contradicted the testimony of Mr. Murphy, the neighbor who had witnessed the second incident. With regard to the first, unwitnessed incident, Dr. Masimore claimed that Mr. Small had grabbed him first. With regard to the second incident, he admitted that he had severely pushed Mr. and Mrs. Small, but claimed that Mrs. Small had hit him first with the rake.

These facts are established by State's Exhibit #19 and Board Exhibit #1.

3. In the application for medical licensure Dr. Masimore submitted to the State Medical Board in August, 1990, he indicated that the assault charge had "resulted in a conviction of a Misdemeanor of the Fourth Degree (same as disorderly conduct) and a one year nonreporting probation sentence." Although Dr. Masimore's counsel indicated that the sentence imposed was consistent with the statutory penalty for a fourth degree misdemeanor, the court documents submitted as State's Exhibit #7 indicate that Dr. Masimore was found guilty as charged of assault, a first degree misdemeanor pursuant to Section 2303.01, Columbus Municipal Court. A second assault charge, based upon a complaint by Mrs. Small, was apparently dismissed.

These facts are established by the testimony of Dr. Masimore (Tr. at 33-34) and State's Exhibits #7, #8, #15, and #19.

4. At hearing in the present Matter, Dr. Masimore stated that the OSU College of Medicine had been aware of his conviction of assault in November, 1987, but had taken no disciplinary action against him.

These facts are established by the testimony of Dr. Masimore (Tr. at 25-26).

5. In July, 1988, Dr. Masimore commenced a residency program in general surgery at the Medical College of Ohio, Toledo.

These facts are established by the testimony of Dr. Masimore (Tr. at 26-27).

6. At approximately 2:45 A.M. on February 25, 1989, Dr. Masimore ran a red light, struck another vehicle, but continued driving until the driver of the other vehicle stopped him approximately one-half mile from the intersection where the accident had occurred. Dr. Masimore was found to be under the influence of alcohol. He was charged with: failure to stop for a traffic device in violation of Section 313.03, Toledo Municipal Code; failure to stop after an accident in violation of Section 335.12, Toledo Municipal Code; and driving under the influence of alcohol in violation of Sections 333.01(a)(1) and (a)(3), Toledo Municipal Code. Those charges were later amended.

On or about May 18, 1989, pursuant to his plea of no contest, Dr. Masimore was convicted of: failure to stop for a traffic device, in violation of Section 313.03, Toledo Municipal Code; failure to file an immediate accident report, in violation of Section 335.15, Toledo Municipal Code; and physical control while under the influence, in violation of Section 333.01(b), Toledo Municipal Code. He was assessed fines of \$15 each for the first two offenses. With regard to the "physical control" offense, he was sentenced to three days in a D.W.I. Program and payment of costs and a \$350 fine.

These facts are established by State's Exhibits #9 and #16 and Board Exhibit #5.

7. Section 333.01, Toledo Municipal Code, is entitled, "Driving or physical control while under the influence...." Subsection (b) is entitled, "Physical Control." Ronald Henderson, Esq., who represented Dr. Masimore in relation to his traffic offenses, testified at hearing in the present Matter that he had always referred to violation of Section 333.01(b) generically as "physical control." He had never used the phrase "physical control while under the influence" in his conversations with Dr. Masimore.

These facts are established by the testimony of Mr. Henderson (Tr. at 75-78) and Board Exhibit #5.

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8. Section 333.01(b), Toledo Municipal Code, prohibits a person from being in physical control of any vehicle if that person is under the influence of alcohol or has a concentration of ten hundredths (0.10) of one gram or more by weight of alcohol per 210 liters of his breath. Dr. Masimore's original citation indicated that, on February 25, 1989, he had a concentration of over .10 gram by weight of alcohol per 210 liters of his breath. At the present hearing, Dr. Masimore stated that his alcohol level had tested at .13.

These facts are established by the testimony of Dr. Masimore (Tr. at 40-45), State's Exhibit #9, and Board Exhibit #5.

9. Subsequently, on June 17, 1989, Dr. Masimore was arrested for operating a motor vehicle while under the influence of alcohol. On June 28, 1989, in the Maumee Municiple Court, Dr. Masimore was found guilty, pursuant to his plea of no contest, of operating a motor vehicle while under the influence of alcohol, in violation of Section 4511.19(A)(1), Ohio Revised Code. He was subsequently sentenced to incarceration in the Toledo House of Corrections for 182 days, 137 days suspended subject to conditions; payment of costs and a \$250 fine; and suspension of his driver's license for 1 year, with occupational driving privileges only.

These facts are established by State's Exhibits #10 and #17.

10. In his August, 1990, application for medical licensure, in response to question 16, Dr. Masimore disclosed his May, 1989, convictions, as follows: "Convicted of Physical Control with failure to file an immediate accident report regarding a minor motor vehicle accident with sentence to driving program course." Dr. Masimore fully disclosed his August, 1989, conviction of driving under the influence, in his response to question 16. He indicated that this conviction had resulted from his falling asleep and running off the road on his way home from a graduation banquet at the Medical College of Ohio in June, 1989. In an additional note, Dr. Masimore indicated that these two convictions had resulted in his being scrutinized by the surgery department at the Medical College of Ohio, including psychiatric evaluation "to ensure patient safety and detect any potential for alcohol dependency."

These facts are established by State's Exhibits #8.

11. Subsequent to Dr. Masimore's August, 1989, conviction, the Maumee Municipal Court had defined his occupational driving privileges by establishing geographic boundaries within which he could travel in the City of Toledo in connection with occupational requirements. On or about December 2, 1989, Dr. Masimore was involved in a motor vehicle accident outside the geographic boundaries of his occupational driving privileges. On December 29, 1989, the Maumee Municipal Court rescinded his occupational driving privileges.

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Dr. Masimore testified at the present hearing that, on December 2, 1989, he had been driving back to the hospital from the office of Dr. Hartwig in Sylvania, Ohio, where he had been seeing patients as part of his clinical duties in the residency program. The roads had been slippery, and a taxi slid into him. He had apparently been less than a mile outside the boundaries of his driving privileges at the time. Dr. Masimore claimed that he had not realized that Dr. Hartwig's office was outside the boundaries established by the court. However, Dr. Masimore's attorney, Ronald Henderson, testified that the northern boundary of his privileges was Secor Road, a major artery in Toledo. Dr. Masimore had gone north of Secor Road to reach Dr. Hartwig's office in Sylvania. Dr. Masimore had not been assigned to duties at Dr. Hartwig's office at the time the court had delineated the boundaries of his occupational driving privileges, and Dr. Masimore had not petitioned the court for a change of those boundaries.

These facts are established by the testimony of Dr. Masimore (Tr. at 52-55, 67-68, 72-73), the testimony of Mr. Henderson (Tr. at 80-85, 92-93), and State's Exhibit #10.

12. Despite his two convictions in 1989 of alcohol-related traffic offenses, Dr. Masimore answered "NO" to question 12 on his August, 1990, application for medical licensure. Question 12 asks, "Are you now or have you ever been addicted to or excessively used alcohol, narcotics, barbiturates, or other drugs affecting the central nervous system, or any drugs which may cause physical or psychological dependence?"

These facts are established by State's Exhibit #8.

13. Dr. Masimore testified that he interpreted question 12 as asking whether he was addicted to alcohol or drugs. Thus, he felt his "NO" answer was truthful. He did not believe that his alcohol-related convictions in May and August, 1989, required a positive response to question 12, as those convictions did not mean that he was addicted to or dependent on alcohol. In fact, when Dr. Masimore had consulted Dr. Marvin Gottlieb, Chief of the Psychiatry Department at the Medical College of Ohio, in 1989, Dr. Gottlieb had not thought that Dr. Masimore had a dependency problem.

These facts are established by the testimony of Dr. Masimore (Tr. at 35-40, 45-46).

14. A June 7, 1991, letter from Dr. Marvin E. Gottlieb indicated that Dr. Gottlieb had evaluated Dr. Masimore in 1989, at the request of the chairman of the surgery department, to determine whether Dr. Masimore had significant problems with drug or alcohol abuse. At that time, Dr. Gottlieb felt that Dr. Masimore was under stress because of a divorce and problems with his work situation in terms of transportation issues and the fact that he would probably not be given a third-year appointment in surgery. Dr. Gottlieb had recommended counseling, which

Dr. Masimore subsequently pursued on a limited basis. Because Dr. Masimore had a family history of alcoholism, he had attended some AA sessions but did not feel that he was an alcoholic.

On June 5, 1991, Dr. Gottlieb reevaluated Dr. Masimore, at Dr. Masimore's request for a determination of whether he had significant alcohol problems. Dr. Gottlieb found no evidence of any serious substance abuse problems or psychiatric impairment, and recommended no treatment.

Dr. Gottlieb's letter does not relate his background or training in assessment of alcohol or drug dependency issues. That letter indicates that Dr. Gottlieb's personal interview with Dr. Masimore focused primarily on discussion of Dr. Masimore's current concerns about medical licensure. Dr. Gottlieb's opinion was apparently based upon his assessment of Dr. Masimore's veracity and a letter of recommendation from Dr. Masimore's current supervisor.

These facts are established by Respondent's Exhibit A.

15. Dr. Masimore completed his second year of general surgery residency at the Medical College of Ohio as of June 30, 1990. Although this was a five-year program, Dr. Masimore's contract was not renewed for the third year. At hearing, Dr. Masimore stated that he had dropped out of the surgery program by choice because he didn't like surgery and because the program had hired 13 residents but could only graduate four. In his August, 1990, application for medical licensure, Dr. Masimore indicated that concerns about his alcohol-related convictions might have contributed to the nonrenewal of his contract, given the inherent competitiveness of the program design.

These facts are established by the testimony of Dr. Masimore (Tr. at 60-61) and State's Exhibit #8.

16. From July, 1990, to January, 1991, Dr. Masimore was not employed in the medical field. In January, 1991, he was accepted into the anesthesiology residency program at the Medical College of Ohio. Although this program is normally a four-year program, Dr. Masimore was given credit for one year, due to his general surgery residency; if granted licensure, Dr. Masimore would complete this program in December, 1993.

These facts are established by the testimony of Dr. Masimore (Tr. at 26-30).

17. Several of Dr. Masimore's colleagues testified on his behalf. Dr. Whitney Snowman, currently a resident in the urology department, has worked with Dr. Masimore during both his surgical and anesthesiology residencies. Dr. Prabir Chaudhuri, Chief of Oncological Surgery, worked closely with Dr. Masimore in the surgical residency program. Dr. Paul Hodel is the coordinator of Dr. Masimore's current

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residency program, and chairs the Clinical Competency Committee at the Medical College of Ohio. Dr. Michael Nugent, Chair of the Anesthesiology Department, is the director of Dr. Masimore's current residency program. All of these witnesses indicated that Dr. Masimore performed excellently as a resident in both programs, and exhibited good moral and ethical character. Whatever his problems outside of work, they had never manifested themselves at work. His patient care was capable and conscientious, his medical knowledge and judgment were excellent, and his diagnostic skills, treatment plans, and treatment techniques were superior. He was always prompt, often early, in arriving at work. There had never been any sign of impaired judgment, extreme fatigue, smell of alcohol, or anything to indicate that Dr. Masimore had been drinking or under the influence of alcohol or other drugs.

Dr. Hodel and Dr. Nugent indicated that the faculty had been somewhat uneasy about accepting Dr. Masimore into the anesthesiology program in view of his alcohol-related convictions. However, Dr. Masimore had been an outstanding surgical resident, whose potential merited a second chance. Dr. Masimore viewed his coming back to the Medical College where everyone was aware of his past problems as a positive step. Dr. Nugent stated that he believed that Dr. Masimore had gained maturity and was willing to solve his problems and prove himself over time.

These facts are established by the testimony of Dr. Snowman (Tr. at 93-100), the testimony of Dr. Chaudhuri (Tr. at 100-110), the testimony of Dr. Hodel (Tr. at 110-122), and the testimony of Dr. Nugent (Tr. at 122-130).

18. In August, 1990, after leaving the surgical residency program, Dr. Masimore submitted to the State Medical Board an application for medical licensure. In January, 1991, after commencing his anesthesiology residency, Dr. Masimore applied for a temporary certificate.

These facts are established by State's Exhibits #8 and #18.

CONCLUSIONS

1. On November 10, 1987, Gregory S. Masimore, M.D., was convicted of assault, a misdemeanor. That conviction and the acts underlying it, as set forth in Findings of Fact #1 and #2, above, 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.

The testimony at Dr. Masimore's criminal trial, despite Dr. Masimore's claim to the contrary, indicated that Dr. Masimore assaulted Mr. Small with very little provocation. Dr. Masimore's antisemitic comments to Mr. Small prior to that assault must also be of concern to this Board.

Although these acts took place outside of Dr. Masimore's work environment, such behavior is inappropriate, and particularly unacceptable in a physician whom the public expects to exhibit unbiased respect for other individuals and the quality of their lives. Physical assault is an act of moral turpitude. Such conduct is inconsistent both with the physician's role and with the high standards of behavior this Board necessarily requires of its licensees. Nevertheless, this incident occurred over four years ago. The testimony of Dr. Michael Nugent indicated that Dr. Masimore had since gained maturity and showed willingness to correct his problems.

2. The evidence presented is insufficient to support a conclusion that the manner in which Dr. Masimore disclosed his May, 1989, conviction in response to question 16 of his application for medical licensure, as set forth in Findings of Fact #6 through #10, above, constituted violations of Sections 4731.22(A) or 4731.22(B)(5), Ohio Revised Code. Although Dr. Masimore referred to this conviction as "physical control", without mentioning that he had been found under the influence of alcohol, that description was consistent with the applicable statute, as well as the information provided by his attorney. Further, it is apparent from the additional note in his application that he did not intend to conceal the fact that this conviction was alcohol-related. That note referred to the May, 1989 conviction, indicating that it had resulted in his being scrutinized by the Medical College with regard to potential alcohol dependency and may have contributed to the nonrenewal of his contract with the surgical residency program. Also, Dr. Masimore fully disclosed his August, 1989, conviction of driving under the influence.
3. Nevertheless, as set forth in Findings of Fact #6 through #13, above, the evidence substantially supports a conclusion that Dr. Masimore's negative response to question 12 of his application for licensure constituted "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the Board", as that clause is used in Section 4731.22(A), Ohio Revised Code. Dr. Masimore's proffered interpretation ignores the phrase "or excessively used" in question 12. The fact that Dr. Masimore was cited twice within a period of four months for traffic offenses committed while under the influence of alcohol manifests excessive use of alcohol. While these incidents do not necessarily establish addiction or dependency, they indicate that Dr. Masimore's negative answer to question 12 constituted a misrepresentation of fact with regard to excessive use of alcohol. It is not necessary to find that Dr. Masimore intentionally misrepresented facts to find violation of Section 4731.22(A).
4. Further, Dr. Masimore's negative answer to question 12 constitutes "publishing a false, fraudulent, deceptive, or misleading statement", as that phrase is used in Section 4731.22(B)(5), Ohio Revised Code. That Section defines such statement as one that "includes a misrepresentation of fact, is likely to mislead or deceive because of a

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failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived." Certainly, Dr. Masimore's inaccurate denial of his excessive use of alcohol, when such use was manifested by his alcohol-related convictions, falls within that definition.

5. Pursuant to Sections 4731.08 and 4731.291, Ohio Revised Code, satisfactory proof of good moral character is a prerequisite for licensure. As set forth in the above Findings of Fact, Dr. Masimore has been convicted of assault and two alcohol-related traffic offenses. In addition, his occupational driving privileges were rescinded because he violated a court-ordered restriction. Such acts do not speak well for Dr. Masimore's moral character. The evidence indicates, however, that the assault occurred four years ago and the alcohol-related convictions and driving privileges violation occurred two years ago. The testimony of Dr. Masimore's colleagues and supervisors, as set forth in Finding of Fact #17, above, indicates that Dr. Masimore has matured and has conducted himself in an appropriate manner during the intervening period. While the evidence is insufficient to support a conclusion that Dr. Masimore currently lacks the good moral character required for Ohio licensure, it is sufficient to cause continuing concerns about Dr. Masimore's conduct. It is noted that, pursuant to Section 4731.291, Ohio Revised Code, Dr. Masimore's practice in his residency program will be under the supervision of the medical staff at the Medical College of Ohio.

PROPOSED ORDER

It is hereby ORDERED that:

1. The application of Gregory S. Masimore, M.D., for a temporary training certificate pursuant to Section 4731.291, Ohio Revised Code, shall be and is hereby APPROVED, subject to his timely submission of any appropriate updates.
2. Dr. Masimore shall be and is hereby REPRIMANDED for his misrepresentation of fact in his application for medical licensure and for conduct unbecoming a physician.
3. Further, Dr. Masimore's temporary training certificate shall be subject to the following probationary terms, conditions, and limitations:
 - a. Dr. Masimore shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
 - b. Dr. Masimore shall abstain completely from the use of alcohol.

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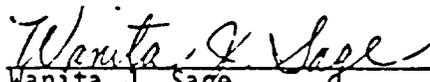
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4. The application of Dr. Masimore for a certificate to practice medicine and surgery in Ohio shall be and is hereby DENIED.
5. The State Medical Board shall not consider future applications of Dr. Masimore for a certificate to practice medicine and surgery in Ohio, unless and until all of the following minimum requirements are met:
 - a. Dr. Masimore shall submit an application for licensure, accompanied by appropriate fees.
 - b. Dr. Masimore shall provide the Board with a written report of assessment by an approved treatment provider or providers for drug and alcohol dependency. That report shall include the treatment provider's opinion as to: whether or not Dr. Masimore is drug or alcohol dependent, whether any treatment is or has been recommended, and whether Dr. Masimore has complied with any treatment recommendations. Further, the report shall state with particularity the bases for such determinations. Prior to assessment, the Board may provide the approved treatment provider with any documentation it may deem appropriate or helpful to that provider's assessment.
 - c. Dr. Masimore shall provide the Board with satisfactory documentation of continuous participation in a drug and alcohol rehabilitation program acceptable to the Board, such as AA, NA, or Caduceus, no less than three times per week during a period of at least one year immediately prior to his application for licensure.
 - d. Dr. Masimore shall provide the Board with a written evaluation from a counselor or psychiatrist approved by the Board, indicating that Dr. Masimore undertook and continued counseling with said counselor or psychiatrist, at intervals deemed appropriate by the counselor or psychiatrist, but not less than once a month, during a period of at least one year immediately prior to Dr. Masimore's application for licensure. Further, that report shall indicate whether or not further treatment or counseling is recommended, stating with particularity the bases for such determination.

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This Order shall become effective immediately upon the mailing of notification of approval by the State Medical Board of Ohio.


Wanita J. Sage
Attorney Hearing Examiner



STATE MEDICAL BOARD OF OHIO

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EXCERPT FROM THE MINUTES OF NOVEMBER 13, 1991

REPORTS AND RECOMMENDATIONS

.....

Mr. Albert asked whether each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and order, and any objections filed in the matters of Gregory S. Masimore, M.D.; Harjit S. Bharmota, M.D.; Clarence A. DeLima, M.D.; Bogomir J. Glavan, M.D.; and Elbert D. Lawrence, M.D. A roll call was taken:

ROLL CALL:	Dr. Cramblett	- abstain
	Dr. O'Day	- aye
	Dr. Gretter	- aye
	Dr. Stephens	- aye
	Mr. Jost	- abstain
	Dr. Garg	- aye
	Dr. Kaplansky	- aye
	Dr. Heidt	- aye
	Dr. Hom	- aye
	Ms. Rolfes	- aye
	Mr. Albert	- aye

Mr. Jost stated that he did have staff check to find out whether he had ever served as Supervising Member in the matter of Harjit S. Bharmota, M.D. A review of the enforcement file was made by staff, revealing no evidence that Mr. Jost ever saw the file or took any prosecutorial role. Mr. Jost indicated that he read and reviewed the hearing record, the proposed findings of fact, conclusions and order, and Dr. Bharmota's objections so that he could take part in the Board's deliberations in this matter.

Dr. Heidt stated that he reviewed all materials except those in the matters of Harjit S. Bharmota, M.D., and Clarence A. DeLima, M.D.

Dr. Hom stated that she did not review the materials in the matter of Harjit S. Bharmota, M.D., since she would be abstaining in this matter.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.



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EXCERPT FROM THE MINUTES OF NOVEMBER 13, 1991
IN THE MATTER OF GREGORY S. MASSIMORE, M.D.

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REPORT AND RECOMMENDATION IN THE MATTER OF GREGORY S. MASSIMORE, M.D.

.....
All Assistant Attorneys General and all Enforcement Coordinators left the meeting at this time.

.....
MS. ROLFES MOVED TO APPROVE AND CONFIRM MS. SAGE'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF IN THE MATTER OF GREGORY S. MASSIMORE, M.D. DR. GRETTER SECONDED THE MOTION.

.....
A roll call vote was taken on Ms. Rolfes' motion:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. O'Day	- aye
	Dr. Gretter	- aye
	Dr. Stephens	- aye
	Dr. Garg	- aye
	Dr. Heidt	- aye
	Dr. Hom	- aye
	Ms. Rolfes	- aye
	Dr. Agresta	- aye

The motion carried.



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

July 10, 1991

Gregory S. Masimore, M.D.
2342 Cadwallader
Cortland, OH 44410

Dear Doctor Masimore:

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 temporary 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 November 9, 1987 you were convicted of assault, a fourth degree misdemeanor, in Franklin County Municipal Court. (A copy of the conviction is attached hereto and fully incorporated herein.)

Such 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.

- (2) In your application to practice medicine and surgery in the State of Ohio, submitted August 8, 1990, you answered "No" to question 12, which asked "(a)re you now or have you ever been addicted to or excessively used alcohol, narcotics, barbiturates, or other drugs affecting the central nervous system, or any drugs which may cause physical or psychological dependence."

In fact, on or about May 17, 1989 you were convicted in Toledo Municipal Court of a violation of Section 333.01B, Toledo Municipal Code, "physical control while intoxicated". In addition, on or about August 18, 1989 you were convicted in Maumee Municipal Court of "driving while intoxicated" in violation of Section 4511.19(A)(1), Ohio Revised Code. (Copies of both convictions are attached hereto and fully incorporated herein.)

Mailed 7/11/91

July 10, 1991

In the aforementioned application, you answered in part to question 16 which asked "Have you ever been convicted or been found guilty of a violation of federal law, state law, or municipal ordinance other than a minor traffic violation?" that in May 1989 you were "(c)onvicted of Physical Control with failure to file an immediate accident report regarding a minor motor vehicle accident with sentence to driving program course".

In fact, on or about May 17, 1989 you were convicted in Toledo Municipal Court of a violation of Section 333.01B, Toledo Municipal Code, "physical control while intoxicated."

Such acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code.

Further, such acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

- (3) On or about February 25, 1989 you were issued citations for failure to stop at a red light, failure to file an accident report and physical control of a motor vehicle while intoxicated. Subsequently, on May 17, 1989 you were convicted in Toledo Municipal Court of a violation of Section 313.03, Toledo Municipal Code, "failure to stop at a red light", a violation of Section 335.12, Toledo Municipal Code, "failure to file an immediate accident report" and a violation of Section 333.01, Toledo Municipal Code, "physical control while intoxicated". (Copies of the aforesaid convictions are attached hereto and fully incorporated herein.)
- (4) On or about August 18, 1989 you were convicted in Maumee Municipal Court of driving while intoxicated in violation of Section 4511.19(A)(1), Ohio Revised Code.

July 10, 1991

- (5) As part of your sentence for the conviction alleged in paragraph (4), above, your license to operate a motor vehicle was suspended and you were afforded only occupational driving privileges.

Nevertheless, on or about December 2, 1989 you were involved in a motor vehicle accident outside the geographic boundaries of those privileges. Subsequently, on or about December 29, 1989 these driving privileges were rescinded. (A copy of the rescission is attached hereto and fully incorporated herein.)

Such acts, conduct, and/or omissions as alleged in paragraphs (1) through (5) above, individually and/or collectively constitute a failure to provide evidence of good moral character as required by Section 4731.291(A)(1), 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 (30) days of the time of mailing of this notice.

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

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

Gregory S. Masimore, M.D.
Page 4

July 10, 1991

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Henry G. Cramblett, M.D.
Secretary

HGC:jmb
Enclosures:

CERTIFIED MAIL #P 055 326 000
RETURN RECEIPT REQUESTED

MAY

WILLIAM J. DANSON, CLERK
9137-1

CASE #
FRANKLIN COUNTY MUNICIPAL COURT
CLERK

on the matter of
trial and to a
complaint
The court for

DATE JUDGE

JUDGE: M / PROCEEDINGS

AFFIDAVIT: COMPLAINT FILED

15 1987 ON COMPUTER

NOT GUILTY PLEA

DEMAND FOR TRIAL BY JURY

TIME NOT WAIVED

MAY 15 1987 ON COMPUTER

MAY 19 1987 ASSIGNED TO WASYLIK

6-9-87 (307)

RA T 5 (1987) SA

Wasylik

RELEASE INFORMATION

BAIL PAGE

BOND DATE

RECOG. I.D. #

Q.W. SLATE NO. **SUMMONS**

CASE # 9137-1
FRANKLIN COUNTY MUNICIPAL COURT

THE CITY OF COLUMBUS VS

Name GREGORY MASTMORE

Address 61 E. MITHOFF ST., Col. - 43206-

Description W/M, 300-50-1509 11/16/59
COMPLAINT

CHARGE ASSAULT
THE STATE OF OHIO }
FRANKLIN COUNTY } ss
CITY OF COLUMBUS }

Complainant being duly sworn states that

GREGORY MASTMORE

at Columbus, Ohio, on or about the 25TH day of

APRIL 19 87 did KNOWINGLY CAUSE PHYSICAL

HARM TO ANOTHER, TO WIT: DAVID SMALL,

BY MEANS OF GRABBING AND SHOVING

HIM

in violation of C. C. 2303.01 (1-1)

Complainant X DAVID SMALL

Address 63 E. MITHOFF Col. - 43206-

Sworn to and subscribed before me, this

30 day of APRIL A.D., 1987

W. J. DANSON
Clerk of The Franklin County Municipal Court

By [Signature] Deputy

SLATE # (Form C-217) P.P. PD

MAY

SUM
YOU
Bull
Chai
FA

11-16-87 *Ula*

	<i>1/2</i>
	<i>30 days jail. 500 - 1</i>
	<i>Days susp 2B - 400</i>
	<i>off fine susp 4B - 1</i>
	<i>has...</i>

DATE JUDGE PROCEEDINGS

JUN 09 1987 TIME TO CC

RA JT 8/18/87

9 AM

AUG 18 1987 TIME WAIVED

AUG 18 1987 RA 9-23-87 10 AM

10-17-87

OCT 07 1987 RA 11-9-87

10 AM JT

JUN 09 1987

Cas called for Trial
jury denied and by present
w/ counsel / Terbeck - Trial
continued - witnesses called
Eckhart admitted - Both parties
rested by grand jury -

ow

FA | | | | | YOU
 Build Chair

SUM

8718

DATE-JUDGE

PROCEEDINGS

Nov 10, 1987 D elected to proceed
 & sentencing w/o PST

30 days jail. \$500⁰⁰ + Cost
 Day susp GB - 480⁰⁰
 off fine susp GB - 17
 placed on ~~for~~ non reporting
 probation for one
 year - D to have no
 contact w/ either c/a
 during probation period
 stay on job + work

for 45 days
 COFFIC 12/28/87
 RIDGE T. E. RESTIVO

11-20-87 MNT + motion COMPUTER MJC
 to Amend complaint filed - Fa Judge
 Restivo - Please Note + his case MJC
 ENF. Date of 12-28-87 REJ

NOV 23 1987 ASSIGNED TO WASYLIK

9137-87

on the meter for new
trial and to amend to
complaint
The court finds the

DATE-JUDGE

PROCEEDINGS

2-11-88

RA Conf F+C

3-30-88

on Comp 2-26-88

WJ

PAYMENT RECEIVED

DATE 2/26/88

AMT 248.60 (299)

RECEIPT #

219183

ON COMPUTER

CLERK

1007.00

35.00

14.50

5.00

22.00

72.00 WRT.

248.60

STATE OF OHIO LUCAS COUNTY
CITY OF TOLEDO

TICKET NUMBER

CASE NO. 99-0811-33

- TOLEDO MUNICIPAL COURT
- LUCAS COUNTY JUVENILE COURT

NAME Gregory A. Thibault
STREET _____
CITY - ST. _____

LICENSE NUMBER _____
LICENSE ISSUED MO. _____ YR. _____ EXPIRES BIRTHDATE 19____ STATE _____

SOC. SEC. NO. _____ A.O. _____ DAY _____ BIRTHDATE _____ YR. _____
SEX _____ HEIGHT _____ WEIGHT _____ HAIR _____ EYES _____
LICENSE TYPE _____
RESTRICTIONS: CORR. FMS HAND CONT. POW. STEER. AUTO. DRIVE DAY/LITE ONLY Oper. Chauff. Prob. T.P.

OTHER _____
TO DEFENDANT: COMPLAINT
ON _____ 197____ AT _____ M. YOU OPERATED PARKED
A VE- PASS. CYCLE COMM. BUS YR. _____ MAKE _____ BODY TYPE _____
HICLE _____

COLOR _____ LIC. 129 STATE _____
UPON A PUBLIC HIGHWAY, NAMELY _____

AT/BETWEEN _____ M.P. _____

IN THE CITY OF TOLEDO, IN LUCAS COUNTY AND STATE OF OHIO, AND COMMITTED THE FOLLOWING OFFENSE:

- SPEED Unreasonable for conditions (MPH in MPH zone) Unable to stop in assured clear distance ahead.
- Radar Electric Timer Mech. Timer Moving Clock
- IMPROPER TURN Left Right No signal Wrong lane U-Turn Prohibited
- DISOBEYED TRAFFIC SIGNAL OR DEVICE Stop sign Yield sign Red light
- IMPROPER PASSING At intersection Hill Cut in Curve No passing zone On right
- IMPROPER LANE USAGE Change of course Cut out Lane straddling
- FAILED TO YIELD RIGHT OF WAY FOLLOWING TOO CLOSELY OPERATED WITHOUT REGARD TO SAFETY (DESCRIBE BELOW)

DESCRIPTION OF OFFENSE
Red light

IN VIOLATION OF SEC. NO. _____ TOLEDO MUNICIPAL CODE OHIO REVISED CODE

PAVEMENT Dry Wet Snow Ice
VISIBILITY Clear Rain Fog Night Cloudy Snow Dust

TRAFFIC Crossing Light None Oncoming Heavy Pedestrian Same direction Moderate

AREA Rural Business School Residential Industrial

ROAD SURFACE Asphalt Gravel Brick Divided Concrete Dirt Width _____ Ft. No. of lanes _____

ACCIDENT Yes Property damage Vehicle No Injury Fixed object Almost caused Fatal Pedestrian

YOU ARE SUMMONED AND ORDERED TO APPEAR AT THE TO DEFENDANT SUMMONS
 TOLEDO MUNICIPAL COURT, 885 N. ERIE STREET, TOLEDO, OHIO 43624
 LUCAS COUNTY JUVENILE COURT, 428-10th STREET, TOLEDO, OHIO 43624

UNIT _____ defendant on _____ 197____

COURT DATE _____ 197____ A.M. / P.M.
MONTH _____ DAY _____ P.M.
IF YOU FAIL TO APPEAR AT THIS TIME AND PLACE YOU MAY BE ARRESTED. This summons served personally on the

ISSUING/CHARGING LAW ENFORCEMENT OFFICER, BADGE NO _____ COURT RECORD SEE REVERSE SIDE OF SUMMONS

CASE NO. _____ DOCKET NO. _____ PAGE NO. _____

DATE	COURT ACTION AND OTHER ORDERS
	Bail set at \$ _____ SIGNATURE _____
	Bail in the amount of \$ _____ posted as security for Court appearance. <input type="checkbox"/> Cash <input type="checkbox"/> Guaranteed Arrest Bond <input type="checkbox"/> Other: \$ 5.00 SIGNATURE OF PERSON GIVING BAIL _____ SIGNATURE OF PERSON TAKING BAIL _____
	Def't Atty. _____
	Continued to _____ Reason _____
	Def't Arraigned: Plea _____ Set for trial: _____ Jury: _____ SIGNATURE OF JUDGE _____
	Subsequent Orders _____

MAY 17 1989

Defendant in Court with attorney Joneson
Defendant pled no contest found guilty.
 Referred to Probation
Sentenced to: 15 months
SA 405/15/89

Denise Dartt

DENISE DARTT, JUDGE

I hereby certify that this is a true & correct copy of the affidavit filed in the above entitled cause.

HARRY KESSLER
Clerk Municipal C.

BY Gregory A. Thibault

STATE OF OHIO LUCAS COUNTY
CITY OF TOLEDO

TOLEDO MUNICIPAL COURT
 LUCAS COUNTY JUVENILE COURT

TICKET NUMBER
CASE NO. 150511-23

NAME Joseph Masimore
STREET _____
CITY-ST. _____

LICENSE NUMBER _____
LICENSE ISSUED MO. _____ YR. _____ EXPIRES BIRTHDATE 19____ STATE _____

SOC. SEC. NO. _____ MO. _____ DAY _____ YR. _____

SEX _____ HEIGHT _____ WEIGHT _____ HAIR _____ EYES _____ BIRTHDATE _____ LICENSE TYPE _____

LICENSE RESTRICTIONS COMB. FMS HAND CONT. POW. STEER. AUTO. DRIVE DAY/LITE ONLY Open Cl. out. Prob. T.P.

OTHER _____

TO DEFENDANT: COMPLAINT

ON _____ 197__ AT _____ M. YOU OPERATED PARKED
A VE- PASS. CYCLE COMM. BUS YR. _____ MAKE _____ BODY TYPE _____

COLOR _____ LIC. 1303 STATE _____
UPON A PUBLIC HIGHWAY, NAMELY _____

AT/BETWEEN _____ M.P. _____

IN THE CITY OF TOLEDO, IN LUCAS COUNTY AND STATE OF OHIO, AND COMMITTED THE FOLLOWING OFFENSE:

SPEED Unreasonable for conditions (MPH in MPH zone)
 Unable to stop in assured clear distance ahead.
 Radar Electric Timer Mech. Timer Moving Clock

IMPROPER TURN Left No signal U-Turn
 Right Wrong lane Prohibited

DISOBEYED TRAFFIC SIGNAL OR DEVICE Stop sign Yield sign
 Red light _____

IMPROPER PASSING At intersection Hill Cut in
 Curve No passing zone On right

IMPROPER LANE USAGE Change of course Cut out Straddling

FAILED TO YIELD RIGHT OF WAY FOLLOWING TOO CLOSELY OPERATED WITHOUT REGARD TO OTHERS (DESCRIBE BELOW)

DESCRIPTION OF OFFENSE
Failed to yield right of way
6/1/2025

IN VIOLATION OF SEC. NO. _____ TOLEDO MUNICIPAL CODE OHIO REVISED CODE

PAVEMENT Dry Wet Snow Ice

VISIBILITY Clear Rain Fog Night
 Cloudy Snow Dusk

TRAFFIC Crossing Light None
 Oncoming Heavy Pedestrian
 Same direction Moderate

AREA Rural Business School
 Residential Industrial

ROAD SURFACE Asphalt Gravel Brick Divided
 Concrete Dirt Width _____ Ft. No. of lanes _____

ACCIDENT Yes Property damage Vehicle
 No Injury Fixed object
No. _____ Almost caused Fatal Pedestrian

AMENDED

SUMMONED AND ORDERED TO APPEAR AT THE TO DEFENDANT SUMMONS

MUNICIPAL COURT, THE STREET, TOLEDO, OHIO 43624
CITY JUVENILE COURT, ST. TOLEDO, OHIO 43624

enforcement officer states _____ and falsification that _____ and that it is true.

COURT DATE 197__ A.M.
MONTH _____ DAY _____ P.M.

IF YOU FAIL TO APPEAR AT THIS TIME AND PLACE YOU MAY BE ARRESTED. This summons served personally on the

UNIT _____ defendant on _____ 197__

COURT RECORD
SEE REVERSE SIDE OF SUMMONS

LAW ENFORCEMENT OFFICER, BADGE NO _____

CASE NO. _____ DOCKET NO. _____ PAGE _____

DATE _____ COURT ACTION AND OTHER ORDERS

Bail set at \$ _____
SIGNATURE _____

Bail in the amount of \$ _____ posted as security for Court appearance.
 Cash Guaranteed Arrest Bond Other \$ _____

SIGNATURE OF PERSON GIVING BAIL _____
SIGNATURE OF PERSON TAKING BAIL _____

Def't Atty. _____

Continued to _____ Reason _____

Def't Arraigned: Plea _____
Set for trial: _____

Jury: _____ SIGNATURE OF JUDGE _____

Subsequent Orders _____

Upon the recommendation of Prosecutor and with the concurrence of the defendant and his/her counsel, this affidavit is hereby amended to reflect a violation of Section 333.03 T.M.C./O.R.C. John [unclear] report Defendant present in court with Attorney R. Henderson plea of NC tendered to charge as amended. Finding of guilty entered in response thereto.
To Probation for presentence report; bond continued.
Sentenced to: \$15,000 warts
Start to 5/18/25

Denise Dartt
DENISE DARTT, JUDGE

I hereby certify that this is a true and correct copy of the _____ filed in the above entitled cause.
HARRY KESSLER
Clerk Municipal Court

BY _____
DEPUTY CLERK

STATE OF OHIO LUCAS COUNTY
CITY OF TOLEDO

TOLEDO MUNICIPAL COURT
 LUCAS COUNTY JUVENILE COURT
COMPUTER D.S.A.

TICKET NUMBER
CASE NO. TR 19-08111-
Thommy

NAME *Gregory S. Henderson* *0103*

STREET _____

CITY ST _____

LICENSE NUMBER _____

LICENSE ISSUED MO. _____ YR. _____ EXPIRES BIRTHDATE 19. _____ STATE _____

SEX _____ HEIGHT _____ WEIGHT _____ HAIR _____ EYES _____ BIRTHDATE _____ LICENSE TYPE _____

CLASSIFICATION CORR. HAND CONT. POW. STEER. AUTO. DRIVE DAYLIGHT ONLY Other Prob. T.P.

OTHER TO DEFENDANT COMPLAINT

ON _____ AT _____ M. YOU OPERATED PARKED WALKED

A VE. _____ PASSENGER _____ CYCLE _____ COMM. _____ BUS YR. _____ MAKE _____ BODY TYPE _____

CLASSIFICATION _____ LIC. _____ STATE _____

UPON A PUBLIC HIGHWAY, NAMELY _____

AT BETWEEN _____ (M.P.) _____

IN THE CITY OF TOLEDO, IN LUCAS COUNTY AND STATE OF OHIO, AND COMMITTED THE FOLLOWING OFFENSE:

SPEED Unreasonable or careless driving (MPH in MPH zone) Unable to stop assured clear distance ahead. Radar Excess Timer Mech. Timer Moving Clock

IMPROPER TURN Right Left No signal Wrong lane U-Turn Prohibited

DISOBEYED TRAFFIC SIGNAL OR DEVICE Stop sign Stop sign Red light Yield sign Red light

IMPROPER PASSING At intersection Hill Cut in Curve No passing zone On right

IMPROPER LANE USAGE Change of course Curved Lane straddling

FAILED TO YIELD RIGHT OF WAY FOLLOWING TOO CLOSELY OPERATED WITHOUT REGARD TO SAFETY (DESCRIBE BELOW)

DESCRIPTION OF OFFENSE _____

IN VIOLATION OF SEC. NO. _____ TOLEDO MUNICIPAL CODE OHIO REVISED CODE

PAVEMENT Dry Wet Snow Ice

VISIBILITY Clear Rain Fog Night Cloudy Snow Dusk

TRAFFIC Crossing Light None Crossing Heavy Pedestrian Same direction Moderate

AREA Rural Business School Residential Industrial

ROAD SURFACE Asphalt Gravel Brick Divided Concrete Dirt Width _____ Ft. No. of lanes _____

ACCIDENT Yes Property damage Vehicle No Injury Fixed object Almost caused Fatal Pedestrian

YOU ARE SUMMONED AND ORDERED TO APPEAR AT THE TO DEFENDANT SUMMONS

TOLEDO MUNICIPAL COURT, 868 N. ERIE STREET, TOLEDO, OHIO 43624

LUCAS COUNTY JUVENILE COURT, 426-10th STREET, TOLEDO, OHIO 43624

The issuing-charging law enforcement officer states under the penalties of perjury and justification that he has read the above complaint and that it is true.

COURT DATE 1977 _____ A.M. _____ P.M.

IF YOU FAIL TO APPEAR AT THIS TIME AND PLACE YOU MAY BE ARRESTED. This summons served personally on the

UNIT _____ defendant on _____ 1977

COURT RECORD SEE REVERSE SIDE OF SUMMONS

CASE NO. _____ DOCKET NO. _____ PAGE NO. _____

DATE _____ COURT ACTION AND OTHER ORDERS

Bail set at \$ _____ SIGNATURE _____

Bail in the amount of \$ _____ posted as security for Court appearance.

Cash Guaranteed Arrest Bond Other

SIGNATURE OF PERSON GIVING BAIL _____

SIGNATURE OF PERSON TAKING BAIL _____

Def't Atty. _____ 15.00

Continued to _____ Reason _____

Def't Arraigned: Plea _____

Set for trial: _____

Jury: _____ SIGNATURE OF JUDGE _____

Subsequent Orders _____

2-25-79

Case continued for pros PIT for Judge Restivo

Cont to 5/17 at 9:20 am for pros PIT.

BK Clerk to notify counsel

3/3/79 Henderson, et al

Case summary restored

Pending Disposition of Case

Signature of Court Clerk

Signature of Judge

Signature of Court Clerk

Signature of Judge

Signature of Court Clerk

Signature of Judge

SUBPOENA ISSUED APR 3 1989

I hereby certify that this is a correct copy of the affidavit filed in the above entitled cause.

HARRY KESSLER Clerk Municipal Court

Signature of Deputy Clerk

DEPUTY CLERK

3-3-89

[Handwritten signature]
Kw

COMPUTER R.T.

MAY 17 1989

Upon the recommendation of Police
and with the concurrence of the defendant and
his/her counsel, this affidavit is hereby amended
to reflect a violation of Section 333.01(B)
T.M.C./O.R.C.: By letter
Defendant present in court with Attorney
Renderson
plea of Not tendered to charge as
amended. Finding of guilty entered in response
thereto.

To Probation for presentence report; bond
continued.
Sentenced to:

Defendant present in court with attorney
R. Renderson

Statements made prior to imposition of sentence.
Defendant sentenced, pursuant to Sections
393.99, T.M.C. and 4511.03(A)(1), O.R.C., to
3 days, T.H.C., with a release to Probation to
schedule those days in the D.W.I. Program; and a
fine of \$ 350 and costs. Stay on for M & C
to 5/18/89

[Handwritten signature]
DENISE DARTT, JUDGE

DWI Prog. 7/20/89

JUL 19 1989

COMPUTER D.S.A.

COMMITMENT TYPED *[Handwritten signature]*

Days served

I hereby certify that this is a true and
correct copy of the affidavit
filed in the above entitled cause.
HARRY KESSLER
Clerk, Municipal Court

BY *[Handwritten signature]*

MAUMEE MUNICIPAL COURT
410 CONANT STREET
MAUMEE, OHIO 43537
419-893-8751

90-1451
-19-91
①

TO: MEDICAL BOARD STATE OF OHIO

CERTIFICATION

I, Marie E. Holt, Clerk of the Maumee Municipal Court and in whose custody the files, journals and records of said Court are required by the laws of the State of Ohio to be kept, hereby certify that the foregoing is truly taken and correctly copied from the journal of the proceedings of the Maumee Municipal Court, that the foregoing copy has been compared by me with the original copy and that the same is a full and complete transcript thereof.

In testimony whereof I have hereunto subscribed my name officially and affixed the seal of the Maumee Municipal Court on 19 Feb 1991 .



Marie E. Holt, Clerk

6-20-89 Defendant appeared with his attorney, Ronald Henderson. Defendant pled not guilty to both charges. Pursuant to the defendant's request, this case is continued for a pretrial conference on 6-28-89 at 4 p.m. Defendant's O.R. bond is continued.

From inquiry made pursuant to Section 4511.191(K) O.R.C., the Court finds that the provisions of that section are applicable in this case and defendant's driver's license should be suspended for the following reasons.

1) On 6-17-89 the defendant was arrested for operating a motor vehicle while under the influence of alcohol and refused to consent to a chemical test of breath to determine alcohol content under Section 4511.191 O.R.C.

2) Defendant was previously convicted of a violation of Section 4511.19 O.R.C. or a municipal ordinance related to operating a motor vehicle while under the influence of alcohol.

In view of the foregoing, the defendant's driver's license is suspended, commencing 6-21-89 at 12:01 a.m. and until further order of this Court and the defendant is granted no occupational driving privileges.

Wendell Allen

Judge

6-28-89 Defendant appeared with his attorney, Ronald Henderson. Pretrial conference was held. Pursuant to the plea bargain agreement of the parties, the defendant pled no contest to the offense charged in the complaint herein. Defendant is found guilty of operating a motor vehicle while under the influence of alcohol

(continued on inside hereof)

IN THE MAUMEE MUNICIPAL COURT

Case No. TR-89-C-05154-1

- (X) State of Ohio
 () City of Maumee
 () Village of Waterville
 () _____

-vs-

Gregory S. Masimore

BOND: _____ (allowed)
 () \$ _____ (no 10% allowed)

POSTED: \$ _____ R.# _____ Date _____

REFUNDED: \$ _____ Ck.# _____ Date _____

- () Surety Bond \$ _____
 (X) O.R. Bond
 () O.L. as bond. Returned
 (X) O.L. seized. Returned 6/28/89
 (X) O.L. surrendered

ptella

Date	PAYMENTS Amount	Receipt No.
<u>9-8-89</u>	<u>\$ 283.00</u>	<u>31703</u>
<u>9-8-89</u>	<u>\$ 2.50</u>	<u>031705</u>
_____	\$ _____	_____
_____	\$ _____	_____

No 5 6-28

MPR
6/22

and/or drugs of abuse in violation of Section 4511.19(A)(1) O.R.C.

This part of this case is continued for a presentence investigation and report by District Services Probation Officer as well as for screening to determine the defendant's eligibility for the Lucas County Work Release Program.

This case having been adjudicated on its merits, the aforesaid pretrial driver's license suspension is terminated, effective immediately.



Judge

7-5-89 Copies sent to D.S.P.O.

8-18-89 Defendant appeared with his attorney, Ronald Henderson, for sentencing on the offense of operating a motor vehicle while under the influence of alcohol and/or drugs of abuse in violation of Section 4511.19(A)(1) O.R.C.

Defendant shall be incarcerated in the Toledo House of Correction for one hundred eighty-two days. Execution of one hundred thirty-seven days of said sentence is suspended, subject to the following conditions:

1) Defendant shall have no further alcohol-related driving offenses within three years of this date.

2) Defendant shall not operate a motor vehicle upon a public highway or street or upon private property used by the public for vehicular traffic, without a valid driver's license within three years of this date.

Defendant shall serve the unsuspended forty-five day portion of said sentence, commencing on 9-19-89 at 7 a.m. After the defendant has served the first full ten day mandatory portion of said sentence, he shall be permitted to serve the balance of said forty-five days in the Work Release Section at the Lucas County Jail, subject to the following restrictions:

continued

Defendant shall be permitted to maintain his present schedule of work as a resident physician at Medical College of Ohio. However, defendant shall receive no incarceration credit for any day that he is not confined at all in the Work Release facility during the hours from 12:01 a.m. to 11:59 p.m. Defendant shall be released from the Work Release facility only for the performance of required duties at Medical College of Ohio and the other hospitals to which he is assigned under such residency program as well as for any seminars that he is required to attend, and defendant shall report back to the Work Release Section immediately upon completion of the performance of his required duties and/or seminars. Defendant's confinement in the Work Release facility shall continue until he has been credited with having served the remaining thirty-five days of incarceration.

Defendant is ordered to pay a fine of \$250.00 and costs of \$33.00 by no later than 9-8-89 at 11 a.m. In the event that the defendant is unable to fully pay said fine and costs by then, he shall appear before this Court at that time to explain the reason for such nonpayment.

Defendant's driver's license is suspended for one year. Defendant is given credit for having suffered eight days of said suspension by virtue of his eight day pretrial driver's license suspension in this case. The remaining three hundred fifty-seven days of said driver's license suspension shall commence on 8-19-89 at 12:01 a.m. Defendant is granted occupational driving privileges as set forth in this Court's written statement of this date, a copy of which is incorporated herein by reference.

continued

Defendant furnished proof of financial responsibility.

FILED - MAUMEE MUNICIPAL COURT AUG 18 1989

Wendell Allen
Judge

8-23-89 File returned to D.S.P.O.

8-31-89 Defendant's motion to modify driving privileges filed.

✓
9-8-89 Defendant appeared with his attorney, Ronald Henderson, for hearing on the defendant's motion for modification of occupational driving privileges. Hearing was held. Upon consideration of said motion, the Court finds that it is well taken and should be granted. Defendant is granted modified occupational driving privileges as set forth in this Court's written notice of this date, a copy of which is incorporated herein by reference.

Wendell Allen
Judge

✓
12-29-89 Defendant admitted that he drove outside the occupational driving privileges granted to him by this Court. In view of the foregoing, the defendant's occupational driving privileges are rescinded. The defendant shall not be granted any further occupational or other restricted driving privileges throughout the remainder of the aforesaid suspension. The defendant was admonished that in the event that
continued . . .

he does so, he is subject to
this Court ordering execution of
the one hundred thirty-seven
day suspended portion of his
sentence.



Judge



STATE MEDICAL BOARD OF OHIO

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

May 8, 1991

Gregory S. Masimore, M.D.
2342 Cadwallader
Cortland, OH 44410

Dear Doctor Masimore:

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 November 9, 1987 you were convicted of assault, a fourth degree misdemeanor, in Franklin County Municipal Court. (A copy of the conviction is attached hereto and fully incorporated herein.)

Such 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.

- (2) In your application to practice medicine and surgery in the State of Ohio, submitted August 8, 1990, you answered "No" to question 12, which asked "(a)re you now or have you ever been addicted to or excessively used alcohol, narcotics, barbiturates, or other drugs affecting the central nervous system, or any drugs which may cause physical or psychological dependence."

In fact, on or about May 17, 1989 you were convicted in Toledo Municipal Court of a violation of Section 333.01B, Toledo Municipal Code, "physical control while intoxicated". In addition, on or about August 18, 1989 you were convicted in Maumee Municipal Court of "driving while intoxicated" in violation of Section 4511.19(A)(1), Ohio Revised Code. (Copies of both convictions are attached hereto and fully incorporated herein.)

Mailed 5/9/91

May 8, 1991

In the aforementioned application, you answered in part to question 16 which asked "Have you ever been convicted or been found guilty of a violation of federal law, state law, or municipal ordinance other than a minor traffic violation?" that in May 1989 you were "(c)onvicted of Physical Control with failure to file an immediate accident report regarding a minor motor vehicle accident with sentence to driving program course".

In fact, on or about May 17, 1989 you were convicted in Toledo Municipal Court of a violation of Section 333.01B, Toledo Municipal Code, "physical control while intoxicated."

Such acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code.

Further, such acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

- (3) On or about February 25, 1989 you were issued citations for failure to stop at a red light, failure to file an accident report and physical control of a motor vehicle while intoxicated. Subsequently, on May 17, 1989 you were convicted in Toledo Municipal Court of a violation of Section 313.03, Toledo Municipal Code, "failure to stop at a red light", a violation of Section 335.12, Toledo Municipal Code, "failure to file an immediate accident report" and a violation of Section 333.01, Toledo Municipal Code, "physical control while intoxicated". (Copies of the aforesaid convictions are attached hereto and fully incorporated herein.)
- (4) On or about August 18, 1989 you were convicted in Maumee Municipal Court of driving while intoxicated in violation of Section 4511.19(A)(1), Ohio Revised Code.

May 8, 1991

- (5) As part of your sentence for the conviction alleged in paragraph (4), above, your license to operate a motor vehicle was suspended and you were afforded only occupational driving privileges.

Nevertheless, on or about December 2, 1989 you were involved in a motor vehicle accident outside the geographic boundaries of those privileges. Subsequently, on or about December 29, 1989 these driving privileges were rescinded. (A copy of the rescission is attached hereto and fully incorporated herein.)

Such acts, conduct, and/or omissions as alleged in paragraphs (1) through (5) above, individually and/or collectively constitute a failure to provide evidence of good moral character as required by Section 4731.08, 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 (30) days of the time of mailing of this notice.

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

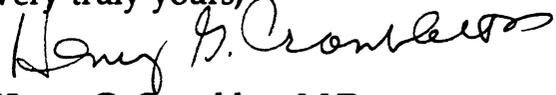
In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate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

May 8, 1991

George S. Masimore, M.D.
Page 4

Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Henry G. Cramblett".

Henry G. Cramblett, M.D.
Secretary

HGC:jmb
Enclosures:

CERTIFIED MAIL #P 055 328 887
RETURN RECEIPT REQUESTED

MAY

WILLIAM J. DANSON, CLERK
9137-1

CASE # _____
FRANKLIN COUNTY MUNICIPAL COURT
CLERK

on 9i motor of
trial and to a
complaint
The court for

DATE-JUDGE

JUDGE: M / PROCEEDINGS

AFFIDAVIT: COMPLAINT FILED

15 1987 NOT GUILTY PLEA
DEMAND FOR TRIAL BY JURY
TIME NOT WAIVED

MAY 15 1987 ON COMPUTER

MAY 15 1987 ASSIGNED TO WASYLIK
b-9-130(7)

9-57 time to c
RA T 5(198) 2A7

Wasylik

RELEASE INFORMATION

BAIL _____ PAGE _____

BOND _____ DATE _____

RECOG. _____ I.D. # _____

Q.W. _____

SLATE NO. SUMMONS

CASE # 9137-1
FRANKLIN COUNTY MUNICIPAL COURT

THE CITY OF COLUMBUS VS

Name GREGORY MASTMORE

Address 61 E. NITHOFF ST., Col. - 43206-

Description W/M, 300-50-1509 11/16/59
COMPLAINT

CHARGE ASSAULT
THE STATE OF OHIO } ss
FRANKLIN COUNTY }
CITY OF COLUMBUS }

Complainant being duly sworn states that

GREGORY MASTMORE

at Columbus, Ohio, on or about the 25th day of

APRIL 1987 did KNOWINGLY CAUSE PHYSICAL

HARM TO ANOTHER, TO WIT: DAVID SMALL,

BY MEANS OF GRABBING AND SHOVING

HIM

in violation of C. C. 2303.01 (11-1)

Complainant X David Small

Address 63 E. NITHOFF Col. - 43206-

Sworn to and subscribed before me, this

30 day of APRIL A.D., 1987

W. J. DANSON
Clerk of The Franklin County Municipal Court

By [Signature], Deputy

SLATE # _____ PRA (P)

(Form C-217)

MAY

YOU Built Chair
FA

11-16-87 *Uea*

	<i>J/Amberly w/o PS</i>
	<i>30 days jail - 500 - 1</i>
	<i>Days susp GB - 480</i>
	<i>off fine susp GB - 1</i>

DATE JUDGE PROCEEDINGS

JUN 09 1987	<i>TIME TO CC</i>
	<i>RA JT 8/18/87</i>
	<i>9 AM</i>
AUG 18 1987	<i>TIME WAIVED</i>
AUG 18 1987	<i>RA 9-23-87 10 AM</i>
	<i>10-17-87</i>
OCT 07 1987	<i>RA 11-9-87</i>
	<i>10 AM JT</i>
<i>Wey</i>	
NOV 09 1987	<i>Case called for Trial</i>
	<i>Jury demand did of present</i>
	<i>w/ counsel Terbeck - Trial</i>
	<i>commenced - witnesses called</i>
	<i>Evidence admitted - Both parties</i>
	<i>rested of final speaking -</i>

ow

YOU
Build
Chair
FA

SUM

87/8

DATE JUDGE PROCEEDINGS

Mr 10.1987 D elected to proceed
S/Anthony w/o PST

30 days jail. 500⁰⁰ + Cost

Days susp GB - 400⁰⁰

and fine susp GB - 17

placed on probation for one

year - D to have no

contact w/ either c/a

during probation period

Buy on fire + cash

for 45 days

ENF 12/28/87
JUDGE F. E. RESTIVO

11-20-87 MNT + MATCH COMPUTER MIC

to Amend complaint filed - Fa judge

Restivo - Please Note + his Case Nos

ENF Date of 12-28-87 RJ

NOV 23 1987 ASSIGNED TO WASYLIK

9137-87

on Di motor for run
trial and to ensure to
compleat
The court finds the

DATE-JUDGE

PROCEEDINGS

2-11-88

RA Conf F & C

3-30-88

leg

On Comp 2-26-88

PAYMENT RECEIVED

DATE 2/26/88

AMT 248.60 (298)

RECEIPT #

219183

ON COMPUTER

CLERK

100 F.
35.00
14 ST.
5.00
22 Sub.
72.00 WRT.

248.60

STATE OF OHIO LUCAS COUNTY
CITY OF TOLEDO

- TOLEDO MUNICIPAL COURT
 LUCAS COUNTY JUVENILE COURT

TICKET NUMBER

CASE NO. 89-6811-33

NAME Margery A. Masimac

STREET _____

CITY - ST. _____

LICENSE NUMBER _____

LICENSE ISSUED MO. _____ YR. _____ EXPIRES BIRTHDATE 19____ STATE _____

SOC. SEC. NO. _____ A.O. _____ DAY _____ BIRTHDATE YR. _____

SEX _____ HEIGHT _____ WEIGHT _____ HAIR _____ EYES _____ LICENSE TYPE _____

LICENSE RESTRICTIONS CORR. FNS HAND CONT. POW. STEER. AUTO. DRIVE DAYLITE ONLY Oper. C. conf. Prob. T.P.

OTHER _____

TO DEFENDANT: COMPLAINT

ON _____ 197____ AT _____ M. YOU OPERATED PARKED

A VE- PASS. CYCLE COMM. BUS YR. _____ MAKE _____ BODY TYPE _____

COLOR _____ LIC. _____ STATE _____

UPON A PUBLIC HIGHWAY, NAMELY _____

AT/BETWEEN _____ M.P. _____

IN THE CITY OF TOLEDO, IN LUCAS COUNTY AND STATE OF OHIO, AND COMMITTED THE FOLLOWING OFFENSE:

SPEED Unreasonable for conditions (MPH in ARH zone) Unable to stop in assured clear distance ahead. Radar Electric Timer Mech. Timer Moving Clock

IMPROPER TURN Left Right No signal Wrong lane U-Turn Prohibited

DISOBEYED TRAFFIC SIGNAL OR DEVICE Stop sign Red light Yield sign

IMPROPER PASSING At intersection Curve Mill No passing zone Cut in On right

IMPROPER LANE USAGE Change of course Cut out Lane straddling

FAILED TO YIELD RIGHT OF WAY FOLLOWING TOO CLOSELY OPERATED WITHOUT REGARD TO SAFETY (DESCRIBE BELOW)

DESCRIPTION OF OFFENSE Red light

IN VIOLATION OF SEC. NO. _____ TOLEDO MUNICIPAL CODE OHIO REVISED CODE

PAVEMENT Dry Wet Snow Ice

VISIBILITY Clear Cloudy Rain Snow Fog Dusk Night

TRAFFIC Crossing Oncoming Same direction Light Heavy Moderate None Pedestrian

AREA Rural Residential Business Industrial School

ROAD SURFACE Asphalt Concrete Gravel Dirt Brick Divided Wash Ft. No. of lanes _____

ACCIDENT Yes No Property damage Injury Almost caused Fatal Vehicle Fixed object Pedestrian

YOU ARE SUMMONED AND ORDERED TO APPEAR AT THE TO DEFENDANT SUMMONS

TOLEDO MUNICIPAL COURT, 888 N. ERIE STREET, TOLEDO, OHIO 43624

LUCAS COUNTY JUVENILE COURT, 438-10th STREET, TOLEDO, OHIO 43624

The issuing-charging law enforcement officer states under the penalties of perjury and falsification that he has read the above complaint and that it is true.

UNIT _____ Defendant on _____ 197____

COURT DATE _____ 197____ A.M. _____ P.M.

IF YOU FAIL TO APPEAR AT THIS TIME AND PLACE YOU MAY BE ARRESTED. This summons served personally on the

ISSUING-CHARGING LAW ENFORCEMENT OFFICER, BADGE NO _____

COURT RECORD SEE REVERSE SIDE OF SUMMONS

CASE NO. _____ DOCKET NO. _____ PAGE NO. _____

DATE _____ COURT ACTION AND OTHER ORDERS

Bail set at \$ _____

SIGNATURE _____

Bail in the amount of \$ _____ posted as security for Court appearance.

Cash Guaranteed Arrest Bond Other 15.00

SIGNATURE OF PERSON GIVING BAIL _____

SIGNATURE OF PERSON TAKING BAIL _____

Def't Atty. _____

Continued to _____ Reason _____

Def't Arraigned: Plead _____

Set for trial: _____

Jury: _____ SIGNATURE OF JUDGE _____

Subsequent Orders _____

MAY 17 1989

Defendant in Court with attorney Denison
Defendant pled no contest found guilty.
 Referred to Probation
 Sentenced to: 15 months
May 20 5/18/89

Denise Darrt

DENISE DARRT, JUDGE

I hereby certify that this is a true & correct copy of the affidavit filed in the above entitled cause.

HARRY KESSLER
Clerk Municipal C.

BY _____

- TOLEDO MUNICIPAL COURT
- LUCAS COUNTY JUVENILE COURT

CASE NO. 12-17-0511-23

NAME Joseph Masimore

STREET _____
CITY - ST. _____

LICENSE NUMBER _____

LICENSE ISSUED MO. _____ YR. _____ EXPIRES BIRTHDATE 19 _____ STATE _____

SOC. SEC. NO. _____ M.O. _____ DAY _____ YR. _____

SEX _____ HEIGHT _____ WEIGHT _____ HAIR _____ EYES _____ BIRTHDATE (LICENSE TYPE)
 Oper. Chauff. Prob. T.P.
 LICENSE RESTRICTIONS CORR. LENS HAND CONT. POW. STEER. AUTO. DRIVE DAYLIGHT ONLY

OTHER _____ TO DEFENDANT: COMPLAINT

ON _____ 197 _____ AT _____ M. YOU OPERATED PARKED
 WALKED
 A VE. PASS. CYCLE COMM. BUS YR. _____ MAKE _____ BODY TYPE _____

COLOR _____ LIC. 122 STATE _____
 UPON A PUBLIC HIGHWAY, NAMELY _____

AT/BETWEEN _____ M.P. _____

IN THE CITY OF TOLEDO, IN LUCAS COUNTY AND STATE OF OHIO, AND COMMITTED THE FOLLOWING OFFENSE:

SPEED Unreasonable for conditions MPH in _____ MPH zone)
 Unable to stop in assured clear distance ahead.
 Radar Electric Timer Mech. Timer Moving Clock

IMPROPER TURN Left No signal U-Turn
 Right Wrong lane Prohibited

DISOBEYED TRAFFIC SIGNAL OR DEVICE Stop sign Yield sign
 Red light _____

IMPROPER PASSING At intersection Hill Cut in
 Curve No passing zone On right

IMPROPER LANE USAGE Change of course Cut out Straddling

FAILED TO YIELD RIGHT OF WAY FOLLOWING TOO CLOSELY OPERATED WITHOUT REGARD TO SAFETY (DESCRIBE BELOW)

DESCRIPTION OF OFFENSE

Failed to yield immediately
to a red light

IN VIOLATION OF SEC. NO. _____ TOLEDO MUNICIPAL CODE OHIO REVISED CODE

PAVEMENT Wet Snow Ice

VISIBILITY Cloudy Rain Fog Night
 Snow Dusk

TRAFFIC Crossing Light None
 Oncoming Heavy Pedestrian
 Same direction Moderate

AREA Rural Business School
 Residential Industrial

ROAD SURFACE Asphalt Gravel Brick Divided
 Concrete Dirt Width _____ Ft. No. of lanes _____

ACCIDENT Yes Property damage Vehicle
 No Injury Fixed object
 Almost caused Fatal Pedestrian

SUMMONED AND ORDERED TO APPEAR AT THE TO DEFENDANT SUMMONS

MUNICIPAL COURT, _____ STREET, TOLEDO, OHIO 43624

JUVENILE COURT, _____ STREET, TOLEDO, OHIO 43624

enforcement officer states _____ and falsification that _____ and that it is true.

UNIT _____ defendant on _____ 197 _____

COURT RECORD SEE REVERSE SIDE OF SUMMONS

LAW ENFORCEMENT OFFICER, BADGE NO _____

DATE	COURT ACTION AND OTHER ORDERS
	Bail set at \$ _____ SIGNATURE _____
	Bail in the amount of \$ _____ posted as security for Court appearance. <input type="checkbox"/> Cash <input type="checkbox"/> Guaranteed Arrest Bond <input type="checkbox"/> Other \$ _____ SIGNATURE OF PERSON GIVING BAIL _____ SIGNATURE OF PERSON TAKING BAIL _____
	Def't Atty. _____
	Continued to _____ Reason _____
	Def't Arraigned: Plea _____ Set for trial: _____
	Jury: _____ SIGNATURE OF JUDGE _____

Subsequent orders _____

Upon the recommendation of Prison and with the concurrence of the defendant and his/her counsel, this affidavit is hereby amended to reflect a violation of Section 333.05 T.W.C. James Andrew Taylor Defendant present in court with Attorney R. Henderson plea of NC tendered to charge as amended. Finding of guilty entered in response thereto.

To Probation for presentence report; bond continued.
 Sentenced to: \$15,000 w/mt's
Start 40 5/18/89

Denise Dart
DENISE DART, JUDGE

I hereby certify that this is a true and correct copy of the _____ filed in the above entitled case.
 HARRY KESSLER
 Clerk Municipal Court

BY [Signature]
DEPUTY CLERK

3-2-3

[Handwritten signature]

COMPUTER R.T.

KW

MAY 17 1989

Upon the recommendation of Police
and with the concurrence of the defendant and
his/her counsel, this affidavit is hereby amended
to reflect a violation of Section 333.01(B)
T.M.C./O.R.C.: Plus conduct
Defendant present in court with Attorney
Renderson

plea of Ne tendered to charge as
amended. Finding of guilty entered in response
thereto.

To Probation for presentence report; bond
continued.
Sentenced to:

Defendant present in court with attorney
R. Renderson

Statements made prior to imposition of sentence.
Defendant sentenced, pursuant to Sections
303.99, T.M.C. and 4511.03(A)(1), O.R.C., to
3 days, T.H.C., with a release to Probation to
schedule those days in the D.W.I. Program; and a
fine of \$ 350 and costs. *Stay on fine & CC*

to 5/18/89

Denise Dartt

DENISE DARTT, JUDGE

DWI Prog. 7/20/89

JUL 19 1989

COMPUTER D.S.A.

COMMITMENT TYPED *[Signature]*

Days served

I hereby certify that this is a true and
correct copy of the affidavit
filed in the above entitled cause.

HARRY KESSLER
Clerk Municipal Court

BY *[Signature]*

90-1451
-19-91
①

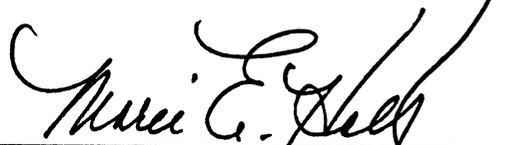
MAUMEE MUNICIPAL COURT
410 CONANT STREET
MAUMEE, OHIO 43537
419-893-8751

TO: MEDICAL BOARD STATE OF OHIO

CERTIFICATION

I, Marie E. Holt, Clerk of the Maumee Municipal Court and in whose custody the files, journals and records of said Court are required by the laws of the State of Ohio to be kept, hereby certify that the foregoing is truly taken and correctly copied from the journal of the proceedings of the Maumee Municipal Court, that the foregoing copy has been compared by me with the original copy and that the same is a full and complete transcript thereof.

In testimony whereof I have hereunto subscribed my name officially and affixed the seal of the Maumee Municipal Court on 19 Feb 1991 .



Marie E. Holt, Clerk

Case No. TR-89-C-05154-1

- State of Ohio
- City of Maumee
- Village of Waterville
- _____

-vs-

Gregory S. Masimore

6-20-89 Defendant appeared with his attorney, Ronald Henderson. Defendant pled not guilty to both charges. Pursuant to the defendant's request, this case is continued for a pretrial conference on 6-28-89 at 4 p.m. Defendant's O.R. bond is continued.

From inquiry made pursuant to Section 4511.191(K) O.R.C., the Court finds that the provisions of that section are applicable in this case and defendant's driver's license should be suspended for the following reasons.

1) On 6-17-89 the defendant was arrested for operating a motor vehicle while under the influence of alcohol and refused to consent to a chemical test of breath to determine alcohol content under Section 4511.191 O.R.C.

2) Defendant was previously convicted of a violation of Section 4511.19 O.R.C. or a municipal ordinance related to operating a motor vehicle while under the influence of alcohol.

In view of the foregoing, the defendant's driver's license is suspended, commencing 6-21-89 at 12:01 a.m. and until further order of this Court and the defendant is granted no occupational driving privileges.

Wendell Allen

Judge

6-28-89 Defendant appeared with his attorney, Ronald Henderson. Pretrial conference was held. Pursuant to the plea bargain agreement of the parties, the defendant pled no contest to the offense charged in the complaint herein. Defendant is found guilty of operating a motor vehicle while under the influence of alcohol

(continued on inside hereof)

BOND: _____ (allowed)
 \$ _____ (no 10% allowed)

POSTED: _____
 \$ _____ R.# _____ Date _____

REFUNDED: _____
 \$ _____ Ck.# _____ Date _____

- Surety Bond \$ _____
- O.R. Bond
- O.L. as bond. Returned _____
- O.L. seized. Returned 6/28/89
- O.L. surrendered

ptella

Date	PAYMENTS Amount	Receipt No.
<u>9-8-89</u>	\$ <u>283.00</u>	<u>31703</u>
<u>9-8-89</u>	\$ <u>2.50</u>	<u>031705</u>
_____	\$ _____	_____
_____	\$ _____	_____

No 5 6-28

*MP2
6/22*

and/or drugs of abuse in violation of Section 4511.19(A)(1) O.R.C.

This part of this case is continued for a presentence investigation and report by District Services Probation Officer as well as for screening to determine the defendant's eligibility for the Lucas County Work Release Program.

This case having been adjudicated on its merits, the aforesaid pretrial driver's license suspension is terminated, effective immediately.



Judge

7-5-89 Copies sent to D.S.P.O.

8-18-89 Defendant appeared with his attorney, Ronald Henderson, for sentencing on the offense of operating a motor vehicle while under the influence of alcohol and/or drugs of abuse in violation of Section 4511.19 (A)(1) O.R.C.

Defendant shall be incarcerated in the Toledo House of Correction for one hundred eighty-two days. Execution of one hundred thirty-seven days of said sentence is suspended, subject to the following conditions:

1) Defendant shall have no further alcohol-related driving offenses within three years of this date.

2) Defendant shall not operate a motor vehicle upon a public highway or street or upon private property used by the public for vehicular traffic, without a valid driver's license within three years of this date.

Defendant shall serve the unsuspended forty-five day portion of said sentence, commencing on 9-19-89 at 7 a.m. After the defendant has served the first full ten day mandatory portion of said sentence, he shall be permitted to serve the balance of said forty-five days in the Work Release Section at the Lucas County Jail, subject to the following restrictions:

continued

Defendant shall be permitted to maintain his present schedule of work as a resident physician at Medical College of Ohio. However, defendant shall receive no incarceration credit for any day that he is not confined at all in the Work Release facility during the hours from 12:01 a.m. to 11:59 p.m. Defendant shall be released from the Work Release facility only for the performance of required duties at Medical College of Ohio and the other hospitals to which he is assigned under such residency program as well as for any seminars that he is required to attend, and defendant shall report back to the Work Release Section immediately upon completion of the performance of his required duties and/or seminars. Defendant's confinement in the Work Release facility shall continue until he has been credited with having served the remaining thirty-five days of incarceration.

Defendant is ordered to pay a fine of \$250.00 and costs of \$33.00 by no later than 9-8-89 at 11 a.m. In the event that the defendant is unable to fully pay said fine and costs by then, he shall appear before this Court at that time to explain the reason for such nonpayment.

Defendant's driver's license is suspended for one year. Defendant is given credit for having suffered eight days of said suspension by virtue of his eight day pretrial driver's license suspension in this case. The remaining three hundred fifty-seven days of said driver's license suspension shall commence on 8-19-89 at 12:01 a.m. Defendant is granted occupational driving privileges as set forth in this Court's written statement of this date, a copy of which is incorporated herein by reference.

continued

Defendant furnished proof of financial responsibility.

FILED - MAUMEE MUNICIPAL COURT AUG 18 1989

Wendell Allen
Judge

8-23-89 File returned to D.S.P.O.

8-31-89 Defendant's motion to modify driving privileges filed.

✓
9-8-89 Defendant appeared with his attorney, Ronald Henderson, for hearing on the defendant's motion for modification of occupational driving privileges. Hearing was held. Upon consideration of said motion, the Court finds that it is well taken and should be granted. Defendant is granted modified occupational driving privileges as set forth in this Court's written notice of this date, a copy of which is incorporated herein by reference.

Wendell Allen
Judge

✓
12-29-89 Defendant admitted that he drove outside the occupational driving privileges granted to him by this Court. In view of the foregoing, the defendant's occupational driving privileges are rescinded. The defendant shall not be granted any further occupational or other restricted driving privileges throughout the remainder of the aforesaid suspension. The defendant was admonished that in the event that

continued . . .

he does so, he is subject to
this Court ordering execution of
the one hundred thirty-seven
day suspended portion of his
sentence.



Judge