



State Medical Board of Ohio

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

June 11, 2003

Anil K. Bajaj, M.D.
Lorain Correctional Institute
#443-040
2075 S. Avon Beldon Road
Grafton, OH 44044

Dear Doctor Bajaj:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of R. Gregory Porter, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on June 11, 2003, 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 must be taken to the Franklin County Court of Common Pleas.

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

THE STATE MEDICAL BOARD OF OHIO

Anand G. Garg, M.D.
Secretary

AGG:jam
Enclosures

CERTIFIED MAIL NO. 7000 0600 0024 5151 1107
RETURN RECEIPT REQUESTED

Cc: 300 Parsippany Road, Apt. 6C
Parsippany, NJ 07054
CERTIFIED MAIL NO. 7000 0600 0024 5151 1213
RETURN RECEIPT REQUESTED

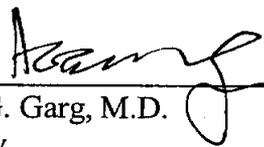
*Mailed 6-12-03
Second Mailing 6/25/03*

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of R. Gregory Porter, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on June 11, 2003, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the Matter of Anil K. Bajaj, 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)



Anand G. Garg, M.D.
Secretary

June 11, 2003

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

ANIL K. BAJAJ, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on June 11, 2003.

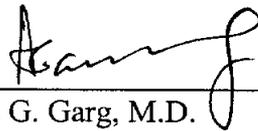
Upon the Report and Recommendation of R. Gregory Porter, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the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

It is hereby ORDERED that:

The certificate of Anil K. Bajaj, M.D., to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED.

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

(SEAL)



Anand G. Garg, M.D.
Secretary

June 11, 2003

Date

2003 MAY 12 P 3 19

**REPORT AND RECOMMENDATION
IN THE MATTER OF ANIL K. BAJAJ, M.D.**

The Matter of Anil K. Bajaj, M.D., was heard by R. Gregory Porter, Attorney Hearing Examiner for the State Medical Board of Ohio, on March 27, 2003.

INTRODUCTION

I. Basis for Hearing

- A. In a Notice of Automatic Suspension and Opportunity for Hearing, dated December 19, 2002, the State Medical Board of Ohio [Board] notified Anil K. Bajaj, M.D., that, pursuant to Section 4731.22(I), Ohio Revised Code, Dr. Bajaj's certificate to practice medicine and surgery in the State of Ohio had been automatically suspended. The automatic suspension was based on findings of guilt of one count of Gross Sexual Imposition, a violation of Section 2907.05(A)(1), Ohio Revised Code, a felony of the fourth degree; and one count of Sexual Battery, a violation of Section 2907.03(A)(1), Ohio Revised Code, a felony of the third degree. The Board further advised Dr. Bajaj that his continued practice as a physician would be considered practicing without a certificate.

Moreover, the Board notified Dr. Bajaj that the Board had proposed to take disciplinary action against his certificate. The Board based its proposed action on the allegations pertaining to Dr. Bajaj's felony convictions. The Board further alleged that the judicial findings of guilt constitute "(a) plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony," as that clause is used in R.C. 4731.22(B)(9)."

Finally, the Board advised Dr. Bajaj of his right to request a hearing in this matter. (State's Exhibit 1A)

- B. By document received by the Board on December 30, 2002, Dr. Bajaj requested a hearing. (State's Exhibit 1B)

II. Appearances

- A. On behalf of the State of Ohio: Jim Petro, Attorney General, by Rebecca J. Albers, Assistant Attorney General.

- B. On behalf of the Respondent: Dr. Bajaj, having previously been advised of his right to appear at the hearing in person or by representative, did not appear at the hearing, but instead presented his defense in writing.

EVIDENCE EXAMINED

I. Testimony Heard

No testimony was presented

II. Exhibits Examined

A. Presented by the State

1. State's Exhibits 1A through 1H: Procedural exhibits.
2. State's Exhibit 2: Certified copy of a Judgment Entry, filed on December 11, 2002, in the Columbiana County [Ohio] Court of Common Pleas, in *State of Ohio v. Anil K. Bajaj*, Case Nos. 2001-CR-145 and 2001-CR-168. (Note: The certifying authority redacted patient names and a Social Security number from this document.)
3. State's Exhibit 3: Certified copy of a Judgment Entry, filed on February 19, 2003, in *State v. Bajaj*, Case Nos. 2001-CR-145 and 2001-CR-168. (Note: The Attorney Hearing Examiner redacted a Social Security number and a patient name from this document post-hearing.)
4. State's Exhibit 4: Certified copy of an Indictment, filed on August 31, 2001, in *State v. Bajaj*, Case No. 2001-CR-145. (Note: The certifying authority redacted a patient name and a Social Security number from this document.)
5. State's Exhibit 5: Certified copy of an Amended Bill of Particulars, filed on March 15, 2002, in *State v. Bajaj*, Case No. 2001-CR-145. (Note: The certifying authority redacted a patient name from this document.)
6. State's Exhibit 6: Certified copy of a Verdict, filed on December 6, 2002, in *State v. Bajaj*, Case No. 2001-CR-145.
7. State's Exhibit 7: Certified copy on an Indictment, filed on September 26, 2001, in *State v. Bajaj*, Case No. 2001-CR-168. (Note: The certifying authority redacted a patient name and a Social Security number from this document.)

8. State's Exhibit 8: Certified copy of an Amended Bill of Particulars, filed on March 15, 2002, in *State v. Bajaj*, Case No., 2001-CR-168. (Note: The certifying authority redacted a patient name from this document.)
9. State's Exhibit 9: Certified copy of a Verdict, filed on December 6, 2002, in *State v. Bajaj*, Case No. 2001-CR-168.
10. State's Exhibit 10: Certified copy of a Judgment Entry, filed on June 20, 2002, in *State v. Bajaj*, Case No. 2001-CR-145.
11. State's Exhibit 11: Copy of a March 14, 2003, letter to Dr. Bajaj from the State's Assistant Attorney General.

B. Presented by the Respondent

1. Respondent's Exhibits A and J: Dr. Bajaj's written defenses, both dated March 9, 2003. (Note that these documents are substantially similar, although not identical.)
2. Respondent's Exhibits B, D, E, and I: Letters written in support of Dr. Bajaj by his patients. (Note: These exhibits have been sealed to protect patient confidentiality.)
3. Respondent's Exhibits C, F, H, and K: Letters written in support of Dr. Bajaj by physicians.
4. Respondent's Exhibit G: March 11, 2003, letter written in support of Dr. Bajaj by a friend a former neighbor.

PROCEDURAL MATTERS

In his written defenses and in pre-hearing communications with the State's Assistant Attorney General and the Attorney Hearing Examiner, Dr. Bajaj requested that named character witnesses be contacted to testify on his behalf by telephone, and that transcripts of his criminal trial be obtained for admission to the hearing record. Further, Dr. Bajaj advised that he was incarcerated and would be incarcerated at the time of the hearing. Moreover, Dr. Bajaj advised that he would not be represented by counsel.

Prior to hearing, by letter dated March 14, 2003, the Assistant Attorney General had informed Dr. Bajaj, among other things, that it would be Dr. Bajaj's responsibility to obtain the criminal trial transcripts. The Assistant Attorney General further informed Dr. Bajaj that someone would be required to question the witnesses on Dr. Bajaj's behalf. The Assistant Attorney General

asked Dr. Bajaj if he wanted a conference telephone call to be arranged so that he could question these witnesses via speaker telephone at the hearing. As of the date of the hearing, March 27, 2003, Dr. Bajaj had not responded to the Assistant Attorney General's letter. Accordingly, the record was held open until April 4, 2003, to give Dr. Bajaj additional time to respond. No further communication was received from Dr. Bajaj by that time, and the hearing record closed on April 4, 2003.

SUMMARY OF THE EVIDENCE

All exhibits and transcripts of testimony, even if not specifically mentioned, were thoroughly reviewed and considered by the Attorney Hearing Examiner prior to preparing this Report and Recommendation.

1. In his written defense, Anil K. Bajaj, M.D., stated that, in July 1993, he had begun a residency at Morristown Memorial Hospital in Morristown, New Jersey. Dr. Bajaj further stated that he had practiced internal medicine in East Liverpool, Ohio, since late 1996. Dr. Bajaj stated that, in October 1997, he had joined the practice of the Chairman of the Department of Internal Medicine at East Liverpool City Hospital. (Respondent's Exhibits [Resp. Exs.] A and J)

Dr. Bajaj further stated that his practice had been successful and had included as patients a number of community leaders. Dr. Bajaj indicated that he had been active on several committees at East Liverpool City Hospital and, in 2000, had been elected President of the Columbiana County Chapter of the Ohio State Medical Association. Finally, Dr. Bajaj stated that he had received a "Physician Recognition Award" from the American Medical Association for the last three or four years. (Resp. Exs. A and J)

2. On August 31, 2001, an Indictment was filed in the Columbiana County [Ohio] Court of Common Pleas, in *State of Ohio v. Anil K. Bajaj*, Case No. 2001-CR-145, charging Dr. Bajaj with one count of violating Section 2907.03(A)(1), Ohio Revised Code, Sexual Battery, a felony of the third degree. (State's Exhibit [St. Ex.] 4)

On September 26, 2001, an Indictment was filed in *State v. Bajaj*, Case No. 2001-CR-168, charging Dr. Bajaj with one count of violating Section 2907.05(A)(1), Ohio Revised Code, Gross Sexual Imposition, a felony of the fourth degree. (St. Ex. 7)

3. On March 15, 2002, an Amended Bill of Particulars was filed in *State v. Bajaj* with regard to each of the allegations. The Amended Bill of Particulars for the Sexual Battery allegation stated, in part, as follows:

On or about July 27, 2001, in St. Clair Township, Columbiana County, Ohio, the Defendant did engage in sexual conduct with JR by fondling the breasts of JR with his hands, and rubbing the vaginal area of JR, at which time the

defendant penetrated, with his finger, the vagina of JR when JR was not the spouse of the Defendant, and when JR was knowingly coerced by the Defendant to submit to this sexual conduct based upon the doctor-patient relationship between the Defendant and JR at the time in question.

(St. Ex. 5) Moreover, the Amended Bill of Particulars for the Gross Sexual Imposition allegation stated, in part, as follows:

On or about July 27, 2001, in St. Clair Township, Columbiana County, Ohio, Anil K. Bajaj did have sexual contact with CM by fondling her breasts with his hands, when CM was not the spouse of Anil K. Bajaj, and when Anil K. Bajaj, who was CM's physician, purposely compelled her to submit to the sexual contact by fondling her breasts with one hand while forcefully restraining CM with his other hand, while CM was on an examination table and trying to pull away from him.

(St. Ex. 8)

4. Dr. Bajaj went to trial on June 18 and 19, 2002. Following the trial, but prior to a verdict being announced, Dr. Bajaj moved for a mistrial, which was granted by the court. The court based its decision on information that members of the jury in Dr. Bajaj's trial had been exposed to information concerning Dr. Bajaj that had been published in a newspaper. Moreover, the court had previously ruled this information to be inadmissible as evidence and prejudicial to Dr. Bajaj. (St. Ex. 10)
5. Dr. Bajaj again went to trial on December 3 and 4, 2002. On December 5, 2002, a jury found Dr. Bajaj guilty of both counts in the Indictments. By Judgment Entry filed on December 11, 2002, the court noted the guilty verdicts and scheduled the matter "for Sentencing and Sexual Predator hearing." (St. Exs. 2, 6, and 9)
6. On February 14, 2003, the parties appeared in court for a sentencing/probation hearing and for a determination concerning the designation of Dr. Bajaj as a Sexually Oriented Offender. The court inquired of Dr. Bajaj if he wished to make a statement before the sentence was pronounced, and Dr. Bajaj had declined. By Judgment Entry filed on February 19, 2003, the court stated:

The Court finds that the Defendant was found 'guilty' by a Jury of his peers on each count of the Indictments.

The Court further finds that this Defendant is not amenable to probation; that this Defendant has shown no remorse; that the Defendant was in a position of authority as a medical doctor and, therefore, had a greater responsibility to the public; and that this offender needs to be punished and the public

protected from future crimes from this offender. For those reasons, the Court finds that anything less than a prison sentence would demean the seriousness of these offenses.

(St. Ex. 3) Moreover, the court sentenced Dr. Bajaj to three years of incarceration for Sexual Battery, and one year of incarceration for Gross Sexual Imposition, and ordered that those sentences be served consecutively. The court further ordered Dr. Bajaj to make restitution to Patient CM in the amount of \$200.00. Finally, the court found Dr. Bajaj to be a Sexually Oriented Offender, and ordered that, for a period of ten years, Dr. Bajaj must register as such with the Sheriff of the county where Dr. Bajaj establishes residency. (St. Ex. 3)

7. In his written defense, Dr. Bajaj stated that he plans to appeal his conviction. (Resp. Exs. A and J)
8. In his written defense, Dr. Bajaj stated that, from the beginning of his residency in July 1993 until July 27, 2001, he had had nobody complain about his professional conduct. (Resp. Exs. A and J)
9. In his written defense, Dr. Bajaj stated as follows:

I am 40 years old, and hope to practice actively for a few more decades at least, not just for professionalism but for the needs of my home-maker wife and two children—who are only 7 & 12 years old and have a whole life in front of them. * * *

I ultimately intend to do a fellowship in Emergency Medicine and join [the] Army Reserve (with which I filed my initial application in early 2001, at the Akron center—much before these allegations were brought up) or straightaway go for a career in [the] Navy as a Medical Officer.

(Resp. Ex. J)

Moreover, Dr. Bajaj stated:

After the conviction by a common pleas court, I don't know—if I have any credibility for anyone else to trust—what I say or what I believe.

After the initial trial in June 2002 was declared a mis-trial, I could not afford attorney's fees and the financial crisis forced me to depend on a public defender. Being in jail, I am not able to contact other physicians of my community or other patients to speak on my behalf. I have written a letter to a few of them—hoping they would write to your office.

My best defense is “your own judgment.” I would appreciate [it] if you take time to obtain the trial transcripts of the Mistrial (June 2002) & then the Trial (in 2002, Dec); and then review all the testimonies—with an independent mind. Especially, pay attention to the Testimony(ies) of the office staff—who were the closest witnesses to the so-called scene of [the] crime. * * * I was myself an employee—like these staff members and had no control, whatsoever, on what they say or do—and since Sept. 2001, have had no contact with them, other than occasional telephone calls to [Dr. Bajaj’s former employer,] Dr. Beatty. * * *

My second defense is my ex-employer, who also happens to be the chairman of [the] Dept. of Internal Medicine at East Liverpool City Hospital—Dr. Robert W. Beatty, M.D. I would appreciate [it] if you take time to arrange a telephonic interview with him[.] * * *

My third defense is any physician who had practicing privileges at East Liverpool City Hospital—who can tell you about my professional conduct and bedside manners. I know, all this doesn’t mean much when [a] Jury of 12, has handed me a verdict of guilty.

I am open to all suggestions—how to make [the] “best” of this worse situation. It is a matter of “public trust” in a “highly respectable” profession—and I have no choice, but to submit myself to the strictest disciplinary action including permanent revocation of my license privilege.

On the other hand, if [the] Board elects to impose restrictions on practicing medicine—whether now or later—like practicing only in a VA clinic, or only as a[n] army reserve, or a medical officer with the army/navy, or medical officer for jailed inmates; fellowship in a hospital, temporary suspension of license—it would give me a dream to live on.

(Resp. Ex. J) Finally, Dr. Bajaj noted that the individuals he had listed in his defense “don’t know anything about the incidences/allegations, other than what they have read in newspapers, but they can surely comment on [Dr. Bajaj’s] attitude towards patients & towards this profession in general, and that means a lot to [him].” (Resp. Ex. J)

10. Dr. Bajaj presented letters of support from physicians in his medical community, from patients, and from a friend and former neighbor. These letters characterize Dr. Bajaj as a competent and dedicated physician who cared about his patients. (Resp. Exs. B through I, and K)

FINDINGS OF FACT

On December 11, 2002, in the Court of Common Pleas, Columbiana County, Ohio, Anil K. Bajaj, M.D., was found guilty of one count of Sexual Battery, a violation of Section 2907.03(A)(1), Ohio Revised Code, a felony of the third degree; and one count of Gross Sexual Imposition, a violation of Section 2907.05(A)(1), Ohio Revised Code, a felony of the fourth degree.

CONCLUSIONS OF LAW

The judicial findings of guilt of Anil K. Bajaj, M.D., as set forth in the Findings of Fact, constitute “(a) plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony,” as that clause is used in R.C. 4731.22(B)(9).

* * * * *

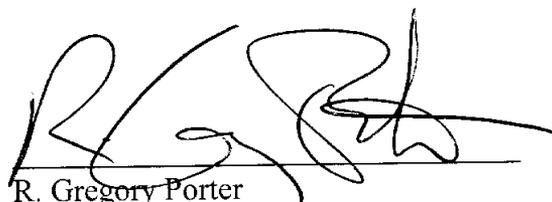
Dr. Bajaj was found by a jury to be guilty of felony offenses resulting from his sexual abuse of patients. Such conduct merits the severest sanction.

PROPOSED ORDER

It is hereby ORDERED that:

The certificate of Anil K. Bajaj, M.D., to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED.

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


R. Gregory Porter
Attorney Hearing Examiner



State Medical Board of Ohio

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EXCERPT FROM THE DRAFT MINUTES OF JUNE 11, 2003

REPORTS AND RECOMMENDATIONS

Mr. Browning announced that the Board would now consider the findings and orders appearing on the Board's agenda. He asked whether each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Ashfaq Taj Ahmed, M.D.; Anil K. Bajaj, M.D.; Steven W. Crawford, M.D.; Ryan Hanson, M.D.; Rezso Spruch, M.D.; and David Vinson, Jr., M.D. A roll call was taken:

ROLL CALL:	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Mr. Browning	- aye

Mr. Browning asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye

Dr. Steinbergh - aye
Mr. Browning - aye

Mr. Browning noted that, in accordance with the provision in Section 4731.22(F)(2), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters.

Mr. Browning stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and orders in the above matters. No objections were voiced by Board members present.

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

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ANIL K. BAJAJ, M.D.

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DR. BHATI MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF ANIL K. BAJAJ, M.D. DR. TALMAGE SECONDED THE MOTION.

.....

A vote was taken on Dr. Bhati's motion to approve and confirm:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- aye

The motion carried.



State Medical Board of Ohio

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

NOTICE OF AUTOMATIC SUSPENSION AND OPPORTUNITY FOR HEARING

December 19, 2002

Anil K. Bajaj, M.D.
300 Parsippany Road, Apt. 6C
Parsippany, New Jersey 07054

Dear Doctor Bajaj:

Pursuant to R.C. 4731.22 (I), you are hereby notified that your license to practice medicine and surgery in the State of Ohio has been automatically suspended as of December 11, 2002, by operation of law pursuant to R.C. 4731.22 (I). This automatic suspension is based upon the findings of guilt of one (1) count of Gross Sexual Imposition, a violation of R.C. 2907.05(A)(1), a felony of the fourth degree, and one (1) count of Sexual Battery, a violation of R.C. 2907.03(A)(1), a felony of the third degree, as detailed below. Continued practice after this suspension shall be considered practicing without a certificate.

Further, in accordance with R.C. Chapter 119., you are hereby notified that the State Medical Board of Ohio 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 or place you on probation for one or more of the following reasons:

- (1) On or about December 11, 2002, in the Court of Common Pleas, Columbiana County, Ohio, you were found guilty of one (1) count of Gross Sexual Imposition, a violation of R.C. 2907.05(A)(1), a felony of the fourth degree, and one (1) count of Sexual Battery, a violation of R.C. 2907.03(A)(1), a felony of the third degree. A copy of the Judgment Entry is attached hereto and incorporated herein.

The judicial findings of guilt, as alleged in paragraph one (1) above, individually and collectively, constitute "(a) plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;" as that clause is used in R.C. 4731.22(B)(9).

Pursuant to R.C. Chapter 119., 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.

Mailed 12/19/02

Anil K. Bajaj, M.D.

Page 2

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

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board shall, in your absence and upon consideration of this matter, enter a final order permanently revoking your certificate to practice medicine and surgery.

Please note that, whether or not you request a hearing, R.C. 4731.22(L), effective March 9, 1999, 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,

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

AGG/jag
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5151 4177
RETURN RECEIPT REQUESTED

Anil K. Bajaj, M.D.
Inmate No. 67705
P.O. Box 540
Lisbon, Ohio 44432

CERTIFIED MAIL # 7000 0600 0024 5151 4160
RETURN RECEIPT REQUESTED

IN THE COURT OF COMMON PLEAS
COLUMBIANA COUNTY, OHIO
CASE NO. 2001-CR-145 AND CASE NO. 2001-CR-168

STATE MEDICAL BOARD
OF OHIO

2002 DEC 13 P 1 29

STATE OF OHIO

FILED

Plaintiff
COLUMBIANA COUNTY COURT OF COMMON PLEAS
JUDGE C. ASHLEY PIKE

ANIL K. BAJAJ
DOB: 11/06/62
SSN:

DEC 11 2002

JUDGMENT ENTRY

ANTHONY J. DATTILIO

Defendant **CLERK**

This matter came on for trial on its merits on December 3, 2002. Timothy J. McNicol, Assistant Prosecuting Attorney, appeared on behalf of the State of Ohio. The Defendant appeared with his counsel, Attorney Lawrence W. Stacey, II.

A Jury of twelve (12) members and two alternates were impaneled and sworn, thus rendering moot the pending motion for a change of venue. The Court gave the Jury preliminary instructions.

The Court ordered an exclusion of witnesses.

Opening statements were presented by counsel.

The State presented evidence. At 4:10 P.M., the Court adjourned the trial for the day and admonished the Jurors not to discuss the case until a verdict is reached.

On December 4, 2002, the trial resumed with all twelve Jurors and two Alternate Jurors present. The State continued with their case in chief and rested.

Defendant's oral motions for directed verdicts of acquittal were OVERRULED.

Defendant presented evidence and rested. At 4:25 P.M. the Court adjourned the trial for the day and admonished the Jurors not to discuss the case until a verdict is reached.

On December 5, 2002, the trial resumed with all twelve Jurors and two Alternate Jurors present. The State

presented rebuttal evidence and the defense presented no surrebuttal.

During the presentation of the evidence the Court ruled on the admissibility of evidence, including that addressed by the Motion in Limine filed by the State on November 29, 2002.

Closing arguments of counsel were made.

The Court charged the Jury and excused the two alternate jurors, admonishing them not to discuss the case until a verdict is reached.

At 10:43 A.M. the Jury took the case and retired to the jury room for their deliberations.

At 11:20 A.M. the Court received a written correspondence from the Jury, signed by the Jury Foreman, which consisted of three individual questions and read as follows:

"Did C. M. work at the hospital over the weekend of July 28, 29, 2001? Or talk to any co-workers over the weekend?"

"Where did C. work before hospital?"

"Who was J. 's family doctor before Dr. Bajaj?"

The Court, upon approval of counsel, marked the written correspondence as "Question One" and responded in type-written format as follows:

"In response to the three questions marked together as Question One, the Court instructs you that you must rely on your individual recollections of the evidence."

At 12:50 P.M. the Jurors requested a lunch recess and were brought into the courtroom and given the admonishment by the Court not to discuss the case outside the confines of the jury room. The Jurors reconvened at 1:50 P.M. and continued with their deliberations.

At 5:30 P.M. the Jury had reached a verdict and were returned to the courtroom; all twelve Jurors were present. The Jury returned Verdicts of "Guilty" as to the Indictment

for GROSS SEXUAL IMPOSITION, a violation of O.R.C. §2907.05(A)(1), a felony of the fourth degree; and returned a Verdict of "Guilty" as to the Indictment for SEXUAL BATTERY, a violation of O.R.C. §2907.03(A)(1), a felony of the third degree.

The Court requested of defense counsel if he would like the Jury polled and Attorney Stacey wished the Jury polled by the Court. Jury polled.

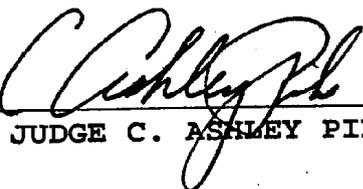
Verdicts received and Ordered filed.

Jury discharged.

The Court herein schedules this matter for Sentencing and Sexual Predator hearing on FRIDAY, FEBRUARY 14, 2003 AT 2:00 P.M.

The Defendant having been found "Guilty" on each Indictment, the Court heard from counsel on the issue of bond. The Court herein sets bond in the amount of \$250,000 cash or surety.

Court costs, as well as costs of the Jury, are hereby taxed to the Defendant.



JUDGE C. ASHLEY PIKE

Date: December 10, 2002 - css

cc: File #2001-CR-145
File #2001-CR168
Prosecutor
Lawrence W. Stacey, II, Esq.
Adult Probation
Sheriff

State of Ohio
Columbiana County SS

I, **ANTHONY J. DATTILIO**, Clerk of Court of Common Pleas within and for the County of Columbiana and the State of Ohio, do hereby certify that the foregoing is truly taken and copied from the original, now on file in said Clerk's office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the seal of said Court, at Lisbon, Ohio, this 11th day of December, 2002

ANTHONY J. DATTILIO, Clerk.

Deputy